

Appendix A

Draft Hawke’s Bay Regional Pest Management Plan

Under the Biosecurity Act 1993

Assessment against the Sections 73 and 74 of the BSA

8 October 2018

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Purpose of Report

1. By Minute 8, dated 1 December 2017, the Hearing Panel directed staff to prepare the draft Canterbury Regional Pest Management Plan and a Staff Report.
2. This report addresses the following matters, as directed by the Hearing Panel:
 - a. An assessment of the draft Plan against the matters specified in section 73 of the Biosecurity Act 1993 (**BSA**); and
 - b. An assessment of the draft Plan against the requirements of sections 74 of the BSA.

Assessment against the Sections 73 and 74 of the BSA

33. Hawke's Bay regional Council has prepared a Draft Regional Pest Management Plan (the Plan) under the Biosecurity Act 1993 (the Act). Section 73 of the Act outlines matters that must be set out in the Plan. Section 74 outlines matters the Council must consider and be satisfied with when making the Plan. Section 74 refers to requirements of the National Policy Direction (NPD).
34. The purpose of this report is to provide an assessment of the draft Plan against the requirements of sections 73 and 74 of the Act. This includes assessment of its consistency with the NPD.

Analysis undertaken

35. An analysis of the Proposed Hawke's Bay Regional Pest Management Plan was undertaken against sections 70 and 71 of the Act and NPD to identify how requirements were met and, where necessary, documented within the Proposal or supporting analysis.
36. 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".
37. Further economic analysis was required for the inclusion of a feral goats coordinated management area, wilding conifer programme, old man's beard buffer programme and inclusion of hedge hogs as a site-led pest. The CBA model was also refined as a result of feedback received through the submission process. This refinement has been captured in the methodology section of the CBA report.
38. Results of the analysis undertaken against the requirements of sections 73 and 74 of the Act is shown in table format below. Each table shows the relevant clauses of sections 73, 74 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 Plan or CBA Reports. Where necessary, further commentary is given, including whether the Council can be satisfied with matters listed in the Act.
39. It is noted that there is considerable overlap and repetition within the requirements of sections 73, 74 and the NPD. Consequently, there is repetition in the resulting references and comments within the tables.

Conclusion

40. It is concluded that the draft Plan together with the supporting economic analysis, complies with sections 73 and 74 of the Act and the NPD.

TABLE 1: SECTION 73: FOURTH STEP: **APPROVAL OF PREPARATION OF PLAN AND DECISION ON MANAGEMENT AGENCY**

Section 73(3) of the Biosecurity Act 1993 provides that the Draft Plan must set out the following matters:

Section of Act	Requirement	How it is met in the Draft Plan? <i>[Relevant section of the Draft Plan with comment, where needed].</i>
73(3)	Matters to be specified A plan must specify the following matters:	
73(3)(a)	The pest or pests to be eradicated or managed:	Section 4.1 lists the organisms that are declared as pests.
73(3)(b)	The plan’s objectives:	Section 6 outlines the objectives of the Plan.
73(3)(c)	The principal measures to be undertaken to achieve the objectives:	The principal measures to be used in the Plan are outlined in section 5.3 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.
73(3)(d)	The means by which the achievement of the plan’s objectives will be monitored or measured:	Section 7.1 provides details on monitoring of the objectives and outcomes for each pest.
73(3)(e)	The sources of funding for the implementation of the plan:	Section 9 outlines how the Plan will be funded.
73(3)(f)	The limitations, if any, on how the funds collected from those sources may be used to implement the plan:	No limitations are specified.
73(3)(g)	The powers in Part 6 to be used to implement the plan:	Section 8.1 outlines the powers to be used to implement the Plan.
73(3)(h)	The rules, if any:	All rules are contained and explained in Section 6.

73(3)(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 74 of the Act as set out in the table below.</i>	The following rules are intended to be good neighbour rules and are clearly identified in Section 6: Plan Rule 6, 13 and 15
73(3)(j)	The management agency:	Section 3.1 of the draft Plan states that Hawke's Bay regional Council will be the management agency.
73(3)(k)	The actions that local authorities, local authorities of a specified class or description, or specified local authorities may take to implement the plan, including contributing towards the cost of implementation:	Section 3.1 states that Hawke's Bay regional Council, as the management agency, will use the measures described in the Plan, in conjunction with its operational procedures, 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.
73(3)(l)	The portions of road, if any, adjoining land covered by the plan and, as authorised by section 6, also covered by the plan:	Section 3.3.4 outlines responsibilities in road reserves and the portions of road to which the Plan applies.
73(3)(m)	The commencement date and the termination date:	Section 1.3 currently specifies that the date of commencement will be in accordance with the section 77 of Act. The starting date will be added when the Council affixes it's seal to the plan in accordance with section 77(1). The termination date is set 20 years from commencement.
73(3)(n)	Any matters required by the national policy direction.	Refer to Table 3 below regarding compliance with the NPD.
73(4)	Compensation A plan -	
73(4)(a)	May provide for the compensation for losses incurred as a direct result of the implementation of the plan:	Section 3.2 provides that the plan will not provide for compensation to be paid to any persons meeting their obligations through its implementation.

73(4)(b)	<p>Must not provide for the payment of compensation for the following losses:</p> <p>(i) loss suffered because a person's income derived from feral or wild organisms is adversely affected by the implementation of the plan:</p> <p>(ii) loss suffered before an inspector or authorised person establishes the presence of the pest on the place of the person suffering the loss:</p> <p>(iii) loss suffered by a person who fails to comply with the plan.</p>	Section 3.2 provides that the plan will not provide for compensation to be paid to any persons meeting their obligations through its implementation.
73(5)(a)-(s)	<p>Rules</p> <p>A plan may include rules for all or any of the following</p>	The plan includes rules for the purposes described in the Act.

	<p>purposes:</p> <ul style="list-style-type: none">(a) requiring a person to take specified actions to enable the management agency to determine or monitor the presence or distribution of the pest or a pest agent:(b) requiring a person to keep records of actions taken under the rules and to send to the management agency specified information based on the records:(c) requiring the identification of specified goods:(d) prohibiting or regulating specified methods that may be used in managing the pest:(e) prohibiting or regulating activities that may affect measures taken to implement the plan:(f) requiring audits or inspections of specified actions:(g) specifying, for the purposes of section 52(a), the circumstances in which the pest may be communicated, released, or otherwise spread:(h) requiring the occupier of a place to take specified actions to eradicate or manage the pest or a specified pest agent on the place:(i) requiring the occupier of a place to take specified actions to eradicate or manage the habitat of the pest or the habitat of a specified pest agent on the place:(j) prohibiting or regulating specified activities by the occupier of a place if the activities are of the kind that would promote the habitat of the pest on the place:(k) requiring the occupier of a place to carry out specified activities to promote the presence of organisms that assist in the control of the pest on the place:(l) prohibiting or regulating specified activities by the occupier of a place, which deter the presence on that place	
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	<p>of organisms that assist in the control of the pest:</p> <p>(m) requiring the occupier of a place to carry out specified treatments or procedures to assist in preventing the spread of the pest:</p> <p>(n) requiring the owner or person in charge of goods to carry out specified treatments or procedures to assist in preventing the spread of the pest:</p> <p>(o) requiring the destruction of goods if the goods may contain or harbour the pest or otherwise pose a risk of spreading the pest:</p> <p>(p) prohibiting or regulating specified uses of goods that may promote the spread or survival of the pest:</p> <p>(q) prohibiting or regulating the use or disposal of organic material:</p> <p>(r) prohibiting or regulating the use of specified practices in the management of organisms that may promote the spread or survival of the pest:</p> <p>(s) prohibiting or regulating the movement of goods that may contain or harbour the pest or otherwise pose a risk of spreading the pest.</p>	
73(6)	A rule may –	
73(6)(a)	Apply generally or to different classes or descriptions of persons, places, goods, or other things:	The rules apply generally or to different classes or descriptions of persons, places, goods or other things.
73(6)(b)	Apply all the time or at 1 or more specified times of the year:	The rules either apply all of the time or at specified times of the year.

73(6)(c)	Apply throughout the region or in a specified part or parts of the region with, if necessary, another rule on the same subject matter applying to another specified part of the region:	The rules either apply throughout the region or in a specified part or parts of the region.
73(6)(d)	Specify that a contravention of the rule creates an offence under section 154N(19).	The rules specify that a breach of the rule creates an offence under section 154N(19)

TABLE 2: SECTION 74 FIFTH STEP: SATISFACTION ON CONTENTS OF PLAN AND REQUIREMENTS

Section 74 of the Biosecurity Act 1993 provides that if the Council¹ is satisfied that section 73 has been complied with, the council may take the fifth step in the making of a plan, which is for the Council to consider whether the Council is satisfied, in relation to the plan prepared under section 73,—

Section of Act	Requirement	Can the Council be satisfied?
74(a)	That the plan is not inconsistent with—	
	(i) the national policy direction; or <i>The NPD contains the following relevant directions: Clause 4 – Directions on setting objectives Clause 5 – Directions on programme description Clause 6 – Directions on analysing benefits and costs Clause 7 – Directions on proposed allocation of costs for pest management plans Clause 8 – Directions on Good Neighbour Rules</i>	Yes. Section 2.2.1 and 2.4 addresses this, along with the analysis of compliance with the NPD outlined in Table 3 below.
	(ii) any other pest management plan on the same organism; or	Yes, see Section 2.3 of the Plan.
	(iii) any pathway management plan; or	Yes, as outlined in the Explanation of Plan Rule 1, Plan Rule 1 is aligned with the Craft Risk Management Standards: Biofouling.
	(iv) a regional policy statement or regional plan prepared under the Resource Management Act 1991; or	Yes, Section 2.2.2 discusses the relationship with RMA plans and policy statements.
	(v) any regulations; and	Yes, Section 2.3 of the Plan discusses this. It is noted that regulations is defined in the Act as regulations made under the Biosecurity Act 1993.
74(b)	That, for each subject of the plan, the benefits of the plan outweigh the costs, after taking account of the likely consequences of inaction or other courses of action; and	Yes, the costs and benefits are summarised within the CBA report, along with alternate actions or inaction. The detailed assessments of these matters are contained in the CBA report.

¹ The Council has delegated to the Hearing Panel the powers, functions and duties of the Council set out in Sections 73 and 74 of the Act.

74(c)	<p>That, for each subject of the plan, persons who are required, as a group, to meet directly any or all of the costs of implementing the plan—</p> <p>(i) Will accrue, as a group, benefits outweighing the costs; or</p> <p>(ii) Contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan; and</p>	<p>Yes, the beneficiaries and exacerbators are documented within the CBA reports and in the CBA sections of the Proposal (9.2 and 9.3). The benefits accrued as a group and the contribution of groups to the problems proposed to be resolved by the Plan are set out in the CBA report.</p>
74(d)	<p>That, for each subject of the plan, there is likely to be adequate funding for the implementation of the plan for the shorter of its proposed duration and 5 years; and</p>	<p>A funding analysis is set out in section 9 of the Plan. The Council, as the management agency, has the authority to rate and amend rates to implement the Plan.</p> <p>All subjects of the Plan are expected to have adequate funding for the implementation of the Plan for its proposed duration and 5 years.</p> <p>As directed by the Hearing Panel, three new programmes were included in the draft RPMP. Funding for these programmes will be sought through the 2019/2020 annual plan process.</p>
74(e)	<p>That each rule -</p> <p>(i) will assist in achieving the plan's objectives; and</p> <p>(ii) will not trespass unduly on the rights of individuals.</p>	<p>Yes. The rules provide an essential regulatory backup to ensure actions taken by landowners, the Council or other parties are effective and efficient. The specific reasons for each rule are provided in the explanations accompanying the rules in Section 6.</p> <p>Yes. Most of the rules are the same or similar to rules already in place in Hawke's Bay and many other areas of New Zealand. The new rules do not unduly trespass on the rights of individuals.</p>

TABLE 3: NATIONAL POLICY DIRECTION (NPD) FOR PEST MANAGEMENT 2015

Section 73 of the Biosecurity Act 1993 requires the Plan to set out (among other things):

(3)(n) Any matters required by the national policy direction.

Section 74 of the Biosecurity Act 1993 requires the Council² to consider whether the Council is satisfied that the Plan is not inconsistent with the national policy direction.

Section of the NPD	Requirement	How does this meet the ss73 and 74 requirements/ how this is addressed in the Plan
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)	<p>state the pest management intermediate outcomes that the plan is seeking to achieve, being one or more of the following intermediate outcomes:</p> <ul style="list-style-type: none"> (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; (iii) "progressive containment" which means to contain or reduce the geographic distribution of the subject to an area over time; (iv) "sustained control" which means to provide for ongoing control of the subject to reduce its impacts and its spread to other properties; (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; and 	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 Plan in section 6.

² The Council has delegated to the Hearing Panel the powers, functions and duties of the Council set out in Sections 73 and 74 of the Act.

4(1)(c)	for each applicable outcome in sub clause (1)(b)(i) to (iv), specify -	
	(i) the geographic area to which the outcome applies; and	The geographic area to which the outcome applies is described in each objective, being either the Hawke’s Bay region or a specified area.
	(ii) the extent to which the outcome will be achieved (if applicable); and	The extent to which the outcomes will be achieved under the Plan are specified within each objective.
	(iii) the period within which the outcome is expected to be achieved; and	The period within which outcomes are expected to be achieved is generally the duration of the plan.
4(1)(d)	for the outcome in sub clause (1)(b)(v) [<i>“protecting values in places”</i>] (if applicable), specify — (i) one of the following: (A) the geographic area to which the outcome applies (if practicable); or (B) a description of a place to which the outcome applies; or (C) the criteria for defining the place to which the outcome applies; and (ii) the extent to which the outcome will be achieved (if applicable); and (iii) the period within which the outcome is expected to be achieved; and	The site-led programme (6.5) with the intermediate outcome of “protecting values in places”, states the geographic area to which the outcome applies. It is stated that maps can be provided on request. Maps are not included in the Plan due to the sites being so small.
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	Maps are available showing the places to which the outcome applies.
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).	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</p>	All pests are included within one of these programmes. There are no other programmes included in the Plan.
	<p>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 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 (1)(a) to (f) must be used as appropriate in all pest management plans and pathway management plans.	The Plan 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. 	This criteria is contained within the CBA Report.

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 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; and (h) identify any realistic mitigation options for the risks identified in sub clause (2)(g); and (i) adjust the benefits and costs of each option as appropriate to take account of sub clause (2)(g) and (h); and (j) clearly identify which option is preferred. 	<p>The cost benefit analysis for each pest complies with these steps. The details are document within the CBA Report.</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>This has been done and is documented in the CBA Report for each pest.</p>

	<ul style="list-style-type: none"> (a) the technical and operational risks of the option; and (b) the extent to which the option will be implemented and complied with; and (c) the risk that compliance with other legislation will adversely affect implementation of the option; and (d) the risk that public or political concerns will adversely affect implementation of the option; and (e) any other material risk. 	
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> <ul style="list-style-type: none"> (a) for analyses where the benefits are fully quantified, either: <ul style="list-style-type: none"> (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 (ii) state the residual risks to the programme and calculate what the probability of success would need to be to make the expected benefits equal the costs; and (b) for all other analyses (where the benefits are not fully quantified): <ul style="list-style-type: none"> (i) state the residual risks to the programme and, where practicable, give an indication of likelihood and impact; and (ii) specify which of the benefits are most likely to be affected if the risk eventuated. 	<p>The analysis of quantifiable benefits has followed the approach described in section 6(4)(a)(i).</p> <p>In relation to section 6(4)(b) the risks to the programme for each pest are documented.</p>
6(5)	<p>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.</p>	<p>The assessments are contained within the CBA Report which has been made publicly available.</p>

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> <ul style="list-style-type: none">(a) whether the subjects, or organisms being spread by the subject, have similar groups of beneficiaries and exacerbators; and(b) whether the exacerbators have similar existing legislative responsibilities and rights; and(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 cost allocation has been analysed for each pest individually, and is included in the CBA report.</p>
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7(2)	<p>When determining the appropriate cost allocation to be proposed for a pest management plan or pathway management plan, a proposer must:</p> <ul style="list-style-type: none"> (a) identify and estimate the direct costs of the plan and identify the indirect costs of the plan; and (b) where possible, identify the beneficiaries of the plan; and (c) where possible, identify the active and passive exacerbators; and (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: <ul style="list-style-type: none"> (i) the legislative responsibilities and rights of beneficiaries and exacerbators; (ii) the management objectives of the plan and the stage of infestation; (iii) the most effective agents to undertake the control to meet the objectives of the plan; (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; (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; (vi) the degree of urgency to make the plan; (vii) efficiency and effectiveness of the cost allocation method and proposed cost allocation; (viii) practicality of the cost allocation method and proposed cost allocation; (ix) administrative efficiency of the cost allocation method and proposed cost allocation; (x) security of funding of the cost allocation method and proposed cost allocation; 	<ul style="list-style-type: none"> (a) The direct and indirect costs are shown in the CBA Report for each pest. (b) and (c) The beneficiaries and exacerbators were identified and described in the CBA Report for each pest. (d) All these matters are addressed for each pest within the CBA Report.
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	<ul style="list-style-type: none"> (xi) fairness of the cost allocation method and proposed cost allocation; (xii) whether the proposed cost allocation is reasonable; (xiii) the parties who will bear the indirect costs of the plan; (xiv) the need for any transitional cost allocation arrangements; (xv) the mechanisms available to impose the cost allocation; and <p>(e) 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>(f) 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>(e) 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 Plan, including the choice of programme, objective, principal measures (see section 6 of the Plan) and the matters contained in section 9 of the Plan. Alternative methods of control were considered as part of the Proposal (see section 6 of the Proposal)</p> <p>(f) Section 9 of the Proposal outlines the rationale for the proposed allocation of costs. This is supported by the detailed analysis in the CBA Report.</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>(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><i>The statements for this section (below) reflect the test of whether the Council can be satisfied.</i></p> <p>The Council has delegated to the Hearing Panel the powers, functions and duties of the Council set out in Sections 73 and 74 of the Act.</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 and would cause unreasonable costs to an occupier of adjacent land.</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 Plan 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> <ul style="list-style-type: none"> (i) the biological characteristics and behaviour of the particular pest; and (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>Yes, for the reasons given in (a) to (d) above. Also see Section 32 and Appendix E of the CBA Report which specifically address 8(c)(ii).</p>