



13 December 2024

Biosecurity System Policy Team
Policy and Trade Branch
Ministry for Primary Industries
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Regarding: Proposed amendments to the Biosecurity Act 1993

DairyNZ appreciates the opportunity to provide feedback on the proposed amendments to the Biosecurity Act. A strong biosecurity system is critical to safeguard and protect the future of New Zealand dairy farming. DairyNZ welcomes policy changes that are equitable, economical, and practical for New Zealand dairy farmers.

DairyNZ is committed to the Government Industry Agreement (GIA) partnership and welcomes improvements to the scope and flexibility for biosecurity readiness and response, and inclusion of other areas of biosecurity, such as pest management. New Zealand needs an appropriate level of system-wide preparedness for major biosecurity incursions to reduce the likelihood of, and minimise the impact of responses. DairyNZ is committed to positively progressing a Foot and Mouth Disease Operational Agreement for Readiness and Response with other livestock sector partners and Government.

Dairy farmers invested more than \$60 million across the biosecurity system last year through multiple biosecurity levies across several entities and legislative frameworks to collect this funding. This adds unnecessary complexity, administrative cost and a lack of transparency levy investment in biosecurity for our farmers. We would like to see a more integrated and sustainably funded biosecurity system for the livestock sector that minimises risks through collective readiness and good biosecurity practices. To support this, our farmers need certainty and consistency of the principles that will be applied to risk management, cost-sharing, and decision-making across the biosecurity system.

Key Feedback

DairyNZ has three key areas of feedback on the proposed amendments to the Biosecurity Act which are:

- Consideration for a more integrated and sustainably funded biosecurity system, similar to the Animal Health Australia Model.
- Further improvements to the GIA and pest management framework.
- Ensuring settings support good biosecurity practices, including compensation settings and eligibility.

These points are further expanded on below and summary positions for all proposals are provided in Appendix 1.

DairyNZ welcome engagement with the Ministry for Primary Industries to collaborate and co-develop proposals following the close of public consultation.

Nāku iti noa, nā



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Who are DairyNZ

DairyNZ is the industry good organisation that represents all New Zealand dairy farmers. DairyNZ is focused on helping farmers build profitable, sustainable, and resilient farm businesses through extension, advocacy, science and research. Our purpose is to progress a positive future for New Zealand dairy farming.

DairyNZ is funded by a levy on milksolids that is paid by all dairy farmers under the Commodity Levies Act 1990, with 23 cents of every \$1 of DairyNZ investment invested in biosecurity. DairyNZ is responsible for the Biosecurity (Response—Milksolids) Levy to fund commitments under the GIA partnership, and dairy farmers also pay other levies to fund biosecurity, including for pest management.

Summary of our Feedback

The following text outlines DairyNZ's three key areas of feedback on the proposed amendments to the Biosecurity Act. Short responses and DairyNZ's position for each proposal are provided in Appendix 1.

An integrated and sustainably funded biosecurity system

Create one or more biosecurity focussed cross-industry organisations to build primary sector skill and resilience (Proposal 37)

Progressing more integrated delivery of biosecurity services and reduced number of levies

1. Delivery of services within the biosecurity system is fragmented, with inconsistent legislative and system settings to support effective funding and delivery. Different programmes often have the same stakeholders involved and this contributes to the frustration experienced by dairy farmers about regulatory burden and lack of transparency of levy investment.
2. Dairy farmers currently fund the biosecurity system through six different levies and with the transition of the *Mycoplasma bovis* (*M. bovis*) programme to a National Pest Management Plan (NPMP), this increases to seven. Dairy farmers may also contribute further funding to the biosecurity system when cattle are designated as beef cattle for slaughter and on the purchase of seed for arable crops.
3. **DairyNZ supports system settings that reduce the need for multiple levies** for what farmers perceive to be the 'same thing' (biosecurity).
4. Biosecurity levies consolidated into a single levy (or fewer levies) with the creation of a cross-industry organisation that integrates the delivery, and funding, of biosecurity services would be a more efficient way to recover costs and lessen administrative expense for industry and Government.

Investment in biosecurity readiness needs to be prioritised through effective governance and clear accountabilities

5. A key outcome DairyNZ wants to see from this proposal is an effective governance framework to provide consistent oversight and advocacy for sustained biosecurity readiness and risk management, so that urgent business of the day (response) does not result in insufficient preparation for other threats (readiness).
6. The [2021 M. bovis Independent Review](#) have found that the system underinvests in readiness and, as a result, has been weak under the pressure of responses. The [FMD Independent Review report](#)

also suggested there has been insufficient strengthening of New Zealand's livestock biosecurity response capability following the *M. bovis* Independent Review. Learning from previous responses and prioritising investment in readiness is fundamental to strengthening the biosecurity system for future responses.

7. From a governance perspective, without a mechanism that elevates the priority of, and clear accountability for, such investment in readiness, experience shows that any work to improve readiness will succumb to more urgent business of the day. This is a risk that must be managed to ensure we have a fit for purpose biosecurity system.
8. From an accountability perspective, the biosecurity system encompasses a vast range of participants, but without clear roles and responsibilities or a joined-up approach, this can lead to duplication of effort or gaps in some areas. This lack of alignment can also be seen in how information systems operate, with the interoperability of information and data sharing being a pain point for the operation of responses and for dairy farmers.

A vision for the livestock sector

9. **DairyNZ supports Proposal 37** to enable the creation of one or more biosecurity focussed cross-industry organisations to build primary sector skill and resilience. However, DairyNZ believes that to deliver on this vision for the livestock sector, the framework needs to go further than what has been proposed.

10. DairyNZ's vision for the livestock sector is:

An integrated and sustainably funded biosecurity system that minimises risks through collective readiness and on-farm biosecurity practices. This would be achieved through a member-based animal-health organisation that is co-governed and co-funded by the livestock industry and the Crown, and that delivers readiness, response, traceability, and prevention through adopted good biosecurity practices, and control and management of animal diseases.

11. DairyNZ supports a model similar to Animal Health Australia (and corresponding organisations and Deeds for plants and marine). The GIA framework could be built on to achieve a similar model to Australia.
12. **DairyNZ supports delivery of effective biosecurity services through a livestock biosecurity organisation with accountability to the Minister for Biosecurity** (and/or Chief Veterinary Officer) that could:

- a. regularly test preparedness capability to deal with large-scale, complex responses,
- b. collect essential livestock biosecurity data and allow data sharing through interoperability and clear protocols, including oversight or delivery of National Animal Identification and Tracing (NAIT),
- c. undertake risk identification and monitoring functions,
- d. oversee the performance of biosecurity risk management programmes, like for TB and *M. bovis*,
- e. operate under a single or simplified levy model to fund, and allocate to, service delivery,
- f. centralise biosecurity expertise and capability allowing for greater knowledge and capability sharing between sectors,
- g. provide greater clarity of the roles, responsibilities and expectations of system participants, and

- h. provide strong governance and partnerships with industry and the Ministry for Primary Industries (MPI).
13. Figure 1 below provides an illustration of what this organisation, co-governed and co-funded by the livestock industry and the Crown, might look like for the livestock sector.
 14. A dedicated animal health organisation with a consistent approach to exotic and endemic pests and diseases could also leverage the benefits of managing endemics to support readiness for exotics. This would build a critical mass of biosecurity capability and expertise to ensure greater resilience and readiness.

New Zealand's trading partners must have trust and confidence in our biosecurity system

15. New Zealand's trade relies on a strong and trusted Competent Authority, so we would welcome a principle-based approach to the roles and responsibilities of different biosecurity institutions.
16. New Zealand's trading partners must have trust and confidence in the integrity and robustness of our biosecurity risk management system. An integrated, end-to-end system approach would provide trading partners with greater transparency of our risk management systems.

Vision: An integrated and sustainably funded biosecurity system that minimises risks through collective readiness and on-farm biosecurity practices. This would be achieved through a member-based animal-health organisation that is co-governed and co-funded by the livestock industry and the Crown, and that delivers readiness, response, traceability, and prevention through adopted good biosecurity practices, and control and management of animal diseases.

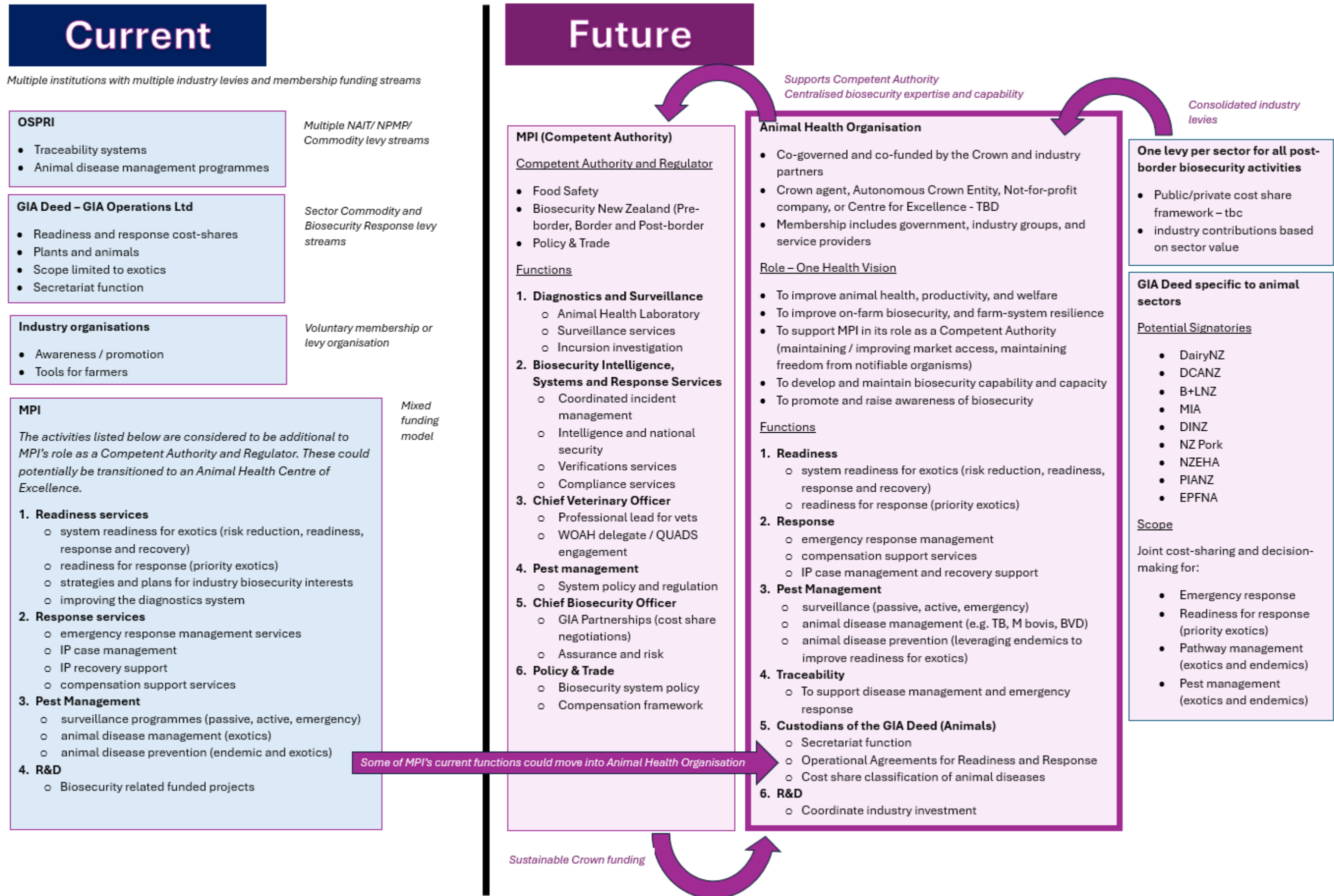


FIGURE 1: A VISION FOR AN INTEGRATED AND SUSTAINABLY FUNDED BIOSECURITY SYSTEM

Improvements to the GIA and pest management

Amending cost-sharing in the GIA (Proposals 14A and 14B)

A cost-sharing framework should support appropriate governance and prioritisation of levy spend

17. DairyNZ does not support a framework or methodology that undermines an industry's ability to govern the spend of levy money collected from their members. Industry should be able to prioritise levy investment to deliver the greatest benefit, given the industry's biosecurity risk profile.
18. DairyNZ supports principles to guide cost-sharing under GIA in legislation (Act or secondary legislation). However, we believe the inclusion of methodology (or specific operational models) in legislation, as proposed in Proposal 14B, would be too prescriptive, may not provide enough flexibility or room for adaptability, and may be difficult to change in future. GIA industry partners should be engaged in the development of the principles to guide cost-sharing if this proposal is to be progressed.
19. Principles to guide cost-sharing could include:
 - a. Recognition of public benefits,
 - b. Recognition that exacerbators should contribute for the risk they create,
 - c. Recognition that users (beneficiaries) should contribute for the functions, powers, or services that they benefit from,
 - d. Recognition that industry govern and prioritise levy spend for the greatest benefit of their members, and
 - e. Public versus private cost-share categories should be based on a principle that the higher the public benefit, the more Government will act (regardless of the industry impact), and as such practical joint decision-making is likely to reduce as public benefit increases.
20. The nature of decision making under GIA can limit changes to the Deed and settings, particularly for cost-sharing arrangements that may increase the funding contributions from industry partners. Proposal 14A would still require agreement by industry parties for change to occur and may not be an effective mechanism for amending cost-shares that result in a larger cost for industry. Periodic review of cost-shares in the Act would add to the administrative cost of being involved as a GIA industry partner. There may also be added uncertainty if the cost-share review did result in change, as previously agreed cost-shares would need to be renegotiated when operational agreements expire.

More work is needed to confirm a framework (or frameworks) that is fit-for purpose for guiding cost-share arrangements under GIA

21. GIA partners have been working together to develop a Pest Impact and Beneficiary Classification (PIBC) model to provide industry beneficiary identification and impact assessment. This model does not consider the public versus private impacts/benefits. The PIBC model is unfinished and there is currently no widespread agreement among GIA partners that the PIBC model is fit for purpose.
22. The current framework to guide cost-sharing under GIA, with a 20% exacerbator fee, an industry maximum cap of 50% of the total costs, and public versus private impact/benefit categories, often over-simplifies the complexities of the impact a pest or disease may have (and so adjustments are made) and can be a pain point for agreeing Operational Agreements.

23. DairyNZ agrees further work on a transparent cost-sharing framework (or frameworks that would apply to different types of pests or disease, or type of Operational Agreement) for GIA is needed.
24. Further work on a cost-sharing framework for GIA should consider the potential inclusion of pest and pathway management under GIA (Proposal 36). The usefulness of having more than one framework for different types of pests or disease (for example high impact threats like Foot and Mouth Disease) or for different types of Operational Agreements (readiness, response, pest and pathway management) should also be considered.

Cost recovery from non-signatory beneficiaries (Proposals 15A and 15B)

Addressing cost recovery from non-signatory beneficiaries needs to balance a principles-based approach with the practicality of recovering costs

25. In principle, **DairyNZ supports the fair and equitable contribution from non-signatory beneficiaries**. However, cost recovery from non-signatory beneficiaries should consider the practicalities and affordability of doing so. In practice, recovery of costs may not be efficient given signatories to the GIA Deed represent 94 percent of primary production in New Zealand. Non-signatory beneficiaries are likely to be small, have a comparably small cost-share, and the administration costs involved in cost recovery may be high due to lack of information about them.
26. The approach to cost recovery should be principles-based. Proposal 15A to collect an up-front levy to build a standing fund is not supported by DairyNZ as it is difficult to determine what would be a fair and equitable contribution.
27. **In principle DairyNZ supports Proposal 15B**, non-signatory beneficiaries should contribute a fair and equitable amount with respect to their level of benefit. It should be up to the Ministry for Primary Industries to determine whether cost recovery from non-signatory beneficiaries is pursued or not, given the affordability of those to be cost-recovered from and that cost-recovery may be administratively burdensome.

Expanding the scope of GIA (Proposal 36)

Including pest management under GIA may enable consolidation of levies

28. **DairyNZ supports enabling the GIA Deed to cover other areas of biosecurity, such as pest management**. The *M. bovis* transition from a response under the GIA to a National Pest Management Plan (NPMP) has posed challenges, and has been a time and resource intensive process for industry. Expanding the scope of GIA to include pest management would simplify the process to transition from response to longer-term management programmes.
29. Governance involving both the Crown and industry under GIA offers a strong framework for readiness and response, and may be a useful model to apply to pest management. The distinction between response and long-term management can also be difficult as there may be resurgence of a pest or disease, and so consistent legislative frameworks to support both would be useful.
30. **DairyNZ supports aligning response and pest management levying provisions** to enable biosecurity readiness and response levies to be used for pest or pathway management plans, or enable a single levy regime for the whole biosecurity system. This could be a more efficient, less administratively burdensome way to recover costs.
31. The *M. bovis* transition from a response under the GIA to a NPMP requires a new levy to be established. Dairy farmers currently fund the biosecurity system through six different levies and

with the transition of the *M. bovis* programme to a NPMP, this would become seven levies. As stated in our comments for Proposal 37, DairyNZ supports system settings that reduce the need for multiple levies for what farmers perceive to be the 'same thing'. This would help reduce the frustration dairy farmers have about regulatory burden and lack of transparency of levy investment.

32. Proposal 37 to create a biosecurity focussed cross-industry organisation may also provide the opportunity to consolidate levies across the biosecurity system and simplify the transition from response to management of pests and diseases.

Creation of more specific Deeds for different sectors may support a more constructive engagement and decision-making under GIA, while including other participants needs further consideration

33. DairyNZ supports enabling the creation of more than one Deed or specific Deeds for different sectors (Plants, Animals, Aquatic). This may facilitate more constructive engagement and decision-making under GIA as Plant, Animal and Aquatic sectors are often more aligned and have shared priorities for biosecurity.
34. DairyNZ is open to the idea of enabling other participants in the biosecurity system to become more active in GIA, however there is a need to consider what the impact on decision-making might be and what this means for cost sharing, as a principle of GIA is *who says, pays*. Joint decision-making should be limited to those who pay. With possible inclusion of pest management under GIA, the inclusion of other participants in this area also needs further consideration.

Streamlining pest management to improve process and efficiency (Proposals 44-46)

The *M. bovis* transition to pest management has been a time and resource intensive process

35. Requirements and processes under Part 5 Pest Management do not lend well to transitioning from a response Operational Agreement under Part 5A GIA. The *M. bovis* transition from a response under the GIA to a NPMP has posed challenges, and has been a time and resource intensive process for industry.
36. This process has included the need for cost-benefit analysis to re-confirm the eradication/management goal and requires a separate levy to be established, imposing further administrative burden for industry.
37. DairyNZ supports Proposals 44-46 to simplify the process for creating pest and pathway management plans, enabling integrated pest and pathway management plans and enabling the ability to have consolidated levies for pest and pathway management plans.

Settings that support good biosecurity practices

Compensation eligibility and entitlements - Proposals 16, 17, 18, 20A-E, 21A-B

Compensation settings need careful consideration to balance supporting those who invest in good on-farm biosecurity practices with not allowing those who are non-compliant to 'game' the system

38. **DairyNZ supports Proposal 16 in principle** where significant non-compliance with NAIT connected to a biosecurity response would be ineligible for compensation. The *M. bovis* response learnings point to the need to consider this issue. There are however significant challenges with this policy without a fit-for-purpose NAIT system¹.
39. Further work is needed to clarify what this policy would look like in practice, i.e. deliberate non-compliance with NAIT during a response would result in ineligibility, but unknowingly being non-compliant due to NAIT system issues needs to be clarified. **DairyNZ supports inclusion of a sentencing guide in the Biosecurity Act (Proposal 13)** to set out principles or factors that should be considered during sentencing, and similarly, principles to be outlined for compensation eligibility.
40. This proposal has the potential to 'double up' on penalties as farmers will face fines/prosecution under NAIT legislation and may not receive compensation. A challenge with this policy is that it may assume that penalties under NAIT legislation are not sufficient on their own to encourage compliance with traceability obligations, but we know that usability of the NAIT system remains a significant challenge for compliance with the NAIT scheme.
41. There is also a risk that this proposal results in perverse or undesirable behaviours. If a person is knowingly non-compliant with NAIT and certain they will not be eligible for compensation, then there may be an incentive to not report a disease and sell infected animals for payment.

Detailed compensation entitlements and requirements via regulation reduces flexibility for the benefit of transparency and certainty

42. There may be circumstances where Proposal 17 to enable detailed compensation entitlements and requirements via regulation would be a useful policy due to the size and complexity of a response, e.g. Foot and Mouth Disease. DairyNZ would support tying compensation entitlements via regulation for stock destruction to the declaration of biosecurity emergency as this would provide transparency and greater certainty for a large-scale biosecurity response where determination of compensation entitlements is difficult.
43. DairyNZ does not support this policy for responses in general, as setting compensation rates in regulations has not worked well in the United Kingdom² and this policy would reduce flexibility which was needed in the *M. bovis* response. The compensation system and processes are much more mature through the *M. bovis* response, and so retaining this intellectual property for future responses is important for reducing stress of claimants and ensuring efficient payment processes.
44. This proposal assumes that 'all are equal', e.g. using IRD Herd Valuation Scheme Values for categories of stock, which may not be a true representation of the value of animals in some cases. An option could be to enable farmers to have the choice to not use the set rates, and instead seek

¹ A fit-for-purpose NAIT system needs to enable traceability of animals within the NAIT scheme, connection and integration with other systems, ease of use for farmers and other participants, and support biosecurity, human health and market access assurances.

² In the United Kingdom set compensation rates impact market prices (anchoring) and do not account for variations, leading to unfair compensation, disputes and dissatisfaction with the scheme.

independent valuation for compensation. MPI could consider specific criteria for this option to ensure the number of people choosing the more time-consuming valuation and verification process is manageable.

- 45. DairyNZ also supports outlining direct versus consequential loss compensation eligibility more clearly in legislation/regulation to provide greater transparency to those impacted by the use of powers.

Upfront payments are beneficial for our farmers in terms of cash-flow in the event of herd depopulation

- 46. DairyNZ supports enabling upfront payments for future losses that have not yet been incurred (Proposal 18) to secure cashflow for farmers in the event of herd depopulation. There are significant learnings from the *M. bovis* response with respect to reducing financial hardship and stress on farmers following herd depopulation, enabling compensation for future losses would help reduce hardship for claimants as they would be paid earlier.

Compensation for consequential income loss is important to retain as it helps support business viability and promotes early reporting to minimise the impact of a biosecurity response

- 47. Retaining compensation for consequential loss of income is important to support viability of businesses' and to promote early reporting. DairyNZ does not support Proposal 20E to remove consequential loss payments. Figure 2 shows predicted financial impacts under Proposal 20E.

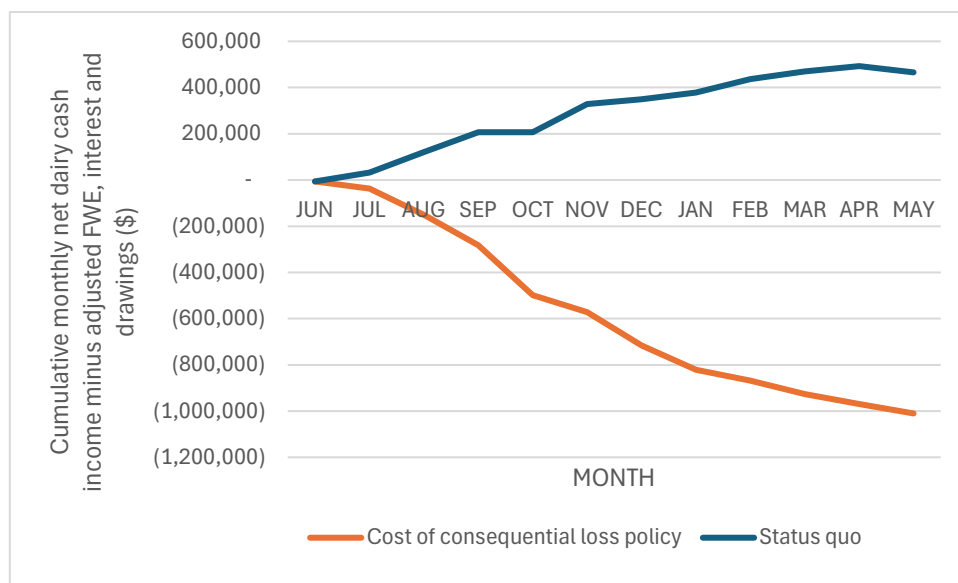


FIGURE 2: CUMULATIVE MONTHLY NET DAIRY CASH INCOME MINUS ADJUSTED FARM WORKING EXPENSES, INTEREST AND DRAWINGS FOR STATUS QUO VERSUS PROPOSAL 20E³.

- 48. The *M. bovis* programme would not be where it is today without payment of consequential loss to impacted farmers. There would have been little social licence and support from farmers if consequential loss for lost milk production was not paid.

³ Figure 2 illustrates the impact of Proposal 20E compared to the status quo for an average Owner-operator using DairyNZ Economic Survey 2022-23 data. It shows the impact of milk production not being paid under Proposal 20E, when taking into account Farm Working Expenses set at 80% of the average, interest (100%) and drawings set at 40% of the average, reflecting where costs could be mitigated.

49. Limiting claims for consequential losses for anything less than 12 months (Proposal 20C) would disadvantage dairy farmers due to the seasonality of milk production and the variability of cash flow throughout the season. A limit less than 12 months also reduces the flexibility of the response programme to mitigate loss, which was done with the timing of depopulation in the *M. bovis* response.
50. A limit of 12 months (Proposal 20B) may be appropriate in some instances of loss (loss in the first year likely to be the highest) but this policy may disadvantage those with complex businesses or responses with enduring impacts and it may take many years for a business to recover (e.g. fruit trees take years to grow and fruit).
51. Proposal 20D would benefit from clarifying what professional fees are considered. Professional fees are often incurred to support claimants through the compensation process. This would not be required if income loss is not eligible for compensation. Professional advice on diversification or adapting the farm business may not be relevant if business viability is impacted.
52. **Payment of consequential loss for income and professional fees is our preferred option** (Proposal 20A) as this would support engagement and disease reporting. Response objectives would likely be impacted if consequential loss for income is not paid.

Compensation eligibility for non-compliance with pest and pathway management plans should align with the policy intent of the Biosecurity Act

53. DairyNZ supports consistency of compensation eligibility throughout the various parts of the Biosecurity Act.
54. In alignment with Proposal 16 (if progressed), compensation should not be paid if there is significant non-compliance with the rules of the pest and pathway management plan. The threshold for compensation being paid or not is important for incentivising behaviour and this threshold should be consistent throughout the Biosecurity Act. DairyNZ supports consideration of principles or factors for determining the threshold for compensation eligibility.

Encouraging good biosecurity practices – Proposals 40-42

A general biosecurity duty may not be very effective at driving behaviour change

55. Although low cost and light touch, this may not be an effective tool to encourage improvement in biosecurity practice. Depending on how this is drafted or defined, the general duty may be quite broad and wide reaching if “do the right thing” is applied to all persons dealing with risk goods or engaged in activities that may pose biosecurity risks.
56. DairyNZ supports a principled approach that sets a clear standard of what is expected of those dealing with risk goods or engaged in activities that may pose biosecurity risks. DairyNZ would like to be engaged further if this proposal is to be progressed.

A regulatory approach to encouraging good biosecurity practices is likely to be quite prescriptive

57. Although more targeted and specific than a general biosecurity duty, this could be quite a prescriptive approach. Setting clear expectations of good biosecurity practices is important but there is a risk that this approach would not provide flexibility, creating further compliance and administrative burden on farmers.

58. Any changes would need sufficient extension and education for those impacted to know what is expected of them. This option has considerable burden on both farming businesses and compliance staff, requiring more resources or to be tailored to available capacity.

Risk management plans may provide a good balance of effort to risk

59. DairyNZ supports a risk-based regulatory model with a farm management plan function as it allows solutions to be tailored at the farm level, with focus on the outcomes to be achieved instead of prescriptive controls or requirements.

60. This is our preferred approach to encouraging good biosecurity practices if it aligns with the Food Safety model⁴, which is pragmatic and a good balance of effort to risk.

61. This approach would take significant investment to set up, implement and maintain, as well as consideration of support and resourcing for developing plans, certification and auditing. It will also be important to have clear roles and functions for organisations involved in implementing this approach which are sustainable long term.

62. This approach could be applied to only 'high' risk businesses or activities which would lessen the resources needed to implement this option and would not place undue requirements on 'low' risk businesses or activities. The *M. bovis* NPMP could provide a useful example for how to address and define 'high' risk businesses or activities.

Feedback by Proposal

Short responses and DairyNZ's position for each proposal are provided in Appendix 1 below.

⁴ Inclusion of principles to effectively management risk and outline clear roles and responsibilities, as per Section 16 of the Food Act, *Principles to be applied in performing functions or duties, or exercising powers, under this Act.*

APPENDIX 1: SUMMARY TABLE OF DAIRYNZ'S POSITIONS FOR EACH PROPOSAL

System-wide issues

Theme	Proposal No. (★= MPI preferred option)	Proposal	DairyNZ Position	DairyNZ Response
Purpose clause in the Biosecurity Act	1	Insert an overarching purpose clause in the Biosecurity Act.	Support	DairyNZ supports a clear overarching purpose statement for the Biosecurity Act that supports elements such as facilitating trade, supporting trust and confidence in New Zealand's biosecurity system, efficient detection and management of risk, evidence-based, sustainable system funding and investment, maintaining resourcing and capability, and strong governance and decision-making to support effective system delivery. We support having underpinning principles for the Biosecurity Act that clarify roles and responsibilities of system participants and enable risk assessment and risk mitigation, like the framework used for the Food Act 2014. We suggest the purpose statement and principles align with and support delivery of the Biosecurity Strategy and pou/priority areas.
	2 ★	Include new purpose clauses, as well as revise existing purpose clauses, for selected parts of the Biosecurity Act.	Support	We support amending, updating or including purpose clauses for selected parts of the Biosecurity Act. We support enabling the Act to include monitoring and surveillance of all organisms, such as endemic diseases and not just unwanted organisms. We support policy intent for compensation to be clearly set out in the Act, or consideration of principles or factors for determining the threshold for compensation eligibility.
Ministerial involvement in significant decisions	3A ★	Vest the Minister responsible for the Biosecurity Act with a 'call-in' power.	Support	We support the Minister responsible for the Biosecurity Act to have the 'call-in' power for sections 114A and 131(2). The Minister for Biosecurity would be well placed to judge whether a decision may have large consequences beyond biosecurity, for example the need to impose movement controls may have significant impacts on trade. There needs to be consideration for whether having both Chief Technical Officer and Ministerial decision-making ability would overcomplicate the process.
	3B	Vest the Minister of the portfolio the chief technical officer works in with a 'call-in' power.	Have concerns	We have concerns that any Minister having the ability to exercise the 'call-in' power could significantly increase the complexity of decision-making under the biosecurity system. We prefer Proposal 3A.
Local knowledge in decision-making	4	Enable local knowledge to inform or guide decision-making in specific parts of the Biosecurity Act.	Have concerns	We have concerns that inclusion of local knowledge would complicate processes and the development of import health standards for the importing of risk goods. Import health standard development currently faces delays due to process and this could add additional complexity to a process that relies on scientific evidence. Consideration of how local knowledge for surveillance and prevention would align with reporting and auditing requirements of overseas authorities or WOH standards is needed. Inclusion of local knowledge, which may not be relevant or recognised overseas, may add additional complexity when meeting reporting and auditing requirements.
Biometric information	5	Clarify that the collection, use, or storage of information (including personal information) includes biometric information.	Support	We support the alignment of the Biosecurity Act with legislation of other border agencies (e.g. Customs that also uses the Joint Border Management System, and Immigration New Zealand). It is important the information and use are clearly defined and applied.
Powers of inspectors during searches	6	Introduce a power of arrest for obstruction during searches.	Have concerns	We have concerns with introducing a power of arrest to Biosecurity Officers for obstruction during a search. We would prefer an approach where Police support Biosecurity Officers in these situations and support Proposal 12 to clarify the role of Police and the use of their power to arrest to support biosecurity.
Border fines for travellers with high-risk goods	7	Create an additional infringement penalty for higher risk goods.	Support	We support introducing an additional infringement penalty for higher risk goods as this helps strengthen the toolkit at the border and aligns with a risk-based approach.
Regional council access to infringement offences for pest and pathway management plans	8 ★	Introduce the ability for regional councils to establish infringement offences in regional pest management plans.	Support	It is sensible to incentivise compliant behaviour under Regional Pest Management Plans with infringement offences.
Enhancing compliance options for breach of a Controlled Area Notice (CAN)	9 ★	Amend an existing offence, establish a new offence and corresponding infringement.	Support in-principle	We support amending the current offences for Controlled Area Notices to include reference to intention. The use of Controlled Area Notices is likely in significant outbreaks, and it is important that intentional non-compliance is addressed.

				It is sensible to have graduated levels of infringement for different severity of offending. We have some concern where a person may have unknowingly broken the rules of a Controlled Area Notice, as MPI has the role of ensuring application of a Controlled Area Notice is well communicated and understood.
Stronger compliance options for places of first arrival (PoFA)	10	Enable pecuniary penalties for breach of PoFA requirements.	Support	We support strengthening the toolkit to encourage compliance at Places of First Arrival.
	11	Create a new offence for breaching PoFA conditions of approval with a fine of up to \$200,000 and a continuing penalty of \$10,000 each day.	Support	We support strengthening the toolkit to encourage compliance at Places of First Arrival.
Arrest powers for Police (minor and technical)	12 ★	Clarify arrest powers of police officers (or authorised biosecurity officers pending current proposal).	Support	We support clarifying the role of Police and the use of their power to arrest to support biosecurity.
Sentencing	13 ★	Introduce sentencing guidance into the Biosecurity Act.	Support	We support inclusion of a sentencing guide in the Biosecurity Act, like in the Food Act, to set out principles or factors that should be considered during sentencing. Similarly, we support consideration of principles or factors for determining the threshold for compensation eligibility.

Funding and compensation proposals

Theme	Proposal No. (★= MPI preferred option)	Proposal	DairyNZ Position	DairyNZ Response
Cost-shares in the Government Industry Agreement (GIA)	14A	Mandating a periodic review of the cost-shares in the GIA Deed.	Do not support	This proposal would add to the administration and cost of being involved as a GIA industry partner and would add uncertainty as agreed cost-shares may need to be renegotiated when operational agreements expire. Please see body of our submission for more information.
	14B ★	Set out a cost-share framework in legislation to guide cost-share arrangements with GIA partners.	Support in-principle, preferred over 14A	This proposal to include a framework that would set out the principles and methodology to guide setting cost-shares between the Crown and GIA partners in legislation may limit flexibility and may be difficult to change in future. DairyNZ would support principles to guide cost-sharing under GIA in legislation (Act or secondary legislation), however, we think including methodology in legislation would be too detailed and may not provide enough flexibility or adaptability. GIA industry partners should be engaged in the development of the principles to guide cost-sharing if this proposal is to be progressed. Please see body of our submission for more information.
Cost recovery from non-signatory beneficiaries	Option 15A	Levy non-signatory beneficiaries (NSBs) to build an up-front fund.	Do not support	DairyNZ supports the fair and equitable contribution from non-signatory beneficiaries. We support cost-recovery from non-signatory beneficiaries in principle but do not support an up-front fund as it is difficult to determine what would be a fair and equitable contribution. Please see body of our submission for more information.
	Option 15B	Levy NSBs after a response to recover costs.	Support in-principle, preferred over 15A	In principle DairyNZ supports Proposal 15B, non-signatory beneficiaries should contribute a fair and equitable amount with respect to their level of benefit. It should be up to the Ministry for Primary Industries to determine whether cost recovery from non-signatory beneficiaries is pursued, or not, given the affordability of those to cost-recovered from and that cost-recovery may be administratively burdensome. Please see body of our submission for more information.
Compensation - Improvements to the operation of the scheme	16 ★	Refining how non-compliance would make a person ineligible for compensation.	Support in-principle	DairyNZ supports Proposal 16 in principle where serious or significant non-compliance with NAIT connected to a biosecurity response would be ineligible for compensation. The <i>M. bovis</i> response learnings point to the need to consider this issue. There are however significant challenges with this policy without a fit-for-purpose NAIT system. Please see body of our submission for more information.
	17 ★	Enabling more detailed compensation entitlements and requirements via regulation.	Do not support	DairyNZ does not support this policy proposal for all responses, but notes this may be useful for declaration of a Biosecurity Emergency where the size and complexity of a response makes determination of compensation entitlements difficult. The compensation system and processes are much more mature through the <i>M. bovis</i> response, and so retaining this intellectual property for future responses is important at reducing stress and ensuring efficient payment processes.

				<p>An alternative option could be to enable farmers to have the choice to not to use the set rates, and instead seek independent valuation for compensation.</p> <p>Please see body of our submission for more information.</p>
	18 ★	Removing restrictions on the ability to vary compensation and enable upfront payment of future losses that have not yet been incurred.	Support	<p>DairyNZ supports enabling upfront payments for future losses that have not yet been incurred as this is beneficial for our farmers in terms of cash-flow in the event of herd depopulation.</p> <p>Please see body of our submission for more information.</p>
	19	Codify the operational dispute resolution process.	Support	<p>This policy would codify the existing operational processes that MPI has set up as intermediary steps to arbitration (internal review, independent review, then arbitration). It makes sense to clarify this process in legislation/regulation.</p>
Compensation - Scope of losses that are compensable	20A	<p>Stating which type of losses are and are not compensable, including removing some or all consequential losses from compensation.</p> <p>Only income and professional fees are payable as consequential losses.</p>	Preferred over 20B, 20C, 20D and 20E, but overall preference for status quo	<p>Payment of consequential loss for income and professional fees is our preferred option (Proposal 20A) as this would support engagement and disease reporting. Response objectives would likely be impacted if consequential loss for income is not paid. We note it may be sensible to place a time limit on compensation, but this may differ depending on the circumstances.</p> <p>Please see body of our submission for more information.</p>
	20B	<p>Stating which type of losses are and are not compensable, including removing some or all consequential losses from compensation.</p> <p>All consequential losses are payable for the first year a producer is affected by the exercise of government powers.</p>	Preferred over 20C, 20D and 20E, but overall preference for status quo	<p>A limit of 12 months may be appropriate in some instances of loss (loss in the first year is likely to be the highest) but this policy may disadvantage those with complex businesses or responses with enduring impacts and it may take many years for a business to recover.</p> <p>Please see body of our submission for more information.</p>
	20C	<p>Stating which type of losses are and are not compensable, including removing some or all consequential losses from compensation.</p> <p>All consequential losses are payable for the first six months a producer is affected by the exercise of government powers.</p>	Do not support	<p>Limiting claims for consequential losses for anything less than 12 months (Proposal 20C) would disadvantage dairy farmers due to the seasonality of milk production and the variability of cash flow throughout the season. A limit less than 12 months would also reduce the flexibility of the response programme to mitigate loss, which was done with the timing of depopulation in the <i>M. bovis</i> response.</p> <p>Please see body of our submission for more information.</p>
	20D	<p>Stating which type of losses are and are not compensable, including removing some or all consequential losses from compensation.</p> <p>Only professional fees are payable.</p>	Do not support	<p>This would benefit from clarifying what professional fees are considered. Professional fees are often incurred to support claimants through the compensation process. This would not be required if there is no income loss eligible for compensation.</p> <p>Please see body of our submission for more information.</p>
	20E	<p>Stating which type of losses are and are not compensable, including removing some or all consequential losses from compensation.</p> <p>No consequential losses are payable.</p>	Do not support	<p>Compensation for consequential income loss is important to retain as it helps support businesses' viability and promotes early reporting.</p> <p>Please see body of our submission for more information.</p>
Interaction between compensation and pest management plans (minor and technical)	21A	Make excluding compensation optional in the event of non-compliance with a pest or pathway management plan optional.	Support in-principle	<p>DairyNZ supports consistency of compensation eligibility throughout the various parts of the Biosecurity Act. Compensation should not be paid if there is significant or serious non-compliance with the rules of the pest and pathway management plan. The threshold for compensation being paid or not is important for incentivising behaviour and this threshold should be consistent throughout the Biosecurity Act.</p> <p>Please see body of our submission for more information.</p>
	21B	Differentiate how non-compliance affects compensation between pest management plans and pathway management plans.	Support in-principle	<p>DairyNZ supports consideration of principles or factors for determining the threshold for compensation eligibility.</p> <p>Please see body of our submission for more information.</p>

Border and imports proposals

Theme	Proposal No. (★= MPI preferred option)	Proposal	DairyNZ Position	DairyNZ Response
Development of import health standards	22	Enable technical amendments to an IHS without consultation.	Have concerns	This proposal concerns technical amendments, rather than minor amendments. Although this could help improve the speed by which technical changes to import health standards can be made, we have concerns this relies on MPI communicating any changes rather than being required to consult on these changes. It is important that changes are effectively communicated, if not consulted on.
	23	Enable a rapid amendment process for IHSs during the first year of trade in a good without consultation.	Have concerns	This proposal would help fix any teething issues with a new import health standard. We have concerns this relies on MPI to communicate any changes rather than being required to consult on these changes. It is important that changes are effectively communicated, if not consulted on.
	24	Enable the ability to issue one-off or ad hoc permits for goods being imported as a one-off or on a sporadic basis.	Support in-principle	This proposal seems sensible, provided risk is adequately managed and mitigated. An alternative approach for unique products that do not fit under an import health standard may be more appropriate.
	25	Enable the use of permits to allow trade to continue while a suspended IHS is being reviewed.	Support in-principle	This proposal seems sensible, provided risk is adequately managed and mitigated. It is unclear what the “stricter risk management measures” would be and how these would differ between pathways so further clarity is needed.
	26	Enable consultation on a risk management proposal for a good, rather than the draft IHS itself.	Support	This proposal seems sensible, however impacted industry should be sufficiently engaged and communicated with throughout the import health standard development/drafting process.
Section 24 independent review panels	27A	Amend the Biosecurity (Process for Establishing Independent Review Panel) Notice 2015 and work on cost recovery.	Have concerns	DairyNZ supports the inclusion of a comprehensive application to request a review but does not support cost recovery of the review. Cost-recovery of a review may be administratively inefficient and may create inequity for smaller industry groups who may not be able to afford the cost of a review. Criteria or higher thresholds could be included to ensure cases with substantive evidence can establish an independent review and help reduce cases without relevant scientific evidence from causing delays on Import Health Standard development.
	27B ★	Amend section 24 so the review is undertaken by a senior public official rather than by establishing an independent review panel.	Do not support	This proposal removes ‘independence’ from independent reviews. Criteria or higher thresholds could be included to ensure cases with substantive evidence can establish an independent review and help reduce cases without relevant scientific evidence from causing delays on import health standard development.
	27C	Amend section 24 so that the review must only be about new evidence.	Do not support	Often reviews are sought for evidence not being correctly recognised or addressed, so a review should be able to be requested if this is the case. Evidence should be substantive (not necessarily new), criteria or higher thresholds could be included to ensure cases with substantive evidence can establish an independent review.
	27D ★	Remove section 24 from the Biosecurity Act.	Do not support	DairyNZ notes the challenges this provision in the Act creates for slowing import health standard development, however, it is important to enable independent reviews to take place that are based on substantive evidence.
Border clearances for cruise craft passengers	28 ★	Create additional powers and duties in the Biosecurity Act enabling biosecurity inspectors to process passengers disembarking a vessel but who have already arrived in New Zealand.	Support	This proposal helps strengthen the border.
Better management of biofouling removal in New Zealand’s Exclusive Economic Zone	29A ★	Amend the Biosecurity Act to clarify that MPI has the power to regulate biofouling removal in relation to all vessels arriving in the EEZ with a clearly stated intention of arriving in New Zealand.	Support	This proposal helps protect New Zealand’s marine environment.
	29B	Amend the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) to enable MPI to regulate biofouling removal under specific regulations.	Support	This proposal helps protect New Zealand’s marine environment.
Limiting volumes of food in the air passenger pathway	30	Amend the purpose section of Part 3 of the Biosecurity Act to include improving operational efficiencies.	Have concerns	Operational efficiencies are linked to sufficient resourcing at the border, we support a risk-based approach and ensuring sufficient resource is able to support this.
	31	Enable the Director-General to impose a limit on the volume of a class of food moving through the air passenger pathway.	Have concerns	Operational efficiencies are linked to sufficient resourcing at the border, we support a risk-based approach and ensuring sufficient resource is able to support this.

Facility approval framework	32 ★	Streamline the legislative framework for transitional and containment facilities.	Support	This proposal seems sensible.
Enabling third party verification at transitional facilities	33A	Amend the Biosecurity Act to include the ability for an authorised third-party to undertake verification activities at transitional facilities.	Support	This proposal seems sensible.
	33B ★	Enable the Director-General of MPI to recognise third parties to undertake specified roles and functions.	Support	This proposal seems sensible.
Providing biosecurity information to incoming passengers on commercial craft	34A	Removing general duty under section 17AA of the Biosecurity Act and supporting regulations to provide biosecurity information to incoming passengers.	Support	This proposal seems sensible.
	34B	Include a requirement for carriers of commercial craft to provide notice to the Director-General of MPI that biosecurity information has been provided.	Support	This proposal seems sensible.
Establishment of biosecurity control area in Place of First Arrival (minor and technical)	35 ★	Make explicit the ability for a Place of First Arrival Standard to establish a biosecurity control area (BCA).	Support	This proposal seems sensible.

Readiness and response proposals

Theme	Proposal No. (★= MPI preferred option)	Proposal	DairyNZ Position	DairyNZ Response
Government / industry Agreement	36	Modify and grow the GIA.	Support	DairyNZ supports an enabling provision in the Act that would allow the expansion of the GIA to cover other areas of biosecurity, such as pest management. We support aligning response and pest management levying provisions to enable biosecurity readiness and response levies to be used for pest or pathway management plans, or to enable a single levy regime for the whole biosecurity system. We are supportive to the idea of a specific Deed for the livestock sector. We are supportive of enabling other participants in the biosecurity system to become more active in GIA, however, joint decision-making should be limited to those who pay. Please see body of our submission for more information.
	37	Create one or more biosecurity focussed cross-industry organisations to build primary sector skill and resilience.	Support	DairyNZ supports the Act enabling the creation of one or more biosecurity focussed cross-industry organisations to build primary sector skill and resilience. We support an integrated, co-governed, and sustainably funded biosecurity system. We would like to explore the option of a dedicated animal health organisation that delivers biosecurity services across readiness, response, traceability, on-farm practices, and long-term management, with alignment/consolidation of levying provisions. Please see body of our submission for more information.
Liability protection for GIA partners	38 ★	Amend Part 5A to state that this confers functions on GIA Signatories to make joint decisions under the Deed and Operational Agreements.	Support	DairyNZ supports protection against liability, losses, damages, costs and expenses incurred in the event of a legal claim relating to joint decision for GIA partners.
Faster emergency declarations	39 ★	Change the decision-maker for a biosecurity emergency from the Governor-General to the Minister for Biosecurity.	Support	We support efficient process and timely decisions for declaration of a biosecurity emergency as time is critical in the event of an FMD outbreak.
Biosecurity practices	40	Add a general biosecurity duty in the Biosecurity Act.	Have concerns	We would support a principled approach that sets a clear standard of what is expected of those dealing with risk goods or engaged in activities that may pose biosecurity risks. DairyNZ would like to be engaged further if this proposal is to be progressed. We have concerns this could be vague and broad reaching if not appropriately defined. Please see body of our submission for more information.

	41	Expand the range of risk management plans that can be set through regulations under the Act.	Have concerns	Setting clear expectations of good biosecurity practices is important but there is a risk that this approach would not provide flexibility, creating further compliance and administrative burden on farmers. Please see body of our submission for more information.
	42	Add provisions to the Act to enable greater use of the risk-based regulatory model where businesses are required to develop their own risk management plan.	Support in-principle	DairyNZ supports a risk-based regulatory model with a farm management plan function as it allows solutions to be tailored at the farm level, with focus on the outcomes to be achieved instead of prescriptive controls or requirements. This is our preferred approach to encouraging good biosecurity practices if it aligns with the Food Safety model, which is pragmatic and a good balance of effort to risk. Please see body of our submission for more information.
Minor technical amendment to section 100ZA (minor and technical)	43	Amend section 100ZA to add a power for the Minister to “unrecognise” an industry body when a sector withdraws from the GIA.	Support	DairyNZ considers this a sensible technical amendment.

Long-term management proposals

Theme	Proposal No. (★= MPI preferred option)	Proposal	DairyNZ Position	DairyNZ Response
Pest and pathway management and small-scale management programmes	44 ★	Simplify the process to create national or regional pest and pathway management plans.	Support	DairyNZ supports simplifying the process of developing National Pest and Pathway Plans. The <i>M. bovis</i> transition from a response under the GIA to a National Pest Management Plan has posed challenges, and has been a time and resource intensive process for industry. Please see body of our submission for more information.
	45 ★	Enable (but not require) integrated pest and pathway management plans.	Support	DairyNZ support being able to broaden scope of existing National Pest Management Plans to include other pests or pathways. This will provide greater flexibility and adaptability for plans. Please see body of our submission for more information.
	46 ★	Enable (but not require) the ability to have consolidated levies for NPMPs.	Support	DairyNZ supports consolidation of levies for National Pest and Pathway Plans. We also support pest management under the GIA framework as per Proposal 36. Please see body of our submission for more information.
	47 ★	Make it easier for regional councils to create small-scale management programmes (SSMPs).	Support	This proposal seems sensible.
	48 ★	Enable management agencies to provide exemptions from rules in NPMPs.	Support in-principle	DairyNZ is generally supportive, but this proposal may require management agencies to consider equity and consistency when providing exemptions.
	49 ★	Enable more than one legal entity to share management agency responsibilities.	Support in-principle	DairyNZ is generally supportive, but this may make plans more difficult to administer.
	50 ★	Enable management agencies and regional councils the function of issuing permits for pests in NPMPs or RPMPs.	Support	This proposal seems sensible.
	51 ★	Enable regional councils to remove exemptions from a regional pest or pathway management plan rule before the end of the original time frame.	Support	This proposal seems sensible.
Alignment of long-term management outcomes	52 ★	Enable multiple National Policy Directions for Pest management to be made.	Have concerns	With multiple National Policy Directions, it may be difficult to ensure consistency, or clarity on which one is most appropriate to use in certain situations. More detail is needed.
	53 ★	Enable new regulations to be made to create nationally consistent baseline objectives, policies or rules for pest management.	Have concerns	DairyNZ does not support a prescriptive approach to setting baseline objectives, policies or rules for pest management without adequate involvement and engagement from industry during the development process.
	54A	Strengthen section 55 by requiring that the party that is assigned responsibility must take action to manage the harmful organism or pathway.	Have concerns	This may give the Minister powers to require action from other parties without sufficient evaluation to be done.

	54B ★	Streamline the process set out in the regulations to remove unnecessary steps or duplication.	Support	This proposal seems sensible.
	54C	Repeal section 55 of the Act and revoke its associated regulations.	Have concerns	Section 55 seems like a useful mechanism to retain.
Management of unwanted organisms and notifiable organisms	55 ★	Amend section 52 to define “communicate” in relation to a pest or unwanted organism.	Support	This proposal seems sensible.
	56 ★	Enable a chief technical officer to tailor the application of sections 52 and 53 when declaring an unwanted organism.	Support	This proposal seems sensible.
	57 ★	Align the permissions for exemptions contained in section 53(2) with those in section 52.	Support	This proposal seems sensible.
	58 ★	Clarifying in the Biosecurity Act how unwanted organism status can be removed and making this process more efficient.	Support	This proposal seems sensible.
	59 ★	Include a new transitional provision for all unwanted organisms to expire after five years.	Have concerns	DairyNZ would support a process where the list of organisms losing their Unwanted Organism status is communicated or consulted on to provide transparency and an opportunity to be impacted industries. We note this proposal could create an administratively burdensome exercise.
	60 ★	Improve the management of notifiable organisms.	Support	This proposal seems sensible.
Minor and technical	61	Changing the name of the term “Unwanted Organisms” to “Controlled Organisms”.	Support	No preference.
Definitions related to unauthorised goods	62A ★	Provide a definition for ‘New Zealand-born progeny’ in section 2 of the Biosecurity Act.	Support	No preference.
	62B ★	Amend the definition of “goods” in section 2 of the Biosecurity Act to include planted trees or plants alongside moveable personal property.	Support	No preference.
	62C	Amend the definition of “risk goods” in section 2 of the Biosecurity Act to include the New Zealand-born progeny of unauthorised goods.	Support	No preference.
	62D ★	Amend the definition of “unauthorised goods” to include the New Zealand-born progeny of unauthorised goods.	Support	No preference.
Minor and technical	63	Amendment to section 115 (use of dogs and devices).	Support	This proposal seems sensible.

Surveillance and interfaces with Department of Conservation administered legislation

Theme	Proposal No. (★= MPI preferred option)	Proposal	DairyNZ Position	DairyNZ Response
Interaction with the Freshwater Fisheries Regulations 1983	64	Enable the Biosecurity Act to take precedence over sports fishing benefits.	Support	This proposal seems sensible.
	65	Enable the Biosecurity Act to take precedence over sports fishing benefits following agreement from a chief technical officer.	Support	This proposal seems sensible.
	66	Enable biosecurity powers, functions or duties to take precedence over other provisions where a fish is also an unwanted organism.	Support	This proposal seems sensible.
	67	Amend the Biosecurity Act to require Ministerial decision-making if a regional council and Fish and Game Council do not agree.	Support	This proposal seems sensible.
Surveillance and interaction with the Marine Mammals Protection Act 1978	68 ★	Change the purpose of Part 4 by enabling monitoring for pests, notifiable organisms, unwanted organisms, and other organisms that may cause infections, diseases or unwanted harm.	Support	This proposal would clarify the scope of surveillance under Part 4 of the Act and support surveillance of endemic pests and diseases. This may also help enable WOA reporting requirements.
	69 ★	Include a reference to the Marine Mammals Protection Act in the Biosecurity Act.	Support	This proposal seems sensible.
Interaction with the Wild Animal Control Act 1977	70 ★	Clarify that regional councils can enter private land to control wild animals.	Have concerns	It would be operationally easier for regional councils to enter private land to control wild animals. Although no change in policy intent, there may be some sentiment from private landowners of 'overstepping'.
	71 ★	Make a technical amendment to section 7(5) of the Biosecurity Act to correct a reference to conservation land.	Support	Clarified wording technical amendment.