

SUBMISSION ON

Regulatory Systems (Primary Industries) Amendment Bill

06 May 2024

To: Primary Production Committee

Name of Submitter: Horticulture New Zealand

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OVERVIEW

Submission structure

- 1 Part 1: HortNZ's Role
- 2 Part 2: Submission and tabulated proposed amendments.

Our submission

Horticulture New Zealand (HortNZ) thanks Primary Production Committee for the opportunity to submit on the Bill and welcomes any opportunity to continue to work with Primary Production Committee] and to discuss our submission.

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

The details of HortNZ's submission and decisions we are seeking are set out in our submission below.

HortNZ's Role

Background to HortNZ

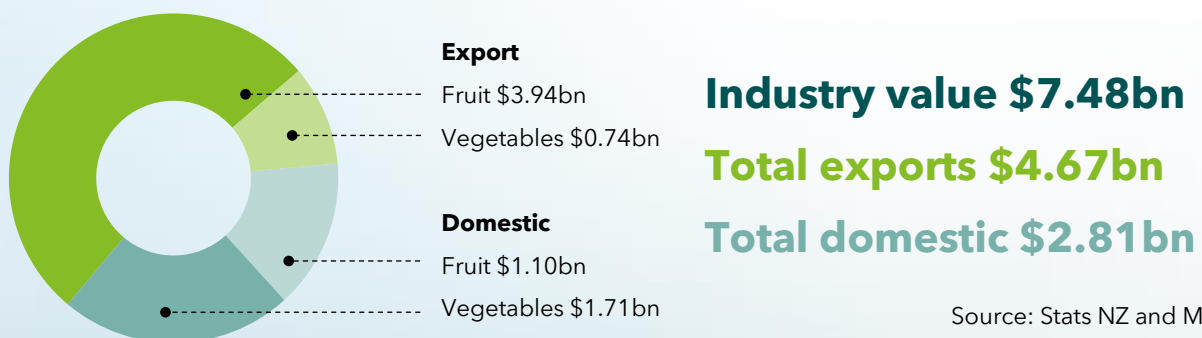
HortNZ represents the interests of approximately 4,200 commercial fruit and vegetable growers in New Zealand who grow around 100 different fruits and vegetables. The horticultural sector provides over 40,000 jobs.

There are approximately 80,000 hectares of land in New Zealand producing fruit and vegetables for domestic consumers and supplying our global trading partners with high quality food.

It is not just the direct economic benefits associated with horticultural production that are important. Horticulture production provides a platform for long term prosperity for communities, supports the growth of knowledge-intensive agri-tech and suppliers along the supply chain; and plays a key role in helping to achieve New Zealand's climate change objectives.

The horticulture sector plays an important role in food security for New Zealanders. Over 80% of vegetables grown are for the domestic market and many varieties of fruits are grown to serve the domestic market.

HortNZ's purpose is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand.



Submission

HortNZ supports the omnibus Bill, and the purpose to improve regulatory systems by ensuring that they are effective and efficient and that they accord with best regulatory practice.

1. Part 5 - Amendments to the Biosecurity Act

HortNZ has specific comments with changes proposed to the Biosecurity Act, where we consider the changes proposed go beyond the purpose of the Bill.

1.1. Removal of the need to consult on minor amendments.

Our concern is the lack of a clear definition that explains what constitutes a “minor amendment”. There is a previous history of amendments that have been considered minor by Wellington-based regulators (such as changing a commodity description) but that potentially have more than minor effects on biosecurity risks and/or have unintended negative impacts on primary producers.

We recommend the wording is changed so the only amendments that can be made without consultation are minor clarifications or corrections.

1.2. Declaration of controlled area notice

Our concern is that if the declaration is only published in the gazette or on the MPI website it will not be seen by most of the target audience, resulting in worse biosecurity outcomes as people are unaware of the requirements.

We recommend amending this to make advertising in newspapers, including news websites, mandatory and this should be accompanied by at least one of the other methods.

2. Part 10 - Repeal of Food Safety Law Reform Act 2018

Our concern is that this Bill seeks to repeal the entire Food Safety Law Reform Act without explanation or consultation. It is unclear to us whether the amendments to the Food Act 2014 that are contained in Part 1 of the Food Safety Law Reform Act are no longer deemed necessary or whether the Food Act 2014 has since been amended and this Reform Act is no longer required.

We request clarification as to why the Food Safety Law Reform Act 2018 is no longer deemed necessary.

Submission on Bill Provisions

Without limiting the generality of the above, HortNZ seeks the following decisions on the bill as set out below, or alternative amendments to address the substance of the concerns raised in this submission and any consequential amendments required to address the concerns raised in this submission.

Additions are indicated by bolded underline, and deletions by strikethrough text.

Provision	Act being amended	Support/oppose	Reason	Decision sought
106	Biosecurity Act Section 131 3 A	Oppose	The concern is that if a controlled area notice is only advertised in the gazette or on the MPI website it will not be seen by most of the target audience, resulting in worse biosecurity outcomes as people are unaware of the requirements.	<p>106 Section 131 amended (Declaration of controlled area)</p> <p>(1) In section 131(2), replace “in a newspaper, or by radio or television announcement, or otherwise as the chief technical officer or management agency considers effective and appropriate” with “given in accordance with subsection (3A)”.</p> <p>(2) In section 131(3), replace “in a newspaper, or by radio or television announcement, or otherwise as the chief technical officer or management agency considers effective and appropriate” with “given in accordance with subsection (3A)”.</p> <p>(3) After section 131(3), insert:</p> <p>(3A) A public notice must be published by <u>publication in all major metropolitan daily newspapers on at least 2 occasions and</u></p>

Provision	Act being amended	Support/oppose	Reason	Decision sought
				<p>in 1 or more of the following ways, as determined by the chief technical officer:</p> <p>(a) by notice in the Gazette:</p> <p>(b) by publication in all major metropolitan daily newspapers on at least 2 occasions:</p> <p>(c) by publication, either temporarily or permanently, on the Ministry's public Internet site:</p> <p>(d) in any other manner that the chief technical officer is reasonably satisfied will ensure that the matter is sufficiently notified to the public.</p> <p>(3B) In deciding which methods of notification are most appropriate in any particular case, the chief technical officer must consider–</p> <p>(a) the nature and significance of the matter required to be notified; and</p> <p>(b) the characteristics and geographical spread of members of the public with an interest in the matter</p>

Provision	Act being amended	Support/oppose	Reason	Decision sought
119	Biosecurity Act Section 166B (1) b	Oppose	Our concern is that some of amendments that may be considered minor by a Wellington-based regulator, such as a commodity description, could potentially have more than minor effects on risks within the biosecurity system or impacts on primary producers.	<p>166B Making instruments that make minor amendments or correct minor or technical errors:</p> <p>(1) The test in this section is met if the maker of an instrument is satisfied that–</p> <p>(a) the instrument that is to be made (the new instrument) amends or replaces an instrument made under this Act (the affected instrument); and</p> <p>(b) the amendment or replacement of the affected instrument is minor clarifying amendment in effect or corrects a minor or technical error.</p> <p>(2) However, if the maker considers that 1 or more parts of the new instrument do not meet the test in subsection (1)(b), the full requirements for making the instrument apply in respect of those parts only.</p>
248	Repeal of Food Safety Law Reform Act 2018	Oppose	Our concern is that, in the absence of contextual information, repealing an entire Act does not constitute a small regulatory or minor technical change	Clarification as to why the 54 amendments to the Food Act 2014 detailed in the Food Safety Law Reform Act 2018 are no longer required.