

# **DRAFT CANTERBURY REGIONAL PEST MANAGEMENT PLAN**

**Under the Biosecurity Act 1993**

**Supplementary Staff Report**

**8 February 2018**

1. Following the provision of the draft Regional Pest Management Plan and Staff Report to the Hearing Panel on 8 December 2017, Staff have identified an issue with Plan Rule 6.4.3 relating to Bennett's Wallaby.
2. Plan Rule 6.4.3 provides that:
 

*No person shall keep, hold, enclose or otherwise harbour any Bennett's wallaby in or on any place in the Canterbury region outside of the Wallaby Containment Area shown on Map 2 in Appendix 4.*
3. Within the Wallaby Containment Area, occupiers are required to control Bennett's wallaby densities on land they occupy to at or below Level 3 on the Guilford Scale. However, there is no corresponding rule that provides that no person shall keep, hold, enclose or otherwise harbour any Bennett's wallaby within the Wallaby Containment Area. This is an oversight in the rules.
4. Whilst feral populations are already established within the Wallaby Containment Area, efforts are required to maintain or reduce wallaby densities. Allowing persons to keep or harbour Bennett's wallaby within the Containment Area may undermine these efforts and sends the wrong signal given the significant adverse environmental and economic effects that Bennett's wallaby are capable of causing.
5. Sections 52 and 53 of the Biosecurity Act 1993 (**BSA** or **Act**) cannot be solely relied on to address this issue. The prohibitions set out in section 52 of the BSA only apply to the release or spread of the pest, not the holding of the pest, and the duties of owners of pests set out in section 53 of the BSA would only apply in circumstances where a Bennett's wallaby is being offered for sale or is being held for breeding purposes.
6. Therefore, Staff respectfully seek that the Hearing Panel amends Plan Rule 6.4.3 as follows so that the rule applies region wide:

**Plan Rule 6.4.3**

No person shall keep, hold, enclose or otherwise harbour any Bennett's wallaby in or on any place in the Canterbury region ~~outside of the Wallaby Containment Area shown on Map 2 in Appendix 4.~~

A breach of this rule creates an offence under section 154N(19) of the Act.

**Explanation of rule**

The purpose of this rule is to prevent humans actively attempting to establish feral populations outside of the Containment Area and to ensure that efforts to control Bennett's wallaby densities within the Containment Area are not undermined by persons keeping wallabies. Exemptions to the rule will cater for case by case applications to keep wallabies for public benefit, e.g. research, zoos or any other use.

It is in the long term interests of the region's inhabitants outside of the Wallaby Containment Area that biodiversity and economic well-being values are protected from the adverse effects brought about by the presence of wallabies.

7. The amendments sought to Plan Rule 6.4.3, and the explanation of the rule, meet the requirements of section 73 and 74 of the BSA. In particular, the amendments to the rule will assist in achieving Plan Objective 6 in accordance with section 74(e)(i) of the Act and the amendments to the rule will not trespass unduly on the rights of individuals in accordance with section 74(e)(ii) of the BSA. Staff are aware of a

wallaby park in Waimate that would be affected by the amendments sought and there may be other non-commercial operators currently holding wallabies. However, as referred to in the explanation to the rule, persons may apply for an exemption under section 78 of the Act which will cater for case by case situations.

8. The amendments sought to Plan Rule 6.4.3 are consistent with the submissions received that generally seek greater reductions in wallabies and that more is done to implement the sustained control programme.