

**MONITORING REPORT ON  
THE STATE OF THE  
RECOMMENDATIONS TO THE  
DIRECTOR-GENERAL OF  
MAF CONCERNING THE  
IMPORTATION OF MARRON**

**PCE REPORT  
1/12/1990**





*Office of the*  
**PARLIAMENTARY COMMISSIONER FOR THE ENVIRONMENT**  
Te Kaitiaki Taiao a Te Whare Pāremata

5 November 1990

TO: Parliamentary Commissioner for the Environment  
FROM: Office Solicitor  
SUBJECT: **MONITORING REPORT** on the state of the Recommendations  
in your Report to the Director-General of the Ministry of  
Agriculture and Fisheries concerning **THE IMPORTATION OF  
MARRON**

The Government has taken action on a number of the recommendations in your June 1988 Report on the Importation of Marron.

Your Report pointed out that the importation or introduction of an exotic animal into New Zealand is a serious matter and should be approached with caution. Your Report made a number of recommendations: these are summarised below in italics with the same references and in the same order as the original report, followed by progress since that time.

- (a) *The Animals Act 1967 needs to be amended. There should be a presumption against importation or introduction of exotic species. Decisions must be based on sufficient information as to the possible impacts on ecosystems.*

The Animals Act was amended in 1990. The Minister of Agriculture and Fisheries is now required to have regard to a number of matters, including possible harmful effects that the animals might have on natural resources.

The Minister remains in the position of having to justify refusal; the amendment does not shift the presumption to make out a case on to the applicant for a permit.

- (i) *Environmental impact assessment should be carried out prior to the decision being taken.*

The amendment to the Act lists matters which the Minister of Agriculture and Fisheries must take into account before granting a permit; these are matters which would appropriately be dealt with in an environmental impact assessment. Unfortunately the Minister is given no guidance as to the relative importance of the matters to be taken into account.

- (ii) *No permit should be granted for an exotic animal species which, based on an environmental impact assessment would, or may have a significant adverse effect on ecosystems.*

The amendment provides that a permit shall not be granted if the animal species when established would be likely to cause substantial damage to natural resources.

There is a difference between the wording you recommended and the amendment. The Animals Act now requires that the damage be substantial; arguably this requires that the damage be of considerable amount. In contrast, a "significant effect" is an important effect.

- (iii) *There should be criteria in the Act to guide Ministers on matters to be taken into account.*

These are now provided in the amended section 13 of the Act. Unfortunately the Minister is given no guidance as to the relative importance of the matters to be taken into account.

- (iv) *The onus should be on the proposed importer to provide information material to the importation decision.*

The amended legislation does not do this.

- (v) *The Minister of Conservation should be a party to the decision to import.*

The amending Act requires that in the case of exotic species, the Minister of Agriculture and Fisheries also has regard to the views of the Minister for the Environment and the Minister of Conservation.

- (vi) *Authority for post-import management and control needs to be clearly provided for.*

The amendment gives the Director-General of the Ministry of Agriculture and Fisheries power to maintain control by way of imposing conditions in the permit, or by regulation.

Section 26ZM of the Conservation Law Reform Act 1990 requires the prior consent of the Minister of Conservation to the release of exotic aquatic species in a new location, including their transfer to an existing or a new fish farm.

These measures should improve post-import control.

- (vii) *The meaning of the words "import" and "introduce" should be clarified.*

This has not been done.

- (b) *The Ministry of Agriculture and Fisheries should as a matter of priority establish clear procedures for handling proposals for the introduction of exotic biota.*

A Working Group, which included officials from the Ministry of Agriculture and Fisheries, the Department of Conservation and the Ministry for the Environment has been working to develop criteria for the introduction of genetically modified organisms and exotic biota. The procedures were to be augmented by a Hazards Control Commission proposed in the Resource Management Bill.

- (c) *There is a need to continue the investigation into the impacts of the disease risks of marron, and for quarantine conditions to apply to marron.*

The marron were kept in quarantine until July 1989 when the Minister of Agriculture and Fisheries was advised that the conditions for release from quarantine had been met. At that time a licence to farm marron was granted to Koru Aquaculture Limited.

- (d) *The Ministry of Agriculture and Fisheries should carry out an urgent review of the decision to grant an import permit for marron.*

The decision to grant an import permit was not reviewed.

- (e) *Restrictions on marron should be maintained.*

The EIA prepared for the importation permit is described in your Report as "totally inadequate"; a further environmental impact assessment has been made but not yet been made available to the public or to your Office.

The licence granted under the Freshwater Fish Farming Regulations 1983 requires the licensee to keep the marron on the fish farm at all stages of their life cycle. No more shipments of marron have been permitted and no further licences to farm marron have been granted.

- (f) *It appeared to be the case that marron could be legally farmed without a licence.*

*The recommendation that the Freshwater Fish Farming Regulations be reviewed has not been acted on.*

Marron have been gazetted as a fish covered by the Freshwater Fish Farming Regulations, and a licence to farm has been issued under the Regulations.

I RECOMMEND that you brief the Minister of Agriculture and Fisheries, the Minister of Conservation, and the Minister for the Environment on the recommendations contained in your Report, and call for the environmental impact assessment on marron to be made publicly available. Only if the EIA satisfactorily addresses the risks and concludes that marron are not likely to have a significant effect on ecosystems, should any decision be taken to grant new licences to farm or import marron.



Marion Sanson  
Solicitor

Available for Release



HELEN R HUGHES

Parliamentary Commissioner for the Environment