

**BEFORE THE HEARINGS PANEL AT
MACKENZIE DISTRICT COUNCIL,
COUNCIL CHAMBERS, FAIRLIE**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of the hearing of submissions on
Plan Change 27 to the Mackenzie
District Plan

STATEMENT OF EVIDENCE OF BRENT KLEISS

FOR THE NEW ZEALAND PORK INDUSTRY BOARD

02 MAY 2024

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SUMMARY STATEMENT

1. This statement of evidence has been prepared in relation to a submission from the New Zealand Pork Industry Board (“**NZPork**”) on the Mackenzie District Council’s Proposed Plan Change 27 to the Mackenzie District Plan.
2. The scope of my evidence focuses on the obligations of people to manage pests and unwanted organisms under the Biosecurity Act 1993.
3. In my opinion, earthworks that may be required under Biosecurity Act 1993, are ancillary rural earthworks in a primary production setting.
4. Any person, including farmers and food producers is legally required to comply with any Notice of Direction under the Biosecurity Act 1993. Depending on the circumstances, that may include a direction to destroy stock and it may include a direction not to move any organisms, organic material or risk goods off-site. It may not be appropriate in those cases for actions to be delayed or prevented by the requirement to obtain a resource consent.

QUALIFICATIONS AND EXPERIENCE

5. My name is Brent Anthony Kleiss. I am the Chief Executive of NZPork.
6. Prior to joining NZPork in 2021, I was employed by the Ministry for Primary Industries (MPI) for 13 years, including five years as a Chief Quarantine Officer with Biosecurity New Zealand and warranted under the Biosecurity Act 1993 before moving to a role as Principal Advisor in stakeholder and industry engagement with the Public Affairs Branch of MPI.
7. I hold a Bachelor of Science degree majoring in Biology from Canterbury University.

SCOPE OF EVIDENCE

8. I have been asked to provide some evidence for this hearing on the following matters:
 - The role and function of NZPork;

- The approach of NZPork to biosecurity; and
 - The obligations of pig farmers under the Biosecurity Act 1993.
9. I am not an expert in the types of unwanted organisms and pests that may affect pigs, or appropriate technical responses to manage such incursions. However, I do have a background in understanding the obligations imposed on persons under the Biosecurity Act 1993, including compliance with Notices of Direction, and this is the focus of my evidence.
 10. In preparing this evidence, I have been advised of the Environment Court's Code of Conduct for Expert Witnesses and confirm that I have prepared this evidence in accordance with the Code. My qualifications and experience are set out above. While I am an employee of NZPork, I confirm that the opinions expressed in this evidence are my own professional opinions except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

ROLE OF NZPORK

11. The New Zealand Pork Industry Board is a statutory board established under the Pork Industry Board Act 1997. The Board is funded by compulsory levies paid by pig farmers.
12. The object of the Board is to help attain the best possible net ongoing returns for New Zealand pigs, pork products and co-products, and to support the pork industry to make the best possible on-going contribution to the New Zealand economy.
13. An essential part of attaining these objectives is ensuring pig farming meets or exceeds expectations around environmental and social responsibility.
14. As pigs are monogastric animals they have much lower biogenic methane emissions than ruminant livestock. Therefore, the pork industry potentially has an important role in reducing greenhouse gas (GHG) emissions, while ensuring people have access to high quality and affordable animal protein.

COMMERCIAL PIG FARMING IN NZ

15. The commercial pig farming industry in New Zealand is small by international standards, with less than 90 registered commercial pork producers nationally in 2023. These farmers produce just over 600,000 pigs annually, with a rolling four-year average value of over 196 \$m (2020-2023). Ninety-five percent of our farmers have NZPork Pigcare Accreditation.
16. In New Zealand, pigs are farmed using a spectrum of models from indoor farming systems to outdoor free-farmed and free-range systems. Outdoor production relies on flat land, low rainfall and free-draining soils, so most outdoor farms are situated in Canterbury. Some pig farmers specialise in pork production only, while others farm pigs in conjunction with other activities, including sheep and beef, arable and dairy farming.
17. As mentioned above, pigs are monogastric animals, so require concentrated, highly specialised diets for optimal nutrition. Therefore, pig farmers rely on a combination of grains, grazing (in outdoor situations) and supplementary feeds, including [human] food waste.
18. The role that pig farming may play in reducing biogenic methane emissions from food waste is part of a current study by the Office of the Prime Minister's Chief Science Advisor in the project, "Food resource, food waste" (pmsca.ac.nz). This project started in April 2022. So far, two reports have been produced: *Report 1 – Food waste: A global and local problem*; and *Report 2 – Food rescue in 2022: Where to from here?* In 2023, the plan is to produce and publish two further substantive reports, including Report 3 – exploring options for capturing value from food waste that isn't prevented or rescued, such as upcycling, **conversion to animal feed**, composting, and anaerobic digestion [emphasis added]

19. New Zealand pork producers form an integral part of the rural economy: they utilise other farming resources such as grains for feed, provide a source of organic fertiliser which is high in nitrogen, and provide employment. Pig farming also potentially has a significant role in a low-emissions, circular economy.

BIOSECURITY IN PIG FARMING

20. The New Zealand pork industry is recognised internationally for its high health status. Major diseases that affect domestic pigs elsewhere are not found in New Zealand, including African Swine Fever (ASF) and Porcine Reproductive and Respiratory Syndrome (PRRS). Hence, live pig imports are not allowed into New Zealand and pig farms have strict biosecurity protocols.
21. NZPork provides guidelines for on-farm biosecurity standards. Including stand-down periods. All persons, vehicles and equipment that enter a pig farm must have had no contact with pigs or pig facilities for at least 24 hours before they enter a pig farm. The same stand-down period applies after contact with or visits to slaughterhouses, diagnostic laboratories, and saleyards. This means people who work in or regularly visit pig farms cannot own domestic pigs, to reduce the risk of spreading disease.
22. In addition to a 24-hour stand-down period, all vehicles that have entered a piggery in the past must be washed before entering another pig farm. In the undesirable circumstance that the farm does not provide footwear and/or clothing, all footwear must be scrubbed clean and soaked in a registered disinfectant for 15 minutes prior to use.
23. Many farms also employ 'shower in- shower out' protocols for all employees and visitors, and staff who are sick, particularly with flu-like or diarrhoea-like symptoms, or who have been in close contact with persons with such symptoms, must not work with pigs or have contact with co-workers. MPI requests that any person who has had contact with livestock in a Foot and Mouth (FMD) infected country stays away from any contact with livestock including pigs in New Zealand for one week.

24. Many farms operate at a higher level of biosecurity and may have more stringent requirements that need to be followed.
25. Despite our high herd health status internationally, 60% of pork products consumed in New Zealand are made from imported pork product. This product is mostly in the form of cured meats (ham and bacon) and some chilled cuts which are deemed low risk for a biosecurity incursion by MPI. However, this aspect of the pork industry carries with it a need for additional vigilance compared with a scenario where no imported product is allowed into New Zealand.
26. To that end, NZ Pork was the second primary industry group to sign a General Industry Agreement (GIA) with MPI to manage biosecurity risk, in July 2014.
27. A GIA and any accompanying Operational Agreement (OA) may be made between the Government and any primary sector organization under s100Y of the Biosecurity Act 1993. It outlines both readiness activities which will be undertaken by the Government and the industry to prepare, prevent or reduce the impact of an unwanted organism if it were to enter New Zealand; and response activities – the actions which will be employed after the detection of an unwanted organism or the appearance of different effects from an unwanted organism.
28. The GIA/OA's can specify unwanted organisms that will be acted against, the agreed readiness and responsiveness activities, decision-making protocols, cost-sharing agreements, compensation, how the parties will engage on other biosecurity matters, and any other matters as agreed.

OBLIGATIONS UNDER THE BIOSECURITY ACT 1993

29. A core part of maintaining New Zealand's high biosecurity status is having a robust framework for both avoidance of and response to any actual or potential biosecurity incursion.
30. The Biosecurity Act 1993 sets out the legal framework for our biosecurity system in New Zealand, including pre-border, border and post-border activities.

31. The administering minister is the Minister for Primary Industries, though the Minister can (and does) delegate responsibilities to technical officers and also to regional councils (for pest management).
32. The Biosecurity Act 1993 manages both pests and unwanted organisms. Both terms are defined in the Biosecurity Act 1993. In summary, a pest is any organism specified in a pest management plan (which can be a national or regional plan). An unwanted organism is any organism that a chief technical officer believes is capable or potentially capable of causing harm to natural or physical resources or human health. There are some exemptions for organisms approved under the Hazardous Substances and New Organisms Act 1996 (HSNO Act 1996)
33. Under Part 4, s44 of the Biosecurity Act 1993, any person has a legal obligation to inform MPI of the presence of what appears to be an organism that is not normally found or otherwise detected in New Zealand (with some exceptions for management of organisms under HSNO Act 1996).
34. In addition, under s45 of the Biosecurity Act 1993, the Minister has the power to declare any organism a notifiable organism. This can include organisms that are found in all, or part of New Zealand, which are managed as pests under a pest management plan.
35. No person may knowingly communicate, cause to be communicated, release or cause to be released, or otherwise spread any pest or unwanted organism in New Zealand except in accordance with a pest management plan, an emergency regulation made under s150 of the Biosecurity Act 1993, or with the authority of the Minister or Chief Technical Officer.
36. If a person is in charge of an organism which they know or think may be harbouring or contain an unwanted organism, they must not sell or exhibit the organism or undertake any action that may propagate, breed or multiply the pest or unwanted organism.
37. Part 6 of The Biosecurity Act 1993 gives MPI officials extensive powers in relation to properties where a pest or unwanted organism is potentially present; and

places extensive obligations on the owners and occupiers of those organisms and properties.

38. MPI officials have the power to enter property, detain people, search, record information, seize evidence and intercept risk goods. Under s121 of the Biosecurity Act 1993, a Chief Technical Officer has the power to inspect, examine, sample, destroy or otherwise treat any organism, organic material or any other goods or material on site; or may direct a person to bring an infected organism in a specific manner, to a specific place, on a specific day, for a specific purpose.
39. Under section 121(4) of the Act, it is an offence for a person not to comply with such a direction. If they do not comply, the officer has the power to capture, pen or muster any livestock, or to kill or destroy them.
40. Similarly, under s122 of the Biosecurity Act 1993, an inspector or authorised person may direct the occupier of any place or the owner or person in charge of any organism or risk goods, to:
 - treat any goods, water, place, equipment, fitting or other thing contaminated with a pest or unwanted organism; or
 - destroy any pest or unwanted organism, or any organism, organic material or thing that on reasonable grounds may harbour a pest or unwanted organism; or
 - take any other steps to prevent the spread of any pest or unwanted organism.
41. Under s130 of the Biosecurity Act 1993, an inspector or authorised person can declare a place to be a restricted place to stop the spread of an unwanted organism or pest; or an area a controlled area under s131 of the Act.
42. On a restricted place, no person may remove any organism, organic material or risk goods or any other goods that may have been in contact with those items; or introduce any goods to the place unless allowed by the authorised person. Organisms, organic material and risk goods on a restricted place may

be isolated, confined or stored in the manner decided by the inspector or authorised person.

43. Similarly, in a controlled area, the inspector or other authorised person may restrict, regulate or prohibit the movement of organisms, organic material or risk goods to, within or from the area, and may specify the appropriate treatment for those items.
44. Moving infected material is high risk particularly where there might be risk of airborne transmission en route to a destination or spread at the destination point. Suitable facilities may be some distance away or subject to other constraints e.g. a notice prohibiting receiving infected material or animal carcasses
45. When, where and how such restrictions may apply would depend on the nature of the pest or unwanted organism being managed, and may not apply in all cases. My point is, whether, when and how such restrictions may apply is determined by the authorised person under the Biosecurity Act 1993, and a person who comes under that direction has no choice but to comply.
46. Section 7A of the Biosecurity Act 1993 outlines the circumstances when the Minister may override Part 3 of the Resource Management Act 1991. The provision is limited to circumstances where an organism is not known to be established in New Zealand or is established in New Zealand but restricted to certain parts; and it has the potential to cause one or more significant economic loss, adverse effects on human health, or significant environmental loss if it becomes established in New Zealand or throughout New Zealand.
47. Therefore, in my opinion, the thresholds for the override may not be met in all cases, for example, a Notice of Direction to manage pests, or to manage an unwanted organism that may affect pigs but not other livestock, given the size of the pig farming industry in New Zealand.

Brent Kleiss

2nd May 2024