

OIA21-0303

12-May-2021

Wendy McGuinness
wmcg@mcguinnessinstitute.org

Dear Wendy

Thank you for your email of 11 March 2021 requesting information relating to verification reports published by the Ministry for Primary Industries (MPI). Your request has been considered under the Official Information Act 1982 (OIA).

Please find a response to each part of your request below;

Q4 (a): Has MPI completed a review of a verification report (e.g. 2020) or a group of verification reports over time (e.g. 2010-2020)?

- *If no, please explain what organisation (other than MPI) is responsible for reading and reviewing the verification reports to ensure actions have been taken (where required) and were implemented correctly and consistently over time? Please provide their contact details.*

Following each audit, the corresponding report drafted by the verifier is peer reviewed internally by other qualified verifiers. If the peer review results in any feedback or comments, these are addressed, and the report adjusted accordingly. The report is then sent to the Facility Operator or relevant delegates. MPI does not complete bulk reviews of verification reports as this part of your request suggests. Each report relates to a specific facility and therefore each report is reviewed against the specific standards and conditions of said facility. No external organisation agency, other than MPI, is responsible for reading and reviewing these reports.

Q4 (f): Who is responsible for reviewing the actions taken by MPI in response to the content of the verification reports?

As mentioned previously, MPI reports are reviewed internally on a case by case basis as audits are completed.

Q4 (g): What is the protocol that triggers compliance? In particular what would need to be stated in a verification report to trigger an action?

MPI reports are based on the findings of the routine verification. For example, Transitional Facilities are verified against standards that are publicly available at the following link;

<https://www.mpi.govt.nz/legal/compliance-requirements/transitional-facilities-standards/>

If the facility breaches any requirement of the standard that they are approved to, MPI will request the Facility Operator actions the non-compliance identified.

Q4 (h): What fees or penalties/punishments would AgResearch be liable for/held to account if they fail to comply at a point in time or over time? Please explain.

Possible actions are described in the Biosecurity Act 1993 (Part 8, Enforcement, offences, and penalties). The Biosecurity Act 1993 can be found at the link below.

<https://www.legislation.govt.nz/act/public/1993/0095/latest/DLM314623.html>

Q4 (i): The issues in the verification reports, both in isolation and together, are in our view significant. Why have these issues not been dealt with? (please explain in more detail; ideally directing us to any guidance/protocols/reports and/or processes).

All non-compliances identified during the verifications and detailed in the reports are followed up by MPI until they have been addressed in accordance with the relevant standards and approvals. At the time of writing this response there are no open non-compliances for AgResearch.

Q5: (a): Can you clarify the cost per hour to MPI verses the cost per hour charged by MPI to AgResearch? Our understanding is that MPI is currently charging an hourly rate for audit/inspection to AgResearch of \$25.57 (see invoices in Appendix 2). However, MPI (page 2 of your letter) states the current rates for services are set at \$102.27 (general inspector) and \$186.30 (veterinary inspector).

In regard to your queries relating to cost recovery, the hourly rates for biosecurity audit services are set at \$102.27 (for each general inspector involved) and \$186.30 (for each veterinary inspector involved). The services are charged in 15-minute units in accordance with the Biosecurity (Costs) Regulations 2010 (found in the link below).

<https://www.legislation.govt.nz/regulation/public/2010/0135/latest/DLM3000501.html>

Regulation 7 of the Biosecurity (Costs) Regulations 2010 specifies that charges that are payable at an hourly rate must be calculated by:

- adding together the total number of 15-minute units spent by an inspector or a biosecurity adviser on an activity; and
- multiplying the total number of units by 25% of the applicable hourly rate.

Each invoice has a column named "Quantity" that indicates the number of units charged. The '\$25.57' amount you have mentioned in your request refers to the 15-minute unit rate.

Q5: (b): Can you provide more information to explain how the system works in practice? Our aim is to understand the skill level of those supplying the verification services and writing the verification report; this includes what are their terms of reference (what are they being paid to do and look for), how long are they in the facility, and what is their level of expertise.

Each verifier possesses a Tertiary qualification in relevant discipline and completes specific training before being able to verify a facility. All verifiers are warranted under the Biosecurity Act 1993 and the Hazardous Substances and New Organisms (HSNO) Act 1996. Verifiers' competency is maintained through an annual calibration process, regular technical meetings, a three-yearly one-on-one review of the verification process, and regular peer reviews. The verifiers job is to verify that each approved facility maintains compliance with the relevant standards and approvals. Therefore, all verifications are completed using the appropriate

standards and approvals as reference. The time spent onsite is variable and is affected by several factors such as facility size, scope of the visit, number and type of approvals, facility performance, number and type of organisms held, etc. Verifiers will stay onsite for as long as required in order to conduct a satisfactory verification.

HSNO approvals can be found on the Environmental Protection Authority website:

<https://www.epa.govt.nz/>

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with the Ministry for Primary Industries at [REDACTED]. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143 or at info@ombudsman.parliament.nz.

Yours sincerely

[REDACTED]

[REDACTED]
Director Verification Services