

19<sup>th</sup> May 2008

**Re: Devanning of personal effects**

Dear Sir or Madam

MAF Biosecurity New Zealand (MAFBNZ) initiated a new standard for managing general transitional facilities that took effect on 1 February 2009.

One of the key changes presented in the new standard was the intention to cease the historical practice of devanning personal effects at residences. The current system has been the subject of strenuous criticism from many quarters as being unable to provide the level of biosecurity protection New Zealand needs and deserves. Following industry feedback, the deadline for implementing this specific change was moved to 1 August 2009 in recognition of the current economic environment and the desire to minimise the financial impacts upon the associated industries.

The New Zealand Overseas Movers' Association (NZOMA) approached MAFBNZ seeking engagement on an equivalence proposal around devanning of personal effects at residences. This is an appropriate time to bring you up to speed with what this means.

**What is meant by 'equivalence'?**

As used here the term 'equivalence' is unlikely to crop up day-to-day and may not be familiar to all of you. The term comes from one of the principal agreements of the World Trade Organisation, and one to which New Zealand is a signatory. ([http://www.wto.org/english/tratop\\_e/sps\\_e/sps\\_agreement\\_cbt\\_e/c2s9p1\\_e.htm](http://www.wto.org/english/tratop_e/sps_e/sps_agreement_cbt_e/c2s9p1_e.htm)). Whilst recognising every nation's right to protect itself from damaging pests and diseases, the WTO also recognises the need to conduct safe, rules-based trade. Equivalence essentially provides a mechanism for parties to propose a biosecurity measure that is equally protective in a biosecurity sense, but which also minimises undue costs and impacts upon trade.

**Is this a new concept?**

MAFBNZ already recognises a number of equivalence arrangements across a range of areas. For it to endorse a proposal two things must be satisfied: firstly, the measures must truly be equivalent, that is they must provide an equal or superior level of protection to the original measure; secondly, the proposal must be realistic in terms of the ability of the system to implement and sustain it (this includes realistic costs of doing so, etc.). The discussions between NZOMA and MAFBNZ have been constructively exploring these two aspects of the proposal.

**Who gets to use it if it's finally agreed?**

No exclusive rights can be granted by the Crown to the use of an equivalence; this means that any member of the public is entitled to know the requirements of an approved equivalence and, *if they meet the same requirements themselves*, are at liberty to employ it on the same basis as the originator, and to the same commercial advantage. Further, the right to do so is free; they owe nothing to either the Crown or the originator of the equivalence arrangement in doing so.

**What does this mean for the 1 August deadline?**

MAFBNZ has agreed that if a viable equivalence proposal is established, but not quite ready for the 1 August deadline, consideration will be given to moving that implementation deadline out by the minimum amount necessary to complete the work. In this way the government hopes to minimise any undue economic strain upon the businesses

**How will we know what's going on?**

In the same way you've come to learn of this now. MAFBNZ will advise you as the work progresses. You can also contact Tania Marinas ([tania.marinas@maf.govt.nz](mailto:tania.marinas@maf.govt.nz)) or Mose Saseve ([mose.saseve@maf.govt.nz](mailto:mose.saseve@maf.govt.nz)) for further information.

Kind regards

A handwritten signature in blue ink, appearing to read "Clive Gower-Collins".

Clive Gower-Collins  
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