



COMPENSATION FOR LOSSES INCURRED DURING A BIOSECURITY RESPONSE

MPI works hard with all New Zealanders to control and eradicate unwanted Pests and Diseases in order to help Protect and Grow all of New Zealand.

Sometimes these 'response activities' may cause some financial loss to individuals and businesses. Under the Biosecurity Act 1993 (section 162A) those affected may be entitled to claim compensation.

Important Note:

This document is intended as general guidance and is not to be regarded as legal advice.

What is a Compensation claim?

Compensation CAN be claimed if:

- The loss was **caused by an MPI response**, and
- The loss was a **direct result of property being damaged or destroyed**, or
- **Restrictions have been imposed on the movement or disposal of goods**, which have caused loss, and
- The **loss can be verified**, and
- Claimants have taken **all reasonable steps to mitigate their losses**, and
- Claims are **lodged within 12 months** of the Loss occurring.

Compensation CANNOT be claimed if:

- The **loss was caused by the unwanted pest or disease**, as opposed to the exercise of powers.
- The loss was suffered **before the exercise of powers commenced**.
- **The claimant failed to comply** with Biosecurity law in a serious or significant way, or in a way that contributed to the presence or the spread of the organism being eradicated or managed.
- **The Goods are unauthorised** (i.e. imported items not cleared).
- The claim is submitted **more than 12 months** from the loss being incurred.
- **NOTE: If the claimant takes actions 'above and beyond' the instructions given directly by MPI they cannot claim for this as compensation.**
- **NOTE: If the claimant is not directly affected by the exercise of powers they cannot claim under the Act.**

Response “operational” costs - separate to a compensation claim

If a person has been instructed or contracted by MPI to assist with a response, they may be eligible to claim-back these operational costs e.g. labour to remove and destroy at-risk plants.

Claimants should provide an itemised GST invoice to the response team.

What do the claimants need to do?

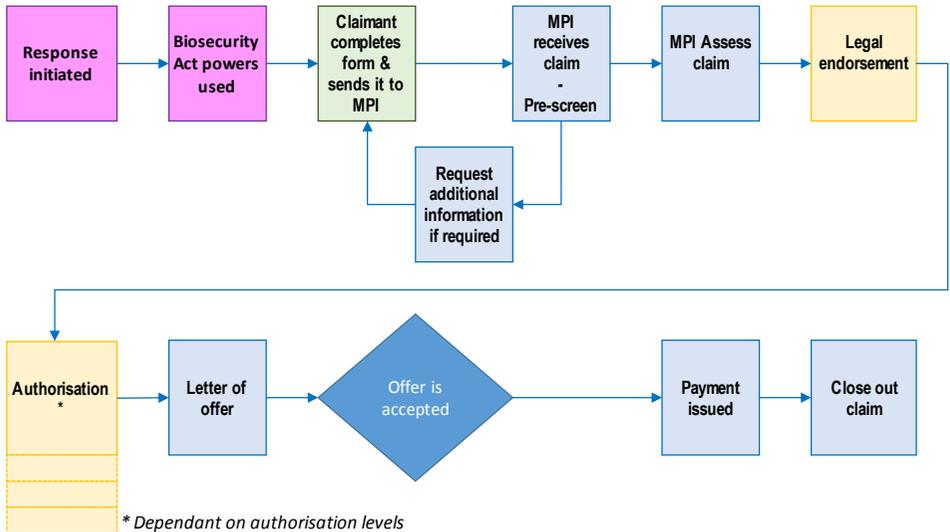
- Claimants need to **complete and submit their claim form**, within **12 months** of the loss occurring, along with **any supporting documents**.
- Claimants must **provide proof of their losses**, and they are required take **reasonable steps in order to mitigate any ongoing losses**.

More information on the claim form and process is available on the [MPI website](#), or by contacting the Compensation coordinator.

What happens when the claim form is submitted to MPI?

Once MPI has received the claim, the compensation team will check it for completeness, and may need to go back to the claimant for further information. When the claim has been assessed, MPI may recommend an offer of payment, which will need to be authorised.

High level compensation claim process flow chart:



The time it takes to assess and authorise the claim will depend on a number of different factors, such as **claim type, information provided, and value** - The larger the value of the claim, the higher this may have to go within MPI, or the Minister, or Cabinet in order to authorise the claims payments.

While MPI will make all endeavours to pay claims as soon as possible, there are a number of steps including consultation with other parties, which can add time to the process.

When, and how often, can a compensation be claimed?

Depending on the individual circumstances, a claimant may want to submit a single final claim, or alternatively they can submit separate claims at different stages throughout the Response if they wish.

Where can I get more information?

For general information about claiming compensation, please contact the MPI
Compensation Coordinator:

Contact details for the Compensation Coordinator are:

Phone: 04 894 0055

E-mail: compensationcoordinator@mpi.govt.nz

Fax: 04 894 0720

Postal Address: Ministry for Primary Industries

PO Box 2526 WELLINGTON 6140

Website <http://www.mpi.govt.nz/law-and-policy/legal-overviews/biosecurity/biosecurity-act-compensation/>

NOTE: MPI is unable to provide legal advice to claimants.