



## WHERE CAN I GET MORE INFORMATION?

Electronic versions of this Compensation Brochure, the Guide to Completing a Claim for Compensation and the Compensation Claim Form are available at:

[www.biosecurity.govt.nz/biosec/compensation](http://www.biosecurity.govt.nz/biosec/compensation)

Hard copies of the above website documents may be obtained from the Ministry for Primary Industries (MPI) by contacting the **Compensation Co-ordinator** by phone, email, fax, or surface mail, using the following contact details:

**Tel:** 0800 00 83 33  
**E-mail:** [compensationcoordinator@mpi.govt.nz](mailto:compensationcoordinator@mpi.govt.nz)  
**Fax:** 04-894 0720  
**Postal Address:** Ministry for Primary Industries  
PO Box 2526  
WELLINGTON 6140

# COMPENSATION FOR DAMAGES INCURRED DURING A BIOSECURITY RESPONSE

This document is only a summary of section 162A of the Biosecurity Act and does not constitute legal advice. Eligibility for compensation is determined under section 162A which is available at: **Biosecurity Act 1993 section 162A**

## AM I ELIGIBLE?

**YES**, if:

1. Your loss was caused by the exercise of powers under the **Biosecurity Act 1993** for the purpose of eradicating or managing an organism<sup>1</sup>; AND
2. Your loss resulted from damage or destruction of your property, or from restrictions placed on the movement or disposal of your goods; AND
3. Your loss is verifiable; AND
4. You have been unable to mitigate your loss by taking every step that is reasonable in the circumstances.

**NO**, if:

1. Your loss was caused by the organism itself; OR
2. Your loss related to goods not given biosecurity clearance to enter New Zealand; OR
3. Your loss was suffered before the time at which the exercise of powers under the Biosecurity Act began; OR
4. You failed to comply with biosecurity law in a serious or significant way, OR in a way that contributed to the presence of the organism being eradicated or managed, OR in a way that contributed to the spread of the organism; OR
5. One year or more has elapsed since your loss occurred.

## WHAT ASSISTANCE IS AVAILABLE?

1. The Ministry for Primary Industries (MPI) will assist a person who is subject to the exercise of Biosecurity Act powers to identify options for mitigating their loss wherever possible, if the person requests that MPI do this.
2. General assistance about compensation under section 162A of the Biosecurity Act can be obtained from MPI. Please note that MPI is unable to provide legal advice to claimants.
3. The success of a claim will generally not be influenced by the use of professional legal, accounting or secretarial assistance. The cost of using these services lies with the claimant.

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<sup>1</sup> This includes any organism declined by the Environmental Protection Authority (EPA) including those specified in schedule 2 of the Hazardous Substances and New Organisms (HSNO) Act 1996.

## WHAT COULD I START TO DO AS A POTENTIAL/PROSPECTIVE CLAIMANT?

1. Identify and implement options for mitigating your loss as soon as possible, and if you need assistance, contact the **Compensation Co-ordinator** at MPI (see the contact details above).
2. If you are affected by Biosecurity Act movement controls imposed under a controlled area notice you could request a permit to continue movement of goods (including animals) under certain conditions and retain evidence of your request. MPI will consider requests for such permits on a case-by-case basis.
3. If you decide to make a claim for compensation, it must be lodged with MPI within one year of the loss occurring.
4. Document your loss as thoroughly as possible. Accurate documentation is essential.
5. Provide documents to support your claim (e.g. receipts, invoices, bank statements) and keep copies until a final decision is made on the claim.

## HOW DOES IT WORK?

1. As soon as possible and within one year of your loss, complete the Compensation Claim Form and submit it together with your supporting documents to MPI.
2. Your claim will be assessed by MPI under section 162A of the Biosecurity Act.
3. You may be asked to provide extra information.
4. MPI will assess whether you are eligible for compensation and may send you a compensation offer.

## WHAT ELSE DO I NEED TO KNOW?

1. You can submit more than one claim if further losses become apparent within a year of the initial loss. Subsequent claims must exclude losses already claimed for in previous claims.
2. MPI will make every effort to settle claims within a reasonable time. Expert advice may be sought before an offer of compensation is made.
3. You can ask MPI to reconsider a claim decision.
4. You can seek arbitration if no agreement is met over eligibility or the amount of compensation.