

5. Under your heading **Consultation**, there are two points that need to be refuted. Firstly, no authority under the Wildlife Act has been granted retrospectively for 1080 operations, although some permissions have been revoked and new permissions granted prior to the activity commencing. Secondly, under section 57 of the Wildlife Act, all wildlife (other than wildlife in Schedule 5) is deemed to be vested in the Crown, although it is acknowledged that protected wildlife is a taonga for New Zealanders.
6. It is not surprising there are very different consultation practices for different circumstances. The extent of appropriate consultation will always be a consideration for any operation, but there is no implication from the Supreme Court's decision which suggests that DOC needs to urgently improve its consultation practices.
7. 1080 is one of the most researched toxins in the world and there is already considerable information about its use. The EPA has approved it as a hazardous substance that can be used in New Zealand and the Ministry of Primary Industries has approved it under the Agricultural Compounds and Veterinary Medicines Act 1997. As you are aware 1080 has been investigated by the Parliamentary Commissioner for the Environment. It is appropriate to recognise this information when considering the extent of consultation. This does not mean that consultation does not occur for 1080 operations, but it is appropriate to limit such consultation to the effects of a specific operation in a particular location. Comparing the consultation for shark cage diving undertaken by a commercial tourist operator for its own benefit and being a relatively new activity in New Zealand with the consultation on a very long-standing activity of pest control is not appropriate.
8. Under your heading **Health and safety risks to third parties**, it appears that you have misconstrued the position in the Court of Appeal. The issue was one of "safety of the public", which is significantly different from "health and safety". Having said that, when using any hazardous substance including 1080 baited pellets (note that poison dust is a misleading description and suggests an operation similar to crop dusting which is not the case with 1080 pellets), safety issues of those likely to be in the area is considered. Considerable efforts are made to ensure that people are made aware of operations, although exact timing of an operation may be difficult due to weather events. People are not generally, as a matter of course, restricted from going into areas where there is going to be or has been a recent operation, but people are informed so they are able to make their own choices about whether to proceed given their perception of risk to their well-being. They are also informed of sensible measures including not touching or consuming any bait they may come across. Your suggestion that the only advice provided to those using backcountry huts is a "knock on the door" is incorrect.
9. In relation to your final substantive paragraph, I reiterate that DOC has taken its legal responsibilities seriously. DOC has reviewed its current authorisations for the use of 1080, including in relation to the Wildlife Act. There is nothing in the Supreme Court's decision on the offence provisions relating to shark cage diving which has direct implications for the authorisations being granted in relation to use of 1080. You claimed

there was “ongoing high rate of kill of endangered kea, mohua and other wildlife”. This statement is false. There is hard evidence, gathered over many pest control operations, that point to the benefits to species populations from the use of aerial 1080. The use of 1080 cereal pellets does not result in “deadly poison dust”. The risk to humans is a public safety matter, but there is no substantive evidence about the risks you raise.

10. DOC will continue to research other methods to deal with predator pests but at this stage the benefits of using 1080 to native species far outweigh the risks.

Kind regards

A handwritten signature in blue ink, appearing to read 'M Kessick', with a horizontal line underneath.

Martin Kessick
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