



DECISION

Date	13 March 2014
Application Code	APP202039
Application Type	Determination of whether or not any organism is a new organism under section 26 of the Hazardous Substances and New Organisms (HSNO) Act 1996
Applicant	Ministry for Primary Industries (MPI)
Date Application Received	3 February 2014
Consideration Date	7 March 2014
Considered by	A decision-making committee of the Environmental Protection Authority (the Committee) ¹ : <ul style="list-style-type: none">• Dr Deborah Read (Chair)• Dr John Taylor
Purpose of the Application	To determine whether <i>Agathis silbae</i> , <i>Agathis dammara</i> , <i>Agathis borneensis</i> , <i>Agathis kinabaluensis</i> and <i>Agathis atropurpurea</i> are new organisms for the purposes of the HSNO Act

1. Decision

1. The Committee has determined under section 26 of the Hazardous Substances and New Organisms (HSNO) Act 1996 that *Agathis silbae*, *Agathis dammara*, *Agathis borneensis*, *Agathis kinabaluensis* and *Agathis atropurpurea* are new organisms.

2. Application and consideration process

2. The application was formally received on 3 February 2014.
3. The information that the Committee took into consideration included:
 - The application;
 - Comments from the Department of Conservation; and
 - Internal staff advice.

¹ The Committee referred to in this decision is the subcommittee that has made the decision on this application under delegated authority in accordance with section 18A of the Act.

4. The determination was made in accordance with section 26 of the HSNO Act. Applications under section 26 of the HSNO Act do not require public notification.
5. In accordance with section 26(2) of the HSNO Act, the Department of Conservation, as the most likely government department or Crown entity to hold further relevant information regarding the five *Agathis* species, was given the opportunity to comment.

Reason for the Decision

6. For an organism to be determined to be a new organism under section 26 of the HSNO Act, the organism must be shown to meet section 2A of the HSNO Act.
7. The Committee noted that the following section 2A(1) Act criteria were not applicable to this determination as the five *Agathis* species;
 - have not been prescribed as risk species (section 2A(1)(b));
 - have not been approved to be held in containment or released with controls (sections 2A(1)(c) (ca) and (cb));
 - are not genetically modified organisms (section 2A(1) (d)); and
 - have not been eradicated from New Zealand (section 2A(1)(e)).
8. The Committee evaluated the available information regarding the five *Agathis* species against the section 2A(1)(a) criterion: a new organism is “*an organism belonging to a species that was not present in New Zealand immediately before 29 July 1998*”.
9. The Committee noted that while there is certain evidence that trees purported to be *Agathis silbae*, *Agathis dammara*, *Agathis borneensis*, *Agathis kinabaluensis* and *Agathis atropurpurea* are currently growing in New Zealand, at this moment there is significant doubt regarding the origin of these plants, when/how they entered New Zealand, and the formal identification of these plants to species level.
10. Taking into account all the available information, the Committee considered that *Agathis silbae*, *Agathis dammara*, *Agathis borneensis*, *Agathis kinabaluensis* and *Agathis atropurpurea* meet the definition of new organisms as defined in section 2A(1)(a) of the HSNO Act, as the organisms belong to species that were not present in New Zealand immediately before 29 July 1998.
11. The Committee noted that if it can be shown that the species were present in New Zealand immediately before July 29 1998, new determinations can be sought under section 26(3) of the HSNO Act.

Conclusion

12. In accordance with section 26 of the HSNO Act, and having regard to the relevant information, the Committee has determined that *Agathis silbae*, *Agathis dammara*, *Agathis borneensis*, *Agathis kinabaluensis* and *Agathis atropurpurea* are new organisms.

13 March 2014

Dr Deborah Read
Chair, Decision Making Committee
Environmental Protection Authority

Date