

OIA20-0111

20 MAR 2020

T Austen  
fyi-request-12329-95f414ba@requests.fyi.org.nz

Dear T Austen

## OFFICIAL INFORMATION ACT REQUEST

Thank you for your official information request on 28 February 2020 relating to information on Controlled Area Notices (CANs) in the Waitākere Ranges. Your request has been considered under the Official Information Act 1982 (OIA).

I shall quote and respond to each of your questions below.

*Who is responsible for enforcing the Waitākere Ranges controlled area notice?*

The Biosecurity Act 1993 allows a Biosecurity New Zealand Chief Technical Officer to appoint authorised persons to administer and enforce the Act. Auckland Council Environmental Officers have been appointed to enforce the CANs in the Waitākere Ranges.

*Who is responsible for prosecuting breaches of the Waitākere Ranges CAN? For example, is it MPI or Auckland Council?*

Under the Criminal Procedure Act 2011, any authorised person can commence a proceeding. Therefore, either Biosecurity New Zealand or Auckland Council could prosecute for a breach of the CAN in the Waitākere Ranges.

*How does the process work? For example, does Auckland Council request you to place a CAN over each track after it has been upgraded?*

The implementation of CANs is done on a case by case basis and in discussion with land owners. As previously explained in our letter to you on 17 December 2019 (OIA19-0763), discussions between Biosecurity New Zealand, Auckland Council and the Department of Conservation has addressed how additional tools, including the use of CANs, closures and track ambassadors, could be used to manage the spread of kauri dieback.

**Readiness & Response Services**  
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Following these discussions, the applications of CANs was identified as being the most appropriate tool to assist with the management of soil movement in the Waitākare Ranges.

You have the right under section 28(3) of the OIA to seek an investigation and review by the Ombudsman of this response.

Yours sincerely

A handwritten signature in blue ink, consisting of several overlapping loops and a long, sweeping tail that extends to the right.

Angela Brownie  
**Acting Director Readiness & Response Services**