



# Staff Assessment Report

<b>Application code:</b>	APP203943
<b>Application type and sub-type:</b>	Statutory Determination
<b>Applicant:</b>	Royal New Zealand Institute of Horticulture
<b>Date application received:</b>	16/05/2022
<b>Purpose of the document:</b>	Information to support the consideration of the determination of 40 species in the genus <i>Rhododendron</i>

## Executive Summary

Application APP203943 submitted by the Royal New Zealand Institute of Horticulture seeks a determination on the new organism status of 40 *Rhododendron* species in New Zealand.

The applicant provided evidence that the plant species have been found and collected continuously from many different locations in New Zealand and established before 29 July 1998.

After reviewing the information provided by the applicant, EPA staff recommend that *Rhododendron archboldianum*, *R. bagobonum*, *R. blackii*, *R. burtii*, *R. christiana*, *R. dianthosmum*, *R. ericoides*, *R. fallacinum*, *R. gracilentum*, *R. herzogii*, *R. himantodes*, *R. hyacinthosmum*, *R. inconspicuum*, *R. intranervatum*, *R. kawakamii*, *R. laetum*, *R. lanceolatum*, *R. lowii*, *R. luraluense*, *R. majus*, *R. malayanum*, *R. maxwellii*, *R. micromalayanum*, *R. orbiculatum*, *R. pauciflorum*, *R. rarum*, *R. retivenium*, *R. rhodopus*, *R. rubineiflorum*, *R. rugosum*, *R. santapau*, *R. searleanum*, *R. solitarium*, *R. stapfianum*, *R. superbum*, *R. taxifolium*, *R. womersleyi*, *R. yongii*, *R. zoelleri*, and *R. zollingeri* are not new organisms for the purpose of the HSNO Act.

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## Introduction

1. On 16 May 2022, the Royal New Zealand Institute of Horticulture applied to the EPA under section 26 of the HSNO Act seeking a determination on the new organism status of 40 *Rhododendron* species (see Table 1).
2. Section 2A(1) of the HSNO Act prescribes that a new organism is, in part, an organism belonging to a species that was not present in New Zealand immediately before 29 July 1998. It is against that criterion that we evaluated the evidence available for the organisms in the application.

## Organism descriptions

3. *Rhododendron* is the largest genus in the family Ericaceae with more than 800 wild species. The woody plants are native to the temperate regions of Asia, North America, and Europe as well as the tropical regions of southeast Asia and northern Australia.
4. *Rhododendron* species can be found from sea level to 6,000 meters in a variety of habitats such as alpine regions, coniferous and broadleaved woodlands, temperate rainforests, and tropical jungles (Rhodygarden ND).

Taxonomic Unit	Classification
<b>Order</b>	Ericales
<b>Family</b>	Ericaceae
<b>Subfamily</b>	Ericoideae
<b>Tribe</b>	Rhodoreae
<b>Genus</b>	<i>Rhododendron</i>
<b>Species</b>	<i>R. archboldianum</i> Sleumer (1960) <i>R. bagobonum</i> H.F.Copel. (1929) <i>R. blackii</i> Sleumer (1973) <i>R. burtii</i> P. Woods (1978) <i>R. christiana</i> Sleumer (1960) <i>R. dianthosmum</i> Sleumer (1963) <i>R. ericoides</i> Low ex Hook.f. (1852) <i>R. fallacinum</i> Sleumer (1960) <i>R. gracilentum</i> F.Muell. (1889) <i>R. herzogii</i> Warb. (1892) <i>R. himantodes</i> Sleumer (1940) <i>R. hyacinthosmum</i> Sleumer (1973) <i>R. inconspicuum</i> J.J.Sm. (1915) <i>R. intranervatum</i> Sleumer (1961) <i>R. kawakamii</i> Hayata (1911) <i>R. laetum</i> J.J.Sm. (1914) <i>R. lanceolatum</i> Ridl. (1912) <i>R. lowii</i> Hook.f. (1852) <i>R. luraluense</i> Sleumer (1935)

	<i>R. maius</i> (J.J.Sm.) Sleumer (1960) <i>R. malayanum</i> Jack (1822) <i>R. maxwellii</i> Gibbs (1914) <i>R. micromalayanum</i> Sleumer (1973) <i>R. orbiculatum</i> Ridl. (1912) <i>R. pauciflorum</i> King & Gamble (1905) <i>R. rarum</i> Schltr. (1918) <i>R. retivenium</i> Sleumer (1960) <i>R. rhodopus</i> Sleumer (1960) <i>R. rubineiflorum</i> Craven (1980) <i>R. rugosum</i> Low ex. Hook.f. (1852) <i>R. santapau</i> Sastry et al. (1969) <i>R. searleanum</i> Sleumer (1973) <i>R. solitarium</i> Sleumer (1963) <i>R. stapfianum</i> Hemsl. ex Prain (1911) <i>R. superbum</i> Sleumer (1960) <i>R. taxifolium</i> Merr. (1926) <i>R. womersleyi</i> Sleumer (1960) <i>R. yongii</i> Argent (1982) <i>R. zoelleri</i> Warb. (1892) <i>R. zollingeri</i> J.J.Sm. (1910)
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**Table 1: Taxonomic description**

5. The name *Rhododendron* comes from the Greek *rhodos*, meaning “rose”, and *dendron*, meaning “tree”. *Rhododendrons* can be either evergreen or deciduous, with highly variable size and height. They are generally covered with large clusters of flowers from late winter to summer with colourful blossoms (pink, white, red, yellow, cream, mauve, blue, purple, orange). Flowers have many forms from tubular, starry, bell and bowl shaped, large and small (Nichol's ND).

## Evidence regarding its presence in New Zealand

### Historical Background

6. *Rhododendron* was formally described by Carl Linnaeus in 1753 (Wikipedia 2019). Nowadays, the Chamberlain (1996) classification is the most used among botanists. It is based on key morphological characteristics, such as the presence of leaf scales (“lepidote *rhododendrons*”), deciduousness of leaves, and the floral and vegetative branching patterns, to divide the *Rhododendron* species in eight subgenera: *Azaleastrum* (16 species), *Candidastrum* (1 species), *Hymenanthes* (224 species), *Mumeazalea* (1 species), *Pentanthera* (23 species), *Rhododendron* (462 species), *Therorhodon* (2 species), and *Tsutsusi* (80 species). However, the Chamberlain (1996) classification is under constant revision and larger subgenera were further subdivided into sections and subsections (Wikipedia 2019).
7. Most cultivated *rhododendron* species are hybrids resulting from the cross-pollination of different species. The progeny of such crosses have larger flowers, different colours or better resistance to harsher climates. Hybrids have vernacular names such as ‘Pink Pearl’ or ‘Unique’ (Rhodygarden ND).

8. Wild and hybrid *Rhododendron* species remained rare in gardens before 1914. The release of Millais' book and various expeditions in Asia helped grow the interest for *Rhododendron* species. Several New Zealand enthusiasts started to import plants mainly from English nurseries. One of them, Edgar Stead, became well known for his collection and his own hybrids such as 'Ilam Orange' and 'Loderi'. He was the first president of the New Zealand Rhododendron Association, which helped promote the growing of rhododendrons (Yeates 1972).

### Evidence for the presence of *Rhododendron* spp. in New Zealand

9. EPA staff have reviewed the entirety of the evidence provided by the applicant. However, due to the abundant evidence provided by the applicant for each species, this advice document only focuses on the most relevant evidence for the purpose of the application.

#### *Rhododendron archboldianum* Sleumer (1960)

10. *Rhododendron archboldianum* was first recorded in New Zealand in 1986. The species was brought to New Zealand by Michael Cullinane and Graham Smith from Papua New Guinea (PNG) (Smith 2009 p33).
11. A specimen was planted in Pukeiti (New Plymouth) in 1986 and was still alive in 2008 (PRT 2008b p1). In 2000, the species was also listed in Vireya Vine (a review published by the education committee of the *Rhododendron* species foundation) as cultivated in New Zealand in Cullinane collection (Smith EW 2000),
12. The plant was offered for sale by the Pukeiti Rhododendron Trust a few times between 2004 and 2020 (PRT 2004, PRT 2006, PRT 2016, PRT 2018, PRT 2019, PRT 2020).
13. *Rhododendron archboldianum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron bagobonum* H.F.Copel., 1929

14. *Rhododendron bagobonum* was first recorded in New Zealand in the 1980s, when Keith Adams introduced this species from Borneo (Argent 2008). More specimens were brought to Pukeiti from Borneo by K. Adams in the 1980s (Argent 2008 p4), in 1990 (PRT 1989-1990) and in 2008 (PRT 2008b). One specimen planted in 1990 was still alive in 2008 (PRT 2008b).
15. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in Binney, Cullinane and Pukeiti collections (Smith EW 2000),
16. *Rhododendron bagobonum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron blackii* Sleumer, 1973

17. *Rhododendron blackii* was first recorded in New Zealand in 1983 when Graham Smith brought back cuttings from PNG for Pukeiti (PRT 1955-1995a). Some of the plants propagated in 1983 were still alive in 2008 (PRT 2008b).
18. More specimens were brought to Pukeiti in 1989 and 1990 (PRT 1989-1990). The plant was also offered for sale by the Pukeiti Rhododendron Trust in 1990, 1993 and 2004 (PRT 1990, ARS 1993, PRT 2004) and by the Brown nursery in 1999 and 2001 (Gaddum 1999a, Gaddum 2001).
19. *Rhododendron blackii* was listed in the Pukeiti collection in 2017 (TRC 2017).

### *Rhododendron burtii* P. Woods, 1978

20. *Rhododendron burtii* was first recorded in New Zealand in 1990 in Pukeiti (PRT 1955-1995a) and was still alive in 2001 (PRT 2001c).
21. More specimens were brought to Pukeiti in 1992 and 2003 (PRT 1989-1990, PRT 2008b). In 1994, M. Cullinane mentioned that he had two plants growing in his collection in Levin; one in a hanging basket and one in a 5 litre pot with seedlings appearing regularly (Cullinane 1994 p53).
22. In January 2000, the species was listed in Vireya Vine as cultivated in New Zealand in the Binney, Cullinane, Kenyon and Pukeiti collections (Smith EW 2000), as well as in the Clark collection in 2001 (Clark 2001).
23. *Rhododendron burtii* was listed in the Pukeiti nursery in 2018 (TRC 2018).

### *Rhododendron christiana*e Sleumer, 1960

24. *Rhododendron christiana*e was first recorded in New Zealand in 1975 when E. Pernott provided specimens to Pukeiti (PRT 1955-1995a). One plant was still alive in 2008 (PRT 2008b p2). More specimens were brought to Pukeiti between 1984 and 1990 (PRT 1955-1995a, PRT 1989-1990). Some of these plants propagated in 1984 and 1990 were still alive in 2008 (PRT 2005).
25. In 1983, Isel Park (Nelson), Pukeiti and Riverwood nurseries (Banks Peninsula) were listed as growers for this species of *Rhododendron* (Smith 1983). Pukeiti Rhododendron Trust continued to propose *R. christiana*e for sale between 1987 and 1992 (PRT 1987a, PRT 1989b, PRT 1990, PRT 1991a, PRT 1992b). Other nurseries, including Duncan and Davies in 1989 (D&D 1989), Brown in 1999 (Gaddum 1999a), and Jury in 2000 (Jury 2000), also offered this plant at least once in their catalogue.
26. In 1997, the species was listed as growing in the Clark collection (Clark 1997) and in 2000 it was also listed in Vireya Vine as cultivated in New Zealand in Binney, Cullinane, Currie, Pukeiti collections (Smith EW 2000).
27. *Rhododendron christiana*e was listed in the Pukeiti nursery in 2018 (TRC 2018).

### *Rhododendron dianthosmum* Sleumer, 1963

28. *Rhododendron dianthosmum* was first recorded in New Zealand in 1983, when it was held in the Pukeiti collection (Smith 1983).
29. In 1987, the species was listed in Vireya Vine as cultivated in New Zealand (Smith EW 1987). More specimens were brought to Pukeiti in 1985 and 1989 (PRT 1955-1995a, PRT 1989-1990). The specimen planted in 1989 was still alive in 2005 (PRT 2005a).
30. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in Binney, Blumhardt, Cullinane, Currie, Kenyon, and Pukeiti collections (Smith EW 2000).
31. *Rhododendron dianthosmum* was listed in the Pukeiti nursery in 2018 (TRC 2018).

### *Rhododendron ericoides* H.Low ex Hook.f., 1852

32. *Rhododendron ericoides* was first recorded in New Zealand in 1983, a specimen was collected by K. Adams from Borneo and sent to Pukeiti Gardens (The Rover 1992). More specimens were brought to Pukeiti in 1980, 1984, and 1997 (PRT 1955-1995a, Smith 1984). The specimen planted in 1997 was still alive in 2008 (PRT 2008b).

33. In 1987, the species was listed as cultivated in New Zealand in Vireya Vine (Smith EW 1987), and again in the 2000 issue, as present in Binney, Cullinane, and Pukeiti collections (Smith EW 2000). In 2001, it was also listed in the Clark collection (Clark 2001).

34. *Rhododendron ericoides* was listed in the Pukeiti collection in 2017 (TRC 2017b).

#### *Rhododendron fallacinum* Sleumer, 1960

35. *Rhododendron fallacinum* was first collected in Borneo and brought back to New Zealand by O. Blumhardt in 1979 (Adams 1996a).

36. More specimens were brought to Pukeiti between 1980 and 1998 (The Rover 1992, PRT 1998d). The specimens planted in 1989, 1998 and 2001 were still alive in 2008 (PRT 2008b). The plant was offered for sale by the Pukeiti Rhododendron Trust in 1998, 1999, 2000, and 2004 (PRT 1998a, PRT 1999, PRT 2000a, and PRT 2004).

37. In 2000, *R. fallacinum* was listed in Vireya Vine as cultivated in New Zealand in Binney, Blumhardt, Cullinane, Currie, Kenyon, and Pukeiti collections (Smith EW 2000) and in the Clark collection in 2001 (Clark 2001).

38. *Rhododendron fallacinum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron gracilentum* F.Muell., 1889

39. *Rhododendron gracilentum* was first recorded in New Zealand in 1960 when it was brought by Womersley & Slade (Argent 2015 p179-180).

40. Some specimens planted in Pukeiti in 1976, 1983 and 1986 were still alive in 2008 (PRT 2008b). The species was listed in Blumhardt collection in 1987 (Ballard 2015 p39), in Binney, Cullinane, Currie, Kenyon, and Pukeiti collections in 2000 (Smith EW 2000) and in the Clark collection in 2001 (Clark 2001).

41. The plant has been offered for sale by few nurseries from 1983 to 1999 (Smith 1983 p14, ARS 1995 p4, PRT 1996 p12, Gaddum 1999a p247).

42. *Rhododendron gracilentum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron herzogii* Warb., 1892

43. *Rhododendron herzogii* was first recorded in New Zealand in 1976 in the Pukeiti (PRT 1955-1995a) and was still alive in 2008 (PRT 2008b). More specimens were brought to Pukeiti between 1983 and 1992 (PRT 1988a, PRT 1989-1990, PRT 1989-1990). Some plants that arrived in 1983 and 1986 were still alive in 2008 (PRT 2008b p3).

44. The species was offered for sale by Riverwood Nurseries in 1983 (Smith 1983), and by Pukeiti in 1983, 1985, 1992 and 2012 (PRT 1983a, PRT 1985a, PRT 1992a, PRT 2012). It was listed as cultivated in the Koromiko collection in 1987 (Ballard 2015 p39), and in 2000, in the Binney, Cullinane, Currie, Kenyon and Pukeiti collections (Smith EW 2000).

45. *Rhododendron herzogii* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron himantodes* Sleumer, 1940

46. *Rhododendron himantodes* was first recorded in New Zealand in 1990 when it was propagated at Pukeiti (PRT 1989-1990). More specimens were brought to Pukeiti between 1991 and 1998 (PRT 1985-1992, PRT 1998d, PRT 2001c). Some plants that arrived in 1997 and 1998 were still alive in 2005 (PRT 2005a).

47. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in the Binney, Blumhardt, Cullinane, Currie, Kenyon, Pukeiti collections (Smith EW 2000 p5), as well as in the Clark collection in 2001 (Clark 2001).

48. *Rhododendron himantodes* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron hyacinthosmum* Sleumer, 1973

49. *Rhododendron hyacinthosmum* was first recorded in New Zealand in 1983 when G. Smith provided specimens from PNG to Pukeiti. Some of those specimens were still alive in 2005 (PRT 2005a).

50. More specimens were brought to Pukeiti between 1988 and 2008 (PRT 1988a, PRT 1989-1990, PRT 2008b). The plant was offered for sale by the Pukeiti Rhododendron Trust in 1991, 2019 and 2020 (PRT 1991a, PRT 2019, PRT 2020).

51. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in the Binney, and Cullinane collections (Smith EW 2000 p5).

52. *Rhododendron hyacinthosmum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron inconspicuum* J.J. Sm, 1915

53. *Rhododendron inconspicuum* was first recorded in New Zealand in 1975 when Pukeiti received a cutting from Ian Gordon (1955-1995a). The specimen was still alive in 2008 (PRT 2008b).

54. More specimens were brought to Pukeiti in 1979, 1989, 1991 and 1992 (PRT 1955-1995a, PRT 1989-1990). The plant was offered for sale by George Swan in 1983 (Smith 1983 p17), and by the Pukeiti Rhododendron Trust in 1991, 2019 and 2020 (PRT 1991a, PRT 2019, PRT 2020).

55. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in the Binney, Cullinane, and Pukeiti collections (Smith EW 2000 p5).

56. *Rhododendron inconspicuum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron intranervatum* Sleumer, 1961

57. *Rhododendron intranervatum* was first sown in New Zealand 1991 in Pukeiti (PRT 1985-1992). More specimens were brought to Pukeiti between 1997 and 2007 (PRT 2005a, PRT 1998c, TRC 2016). One specimen planted in 1997 was still alive in 2001 (PRT 2001c).

58. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in the Binney and Cullinane collections (Smith EW 2000).

59. *Rhododendron intranervatum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron kawakamii* Hayata, 1911

60. *Rhododendron kawakamii* was first recorded in New Zealand 1971 when a seed supplied by M. Richards successfully germinated (NZRA 1971). More specimens were brought to Pukeiti in 1973 and 1976 (PRT 1955-1995a, PRT 1969). One specimen planted in 1973 was still alive in 2008 (PRT 2008b).

61. In 1987, the species was listed in Vireya Vine as cultivated in New Zealand (Smith EW 1987 p2), and in 2000, in Binney, Blumhardt, Cullinane, Currie, and Pukeiti collections (Smith EW 2000 p5).



62. *Rhododendron kawakamii* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron laetum* J.J. M. 1914

63. *Rhododendron laetum* was first recorded in New Zealand in 1975 in the Pukeiti inventory when two specimens were planted. The records showed that they were both still alive in 2005 (PRT 2005a p34) and one was still there in 2008 (PRT 2008b p3).
64. In 1983, the species was listed as being grown at Pukeiti in New Plymouth and Isel Park in Nelson (Smith 1983 p20).
65. The plant was offered for sale by Pukeiti in 1985, 1992, 2004, 2010 and 2012 (PRT 1985a, ARS 1992, PRT 2004, PRT 2010, PRT 2012), as well as by other nurseries such as the Mark Jury Nursery located in Waitara (North Taranaki) between 1999 and 2001 (Gaddum 1999a, Jury 2000, Jury 2001), or the Te Puna Nursery in 2008 (Te Puna Cottage Garden).
66. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in the Binney, Blumhardt, Cullinane, Currie, Kenyon, Pukeiti collections (Smith EW 2000).
67. *Rhododendron laetum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron lanceolatum* Ridl 1912

68. *Rhododendron lanceolatum* was first recorded in New Zealand in 1990 when K. Adams brought back cuttings of the species from North Sarawak, Malaysia (Adams 1990 p2) and introduced the species to Pukeiti (Argent 2015). The specimen was still alive in 2008 (PRT 2008b). More specimens were brought to Pukeiti in 1992, 2005 and 2008 (PRT 1992b, PRT 2008b).
69. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in the Binney, Cullinane, and Pukeiti collections (Smith EW 2000).
70. *Rhododendron lanceolatum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron lowii* Hook. fil. 1852

71. *Rhododendron lowii* was first recorded in New Zealand in 1980 when K. Adams collected it from Borneo, and sent cuttings to Pukeiti (PRT 1955-1995a). After 22 years, one of the cuttings planted at Pukeiti flowered for the first time (Brooker 2002) and was still alive in 2008 (PRT 2008b).
72. More specimens were brought to Pukeiti in 1991, 1997 and 1998 (PRT 1989-1990, PRT 1997b, PRT 1998b). The plant was also offered for sale by Pukeiti in 1998, 2000, and 2004 (PRT 1998a, PRT 2000a, PRT 2004) as well as by Brown's Nursery in 1999 and 2001 (Gaddum 1999b, Gaddum 2001).
73. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in the Binney, Currie, Pukeiti collections (Smith EW 2000), as well as in the Clark collection in 2001 (Clark 2001).
74. *Rhododendron lowii* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron luraluense* Sleumer 1935

75. *Rhododendron luraluense* was first recorded in New Zealand in 1984 when J. Womersley provided seed from Bougainville, PNG, to Pukeiti (PRT 2008b p4). The specimen was still alive in 2008 (PRT 2008b). More specimens were brought to Pukeiti in 1985 and 1997 (PRT 1985-1992, PRT 1997b).

76. The plant has been offered for sale by various nurseries along the years. In 1994 and 1995, by Pukeiti through the American Rhododendron Society (ARS 1994 p3, ARS 1995b p29). Then in 1996, 1998, 1999, 2000 and 2004 by Pukeiti (PRT 1996 p12, PRT 1998a p30, PRT 1999 p7, PRT 2000 p4, PRT 2004 Plant List p2) as well as by Jury's Nursery in 1997, 2000 and 2001 (Gaddum 1997 p284, Jury 2000 p10, Jury 2001 p3). In 2021 the Container Nurseries was offering *R. luraluense* for sale (Container Nurseries, 2021).
77. The species was listed as successfully grown in New Zealand in 1997 (Kenyon & Walker 1997), and in 2000, it was listed in Vireya Vine as cultivated in the Binney, Blumhardt, Cullinane, Currie, and Pukeiti collections (Smith EW 2000).
78. *Rhododendron uraluense* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron maius* (J.J.Sm) Sleumer 1960

79. *Rhododendron maius* was first recorded in New Zealand in 1983 when G. Smith brought it back from PNG and planted it in Pukeiti (PRT 1955-1995b). Note that the species has been, from time to time, recorded under the original spelling *R. majus* (Argent 2015), however, this name is not recognised by the taxonomic authorities. More specimens were brought to Pukeiti in 1988, 2005, 2007 and 2008 in Pukeiti (PRT 1988a, PRT 2008b).
80. In January 1998, D. Binney sent a letter to Pukeiti to let D. Graham know that he had six *R. maius* plants available (Binney 1998a). One of the specimens donated in 1998 was still alive in 2005 (PRT 2005a).
81. The plant has also been offered for sale by Pukeiti in 1998, 1999, 2000 and 2012 (PRT 1998a, PRT 1999, PRT 2000a, PRT 2012) as well as by Jury's Nursery in 2000 (Jury 2000).
82. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in the Binney, Cullinane, Currie, and Pukeiti collections (Smith EW 2000 p6).
83. *Rhododendron maius* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron malayanum* Jack, 1822

84. *Rhododendron malayanum* was first recorded in New Zealand in 1979 when cuttings from Australia were given by J. Rouse to Pukeiti, however the specimen did not survive (PRT 1955-1995b).
85. In 1983, the species was listed in 'Rhododendron species and hybrids in New Zealand' as growing in Pukeiti (Smith 1983). More specimens were brought to Pukeiti in 1984 and 1990 (PRT 1969, PRT 1955-1995b), including one specimen planted in 1990 that was still alive in 2008 (PRT 2008b). The following year, in 1984, Pukeiti 'Propagation records' shows that seeds of *R. malayanum* collected by K. Adams in Borneo were sown in their garden (PRT 1969 p93back).
86. In 1990, *R. malayanum* was brought back by Blumhardt from Borneo and K. Adams from Malaysia to Pukeiti. However, the first specimen seems to have died shortly after (PRT 1955-1995b), whereas the second was still alive in 2008 (PRT 2008b p4).
87. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in the Blumhardt, Binney, Cullinane, and Pukeiti collections (Smith EW 2000 p5).
88. *Rhododendron malayanum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron maxwellii* Gibbs, 1914

89. *Rhododendron maxwellii* was first recorded in New Zealand in 1980 when seeds collected in Borneo by G. Argent were sown at Pukeiti (PRT 1969 onward). More specimens were brought to Pukeiti between 1988 and 1996 (PRT 1988a, PRT 1989-1990, PRT 1955-1995a, PRT 1997b). One specimen planted in 1995 was still alive in 2008 (PRT 2008b).
90. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in the Blumhardt, Cullinane, and Pukeiti collections (Smith EW 2000). For the first time in 20 years, a plant of this species was observed flowering in cultivation in the Currie collection in 2004 (Argent 2015 p321).
91. *Rhododendron maxwellii* was listed in the Pukeiti collection in 2017 (TRC 2017 p15).

#### *Rhododendron micromalayanum* Sleumer, 1973

92. *Rhododendron micromalayanum* was first recorded in New Zealand in 1984 when K. Adams brought back the species from Peninsular Malaysia. More specimens were brought to Pukeiti in 1990 and 1992 (PRT 1989-1990, PRT 1992b) including one specimen planted in 1992 that was still alive in 2008 (PRT 2008b).
93. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in the Binney and Pukeiti collections (Smith EW 2000).
94. The plant was offered for sale a few times by the Pukeiti Rhododendron Trust since 2004 (PRT 2004, PRT 2012, PRT 2018).
95. *Rhododendron micromalayanum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron orbiculatum* Sleumer, 1973

96. *Rhododendron orbiculatum* was first recorded in New Zealand in 1979 when J. Rouse sent cuttings from Borneo to Pukeiti (PRT 1955-1995a). The specimen planted in 1979 was still alive in 2005 (PRT 2005a). More specimens were brought to Pukeiti between 1980 and 1992 (PRT 1969, PRT 1955-1995a, PRT 1989-1990). The plant was offered for sale by Pukeiti in 1988 and 1990 (PRT 1988b, PRT 1990), and by Jury's Nursery in 1993 (Jury 1993).
97. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in Binney, Blumhardt, Cullinane, Currie, Kenyon, and Pukeiti collections (Smith EW 2000 p5), as well as in the Clark collection in 2001 (Clark 2001).
98. *Rhododendron orbiculatum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron pauciflorum* King & Gamble, 1906

99. *Rhododendron pauciflorum* was first recorded in New Zealand in 1983 in Pukeiti (Smith 1983). One specimen planted in 1984 was still alive in 2008 (PRT 2008b p5).
100. This plant was offered for sale by Pukeiti in 1985, 1998, 1999, and 2000 (PRT 1985a, PRT 1998a, PRT 1999, PRT 2000a). The species was also propagated at Pukeiti in 1989 and 1992 (PRT 1989-1990 p22). In March 1998, D. Binney sold five specimens to Pukeiti Gardens (PRT 1998b).
101. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in Binney, Blumhardt, Cullinane, Currie, and Pukeiti collections (Smith EW 2000 p5), as well as in the Clark collection in 2001 (Clark 2001).
102. *Rhododendron pauciflorum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron rarum* Schltr. 1918

103. *Rhododendron rarum* was first recorded in New Zealand in 1976 at Pukeiti. The specimen planted that year was still alive in 2008 (PRT 2008b).
104. The plant was offered for sale by Pukeiti in 1985, 1996, and 2012 (PRT 1985a, PRT 1996, PRT 2012). It was also propagated at Pukeiti in 1989, 1992, and in March 1998 (PRT 1989-1990, PRT 1998b).
105. In 1987, the plant is listed as surviving at Koromiko Nursery in Whangarei (Ballard 2015 p39) and in 1999 in the Clark collection (Clark 1999). In 2000, the species was also listed in Vireya Vine as cultivated in Binney, Cullinane, and Pukeiti collections (Smith EW 2000 p5).
106. *Rhododendron rarum* was listed as present at Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron retivenium* Sleumer, 1960

107. *Rhododendron retivenium* was first recorded in New Zealand in 1979 when O. Blumhardt brought back cuttings from Borneo to Whangarei (Blumhardt 1985).
108. The plant was propagated at Pukeiti in 1981, 1990, 1991, 1992 and 2001 (PRT 1955-1995a, PRT 1989-1990, PRT 2008b), and in March 1998, D. Binney sold 11 specimens to Pukeiti (PRT 1998b). One specimen planted in Pukeiti in 1981 was still alive in 2005 (PRT 2005a).
109. The plant was offered for sale by Jury's nursery in 1993 (Jury 1993), Pukeiti in 1992, 1995, 1998, 2001, 2003, 2004 and 2015 (ARS 1992, ARS 1995, PRT 1998a, PRT 2003a, PRT 2004, PRT 2015) and the Brown's nursery in 1999 and 2001 (Gaddum 1999b, Gaddum 2001).
110. In 2000, the species was also listed in Vireya Vine as cultivated in New Zealand in Binney, Blumhardt, Cullinane, Currie, Kenyon and Pukeiti collections (Smith EW 2000).
111. *Rhododendron retivenium* was listed as present at Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron rhodopus* Sleumer, 1960

112. *Rhododendron rhodopus* was first introduced to New Zealand in 1996 when K. Adams brought back the species from central Sulawesi, Indonesia (Argent 2015). More specimens were brought to Pukeiti in 1997 and 2001 (Binney 2003, PRT 2001b).
113. In 2003, D. Binney noted that the specimen, collected by K. Adams and J. Farbarak in 1996, flowered in cultivation in the northern part of New Zealand (Binney 2003). Specimens planted in Pukeiti in 2001 and 2005 were still alive in 2008 (PRT 2008b).
114. *Rhododendron rhodopus* was listed in the Pukeiti collection in 2017 (TRC 2017a).

#### *Rhododendron rubineiflorum* Craven, 1980

115. *Rhododendron rubineiflorum* was first recorded in New Zealand in 1986 when a specimen from PNG was introduced by G. Smith in Pukeiti (Smith 1987), and was still alive in 2008 (PRT 2008b). More specimens were brought to Pukeiti in 1986, 1992 and March 1998 (PRT 1955-1995a, PRT 1989-1990, PRT 1998b). The plants flowered for the first time in cultivation at Pukeiti in 1990 then in November 1998 (Argent 2015, Smith 1999) and in Clark's collection in 2000 (Clark & Clark 2000).

116. In 2000, the species was also listed in Vireya Vine as cultivated in New Zealand in Binney, Cullinane, and Pukeiti collections (Smith EW 2000), as well as in the Clark collection in 2001 (Clark & Clark 2000).

117. *Rhododendron rubineiflorum* was listed in the Pukeiti nursery in 2018 (TRC 2018).

#### *Rhododendron rugosum* H.Low ex. Hook.f., 1852

118. *Rhododendron rugosum* was first recorded in New Zealand in 1979 when J. Rouse brought back cuttings from Australia to Pukeiti (PRT 1955-1995a). More specimens were brought to Pukeiti between 1980 and 1997 (PRT 1955-1995a, PRT 1988a, PRT 1989-1990, PRT 185-1990, PRT 1997b). Some plants propagated in 1979 and 1980 were still alive in 2008 (PRT 2008b).

119. The plant was offered for sale by Pukeiti in 1986, 1992, 2000, 2009, 2010, 2014, 2015 and 2019 (PRT 1986, ARS 1992, PRT 2000a, PRT 2009, PRT 2010, PRT 2014, PRT 2015, PRT 2019).

120. In 2000, the species was also listed in Vireya Vine as cultivated in New Zealand in Binney, Blumhardt, Cullinane, Currie and Pukeiti collections (Smith EW 2000), as well as in the Clark collection in 2001 (Clark 2001).

121. *Rhododendron rugosum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron santapau* Sastry et al., 1969

122. *Rhododendron santapau* was first recorded in New Zealand in 1981 when J. Rouse brought back seeds from Australia to sow in Pukeiti (PRT 1955-1995a). More specimens were brought to Pukeiti in 1997, 1998, 2001 and 2005 (PRT 2001c, PRT 1998d, PRT 2008b). The plants propagated in 1997 and June 1998 were respectively still alive in 2005 (PRT 2005a) and 2008 (PRT 2008b).

123. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in Binney and Currie collections (Smith EW 2000), as well as in the Clark collection in 2001 (Clark 2001).

124. The plant was offered for sale by Pukeiti in 2012 (PRT 2012), and was listed in the Pukeiti nursery in 2018 (TRC 2018).

#### *Rhododendron searleanum* Sleumer, 1973

125. *Rhododendron searleanum* was first recorded in New Zealand in 1980 in Pukeiti (PRT 1988a). More specimens were brought to Pukeiti in 1986, 1988, 1992 and 2008 (PRT 1955-1995a, PRT 1988a, PRT 1989-1990, PRT 2008b). The specimen propagated in 1986 flowered for the first time in 2008 (PRT 2008b).

126. In 2000, the species was listed in Vireya Vine as cultivated in New Zealand in Binney, Blumhardt, and Pukeiti collections (Smith EW 2000).

127. *Rhododendron searleanum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron solitarium* Sleumer, 1963

128. *Rhododendron solitarium* was first recorded in New Zealand in 1976 when P. Kores brought back cuttings from PNG to Pukeiti (PRT 1955-1995a). This specimen was still alive in 2008 (PRT 2008b). More specimens were brought to Pukeiti in 1983, 1988, 1989 and 1996 (PRT 1955-1995a, PRT 1988a, PRT 1989-1990, PRT 2008b). Some specimens planted in 1983, 1988 and 1996 were still alive in 2008 (PRT 2008b).

129. The plant was offered for sale by Pukeiti in 1989, 1993, 1994, 1995, 2004, 2010, and 2014 (ARS 1989, PRT 1993a, ARS 1994, ARS 1995, PRT 2004, PRT 2010, PRT 2014). *Rhododendron solitarium* was also offered for sale by the Jury nursery in 1999 and 2001 (Gaddum 1999a, Gaddum 2001).
130. In 2000, the species was also listed in Vireya Vine as cultivated in New Zealand in Binney, Blumhardt, Cullinane, Currie and Pukeiti collections (Smith EW 2000).
131. *Rhododendron solitarium* was listed in the Pukeiti nursery in 2018 (TRC 2018).

#### *Rhododendron stapfianum* Hemsl. ex Prain, 1911

132. *Rhododendron stapfianum* was listed as cultivated in New Zealand for the first time in 1987 in Vireya Vine (Smith EW 1987).
133. The species was brought to Pukeiti in 1992, 1997, and 2001 (PRT 1992b, PRT 2001c, TRC 2017). One specimen planted in 1997 in Pukeiti was still alive in 2005 (PRT 2005a).
134. In 2000, the species was listed in Vireya Vine as under cultivation in both the Binney and Cullinane collections (Smith EW 2000). The plant was also offered for sale by Pukeiti in 2004, 2014, and 2018 (PRT 2004, PRT 2014, PRT 2018).
135. *Rhododendron stapfianum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron superbum* Sleumer, 1960

136. *Rhododendron superbum* was first recorded in New Zealand in 1983 when the species was listed as growing in Pukeiti (Smith 1983). The specimen planted in 1983 was still alive in 2008 (PRT 2008b). More specimens were brought to Pukeiti between 1989, 1990, 1992, 1997, 2004, and 2008 (PRT 1989-1990, PRT 1997b, PRT 2008b). Pukeiti also offered *R. superbum* for sale in 1996, 2004 and 2010 (PRT 1996, PRT 2004, PRT 2010).
137. In 1997, the plant was described as growing well in the Clark collection (Clark 1996). In 2000, the species was also cultivated in Binney, Blumhardt, Cullinane, Currie, Kenyon and Pukeiti collections (Smith EW 2000). It was still present in the Clark collection in 2001 (Clark 2001).
138. *Rhododendron superbum* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron taxifolium* Merr., 1969

139. We found that *R. taxifolium* was first recorded in New Zealand before 1996 as reported by the applicant. Indeed, the species was brought back from Borneo to Pukeiti by K. Adams in 1980 (Adams 2003).
140. *Rhododendron taxifolium* specimens were brought to Pukeiti in 1996, 1997, 1998, and 2001 (PRT 2001c, PRT 1998d, PRT 2008b). Some plants propagated in 1996, 1997 and 1998 were still alive in 2005 (PRT 2005a). The plant was also offered for sale by Pukeiti in 1998, 2000, 2008, and 2012 (PRT 1998a, PRT 2000a, PRT 2008a, PRT 2012) as well as by the Brown's nursery in 1999 (Gaddum 1999b).
141. In 2000, the species was also listed in Vireya Vine as cultivated in New Zealand in Binney, Cullinane, Currie and Pukeiti collections (Smith EW 2000), as well as in the Clark collection in 2001 (Clark 2001).
142. *Rhododendron taxifolium* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron womersleyi* Sleumer, 1960

143. *Rhododendron womersleyi* was first introduced in New Zealand in 1983 by G. Smith from PNG (Argent 2015). A specimen planted the same year, at Pukeiti, was still alive in 2008 (PRT 2008b).
144. The plant was offered for sale by Pukeiti in 1994, 1995, and 2004 (ARS 1994, ARS 1995b, PRT 2004). The species was also found growing in the Clark collection in 1999 (Clark 1999), and listed in *Vireya Vine* issue as cultivated in Binney, Cullinane, Currie and Pukeiti collections in 2000 (Smith EW 2000).
145. *Rhododendron womersleyi* was listed in the Pukeiti collection in 2008 (PRT 2008b).

#### *Rhododendron yongii* Argent, 1982

146. *Rhododendron yongii* was first recorded in New Zealand in 1978 when K. Adams brought back cuttings from Borneo to Pukeiti (Adams K. 1996a). More specimens were brought to Pukeiti in 1980 and 1990 (TRC 2017, PRT 1989-1990). One specimen planted in 1980 was still alive in 2008 (PRT 2008b).
147. The plant was offered for sale by Pukeiti in 1992 (ARS 1992), and was listed in *Vireya Vine* as cultivated in New Zealand in Binney, Blumhardt, Cullinane and Pukeiti collections in 2000 (Smith EW 2000).
148. *Rhododendron yongii* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron zoelleri* Warb, 1892

149. *Rhododendron zoelleri* was first recorded in New Zealand in 1971 when E. Perrott provided 12 specimens to Pukeiti (PRT 1971). More specimens were brought to Pukeiti in 1976, 1988, 1989, 1990, 1992, 1997, 2004 and 2006 (PRT 1955-1995a, PRT 1988a, PRT 1989a, PRT 1989-1990, PRT 1997b, PRT 2008b). Some plants propagated in 1976, 1998, 2001, and 2004 were still alive in 2008 (PRT 2008b).
150. The plant was offered for sale by multiple nurseries including Pukeiti in 1985 and 1990 (PRT 1985a, PRT 1990), Woodleigh nursery in 1986 (Duncan & Duncan 1986), Duncan & Davies nursery in 1989, 1991 and 1992 (D&D 1989, D&D 1991-92, D&D 1992), and by *Vireya New Zealand* in 2015 (Container nurseries, 2015)
151. In 2000, the species was listed in *Vireya Vine* as cultivated in New Zealand in Binney, Blumhardt, Cullinane, Currie, Kenyon and Pukeiti collections (Smith EW 2000).
152. *Rhododendron zoelleri* was listed in the Pukeiti collection in 2017 (TRC 2017).

#### *Rhododendron zollingeri* J.JSm., 1910

153. *Rhododendron zollingeri* was first recorded in New Zealand in 1996 when K. Adams and J. Farbarik brought it back for cultivation from Sulawesi in Indonesia (Argent 2015). The specimen planted in 1996 in Binney collection flowered in 2003 (Binney 2003).
154. Specimens were brought to Pukeiti in June and September 1998, and in 2001 (PRT 2008b, PRT 1998d). Some plants propagated in 1998 and 2001 were still alive in 2008 (PRT 2008b). David Binney noted that the species collected in 1996 from Sulawesi, Indonesia, flowered in his collection (Binney 2003).
155. The plant was offered for sale by Pukeiti in 1998 and 2013 (PRT 1998a, PRT 2013) and listed in *Vireya Vine* as cultivated in Binney, Currie and Pukeiti collections in 2000 (Smith EW 2000).

156. *Rhododendron zollingeri* was listed in the Pukeiti collection in 2017 (TRC 2017).

## Comments from Agencies

157. In accordance with section 26(5) of the Act, and clauses 2(2)(e) and 5 of the Methodology, the Department of Conservation (DOC) and the Ministry for Primary Industries (MPI) were notified and provided with the opportunity to provide further information on the application.

158. DOC was unable to provide evidence either way for these determinations. They noted the considerable amount of pre-1998 evidence provided by the applicant and relies on the EPA's assessment for these decisions (Appendix 2).

159. MPI advised that they have no substantive comments on the application.

## Effect on New Zealand's international obligations

160. EPA staff are not aware of any international obligations that may be affected by this determination.

## Recommendation

161. After completing our assessment of the information that was submitted by the applicant, as well as our own findings, we consider that the *Rhododendron* species listed in Table 1 were present in New Zealand immediately before 29 July 1998 and have had an ongoing presence in New Zealand since they were originally introduced.

162. A new organism is defined in section 2A of the Act, and includes:

(a) *An organism belonging to a species that was not present in New Zealand immediately before 29 July 1998:*

163. The following Act criteria were not applicable to these determinations as the species under consideration in this application;

- have not been prescribed as a 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)).

164. Therefore, we recommend that the 40 species: *Rhododendron archboldianum*, *R. bagobonum*, *R. blackii*, *R. bloembergenii*, *R. burtii*, *R. christiana*, *R. dianthosmum*, *R. ericoides*, *R. fallacinum*, *R. gracilentum*, *R. herzogii*, *R. himantodes*, *R. hyacinthosmum*, *R. inconspicuum*, *R. intranervatum*, *R. kawakamii*, *R. laetum*, *R. lanceolatum*, *R. lowii*, *R. luraluense*, *R. majus*, *R. malayanum*, *R. maxwellii*, *R. micromalayanum*, *R. orbiculatum*, *R. pauciflorum*, *R. rarum*, *R. retivenium*, *R. rubineiflorum*, *R. rugosum*, *R. santapau*, *R. searleanum*, *R. solitarium*, *R. stapfianum*, *R. superbum*, *R. taxifolium*, *R. womersleyi*, *R. yongii*, *R. zoelleri*, and *R. zollingeri* should be determined to be not new organisms for the purpose of the Act.



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# Appendix 1: Section 26 decision pathway

## Figure 17: Decision pathway for applications under Section 26 for determination as to whether an organism is a new organism

### Context

This decision pathway describes the decision-making process for applications under Section 26 for determination as to whether an organism is a new organism.

### Introduction

The purpose of this decision pathway is to provide the HSNO decision maker<sup>1</sup> with guidance so that all relevant matters in the Hazardous Substances and New Organisms Act (1996) (the *Act*) and the Hazardous Substances and New Organisms (Organisms Not Genetically Modified) Regulations (1998) (the *Regulations*) have been addressed. It does not attempt to direct the weighting that the HSNO decision maker may decide to make on individual aspects of an application.

The decision pathway has two parts –

- Flowchart (a logic diagram showing the process prescribed in the HSNO Act and the Methodology to be followed in making a decision), and
- Explanatory notes (a discussion of each step of the process).

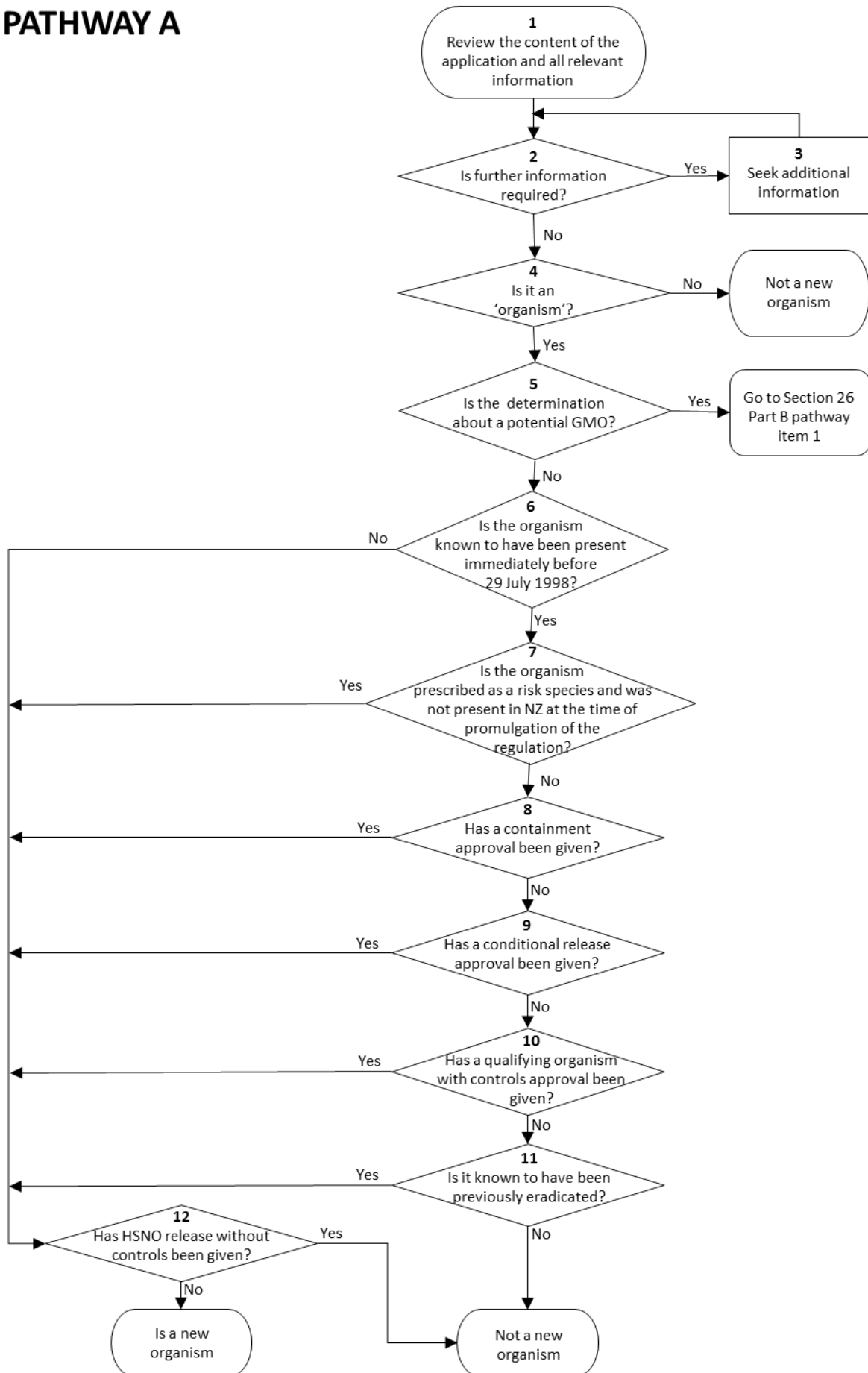
Of necessity the words in the boxes in the flowchart are brief, and key words are used to summarise the activity required. The explanatory notes provide a description of each of the numbered items in the flowchart, and describe the processes that should be followed.

For proper interpretation of the decision pathway it is important to work through the flowchart in conjunction with the explanatory notes.

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<sup>1</sup> The HSNO decision maker refers to either the EPA Board or any committee or persons with delegated authority from the Board.

# PATHWAY A



## Figure 17 Explanatory Notes

### Section 26

<p><b>Item 1</b></p>	<p><b>Review the content of the application and all relevant information</b></p> <p>Review the application, staff advice and any relevant information held by other Agencies, and advice from experts.</p>
<p><b>Item 2</b></p>	<p><b>Is further information required?</b></p> <p>Review the information and determine whether or not there is sufficient information available to make a decision.</p>
<p><b>Item 3</b></p>	<p><b>Seek additional information (Section 52 and Section 58)</b></p> <p>If the HSNO decision maker considers that further information is required, then this may be sought either from the applicant (if there is an external applicant) or from other sources.</p> <p>If the HSNO decision maker considers that the information may not be complete but that no additional information is currently available, then the HSNO decision maker may proceed to make a determination.</p> <p>If the application is not approved on the basis of lack of information (or if the organism is considered new) and further information becomes available at a later time, then the HSNO decision maker may choose to revisit this determination.</p>
<p><b>Item 4</b></p>	<p><b>Is it an organism (i.e. fits the “organism” definition in Section 2)?</b></p> <p>An organism</p> <ul style="list-style-type: none"> <li>(a) does not include a human being:</li> <li>(ab) includes a human cell:</li> <li>(b) includes a micro-organism:</li> <li>(c) includes a genetic structure, other than a human cell, that is capable of replicating itself, whether that structure comprises all or only part of an entity, and whether it comprises all or only part of the total genetic structure of an entity:</li> <li>(d) includes an entity (other than a human being) declared to be an organism for the purposes of the <a href="#">Biosecurity Act 1993</a>:</li> <li>(e) includes a reproductive cell or developmental stage of an organism</li> </ul> <p>If yes, go to item 5.</p> <p>If no, as this is not an organism, it is not regulated under the new organism provisions of the HSNO Act.</p>
<p><b>Item 5</b></p>	<p><b>Is the determination about a potential GMO (Section 2A(1)(d))?</b></p> <p>If the determination relates to whether an organism is a potential GMO, go to pathway B.</p> <p>If the organism is not a GMO, go to item 6.</p>
<p><b>Item 6</b></p>	<p><b>Does the organism belong to a species that was known to be present in NZ immediately before 29 July 1998 (Section 2A(1)(a))?</b></p> <p>Determine on the basis of the available information whether on balance of probabilities the organism is known to belong to a species that was present in New Zealand immediately prior to 29 July 1998.</p> <p>For the purposes of making a Section 26 determination an organism is considered to be present in New Zealand if it can be established that the organism was in New Zealand:</p> <ul style="list-style-type: none"> <li>(a) immediately before 29 July 1998; and</li> </ul>

	<p>(b) not in contravention of the Animals Act 1967 or the Plants Act 1970 (excluding rabbit haemorrhagic disease virus, or rabbit calicivirus).</p> <p>If yes, go to item 7 to test the organism against the next criterion.</p> <p>If no, go to item 12.</p>
<b>Item 7</b>	<p><b>Is the organism prescribed as a risk species and was not present in New Zealand at the time of promulgation of the relevant regulation (Section 2A(1)(b))?</b></p> <p>Determine whether the organism belongs to a species, subspecies, infrasubspecies, variety, strain, or cultivar that has been prescribed as a risk species by regulation established under Section 140(1)(h) of the Act. If the organism is prescribed as a risk species, determine whether it was present in New Zealand when it was prescribed. The organism is a new organism if it was not present in New Zealand at the time of the promulgation of the relevant regulation.</p> <p>Note: at this point it may become apparent that the organism is an unwanted organism under the Biosecurity Act. If this is the case, then MPI and DOC may be advised (they may already have been consulted under items 1, 2 and 3).</p> <p>If yes, go 12.</p> <p>If no, go to item 8 to test the organism against the next criterion.</p>
<b>Item 8</b>	<p><b>Has a containment approval been given for the organism under the Act (Section 2A(1)(c))?</b></p> <p>For the purposes of making a Section 26 determination, this will also include the following organisms which are “deemed” to be new organisms with containment approvals under the HSNO Act:</p> <ul style="list-style-type: none"> <li>(a) animals lawfully imported under the Animals Act 1967 before 29 July 1998 pursuant to Section 254 of the HSNO Act;</li> <li>(b) animals lawfully present in New Zealand in a place that was registered as a zoo or circus under the Zoological Garden Regulations 1977 pursuant to Section 255 of the HSNO Act (except where other organisms of the same taxonomic classification were lawfully present outside of a zoo or circus –see section 2A(2)(c));</li> <li>(c) hamsters lawfully imported under the Hamster Importation and Control Regulations 1972 pursuant to Section 256 of the HSNO Act; or</li> <li>(d) plants lawfully imported under the Plants Act 1970 before 29 July 1998 pursuant to Section 258 of the HSNO Act.</li> </ul> <p>If yes, go to item 12.</p> <p>If no, go to item 9 to test the organism against the next criterion.</p>
<b>Item 9</b>	<p><b>Has a conditional release approval been given for the organism (Section 2A(1)(ca))?</b></p> <p>If yes, go to item 12.</p> <p>If no, go to item 10 to test the organism against the next criterion.</p>
<b>Item 10</b>	<p><b>Has a qualifying organism with controls approval been given for the organism (Section 2A(1)(cb))?</b></p> <p>A “qualifying organism” is an organism that is or is contained in a “qualifying medicine” or “qualifying veterinary medicine”. These terms are defined in Section 2 of the HSNO Act.</p> <p>If yes, go to item 12.</p> <p>If no, go to item 11 to test the organism against the next criterion.</p>
<b>Item 11</b>	<p><b>Is the organism known to have been previously eradicated (Section 2A(1)(e))?</b></p>



	<p>Determine whether the organism belongs to a species, subspecies, infrasubspecies, variety, strain, or cultivar that is known to have been previously eradicated.</p> <p>Eradication does not include extinction by natural means but is considered to be the result of a deliberate act.</p> <p>If yes, go to item 12.</p> <p><b>If no, then the organism is not a new organism.</b></p>
<b>Item 12</b>	<p><b>Has HSNO release approval without controls been given for an organism of the same taxonomic classification under Sections 35, 38 or 38I of the Act or has an organism of the same taxonomic classification been prescribed as a not new organism (Section 2A(2)(a))?</b></p> <p>If a release approval has been given for an organism of the same taxonomic classification under Section 35 or 38 of the Act then the organism is not a new organism. If a release approval has been given for an organism of the same taxonomic classification under Section 38I of the Act <b>without controls</b> then the organism is not a new organism, however, if this approval has been given <b>with controls</b> then it is a new organism.</p> <p>If an organism of the same taxonomic classification has been prescribed by regulations as not a new organism<sup>2</sup> then it is not a new organism.</p> <p><b>If yes, the organism is not a new organism.</b></p> <p><b>If no, the organism is a new organism.</b></p>

## Appendix 2: DOC comments

From: [REDACTED] [REDACTED]@doc.govt.nz>

Sent: Tuesday, 24 May 2022 1:34 pm

To: .....

Subject: APP203943 Formal Receipt of Application. 40 Rhododendron species

Kia ora .....

Thank you for your email of 16<sup>th</sup> May advising of the Royal New Zealand Institute of Horticulture ([REDACTED]) application for a determination of whether 40 Rhododendron species are new organisms.

After consulting with a number of the Department's weed technical and science staff, I can advise DOC is unable to provide evidence either way for these determinations. We note a fair amount of evidence has been cited to substantiate the applicant's case that these species have been in Aotearoa prior to 29 July 1998. The evidence (in table form in the application document) is demarcated between public and private records. The private records are obviously less verifiable; but as we have not viewed the additional two appendices which no doubt provide further detail, we are reliant on the EPA's assessment for this decision.

Thank you again for the opportunity to comment.

Ngā mihi nui, nā

[REDACTED], MSc (Hons) (She/her)

Technical Advisor - Biosecurity Threats (National) *Kai-mātanga Matua, Koiora Mōrearea*

Department of Conservation *Te Papa Atawhai*

[REDACTED]

<sup>2</sup> <http://www.legislation.govt.nz/regulation/public/2009/0143/latest/whole.html#DLM2011201>