Biosecurity (National Mycoplasma Bovis Pest Management Plan) Order 2024

Cindy Kiro, Governor-General

Order in Council

At Wellington this 25th day of November 2024

Present:
Her Excellency the Governor-General in Council

This order is made under section 66 of the Biosecurity Act 1993—

(a) on the advice and with the consent of the Executive Council; and

(b) on the recommendation of the Minister for Biosecurity made after being satisfied of the matters in section 65 of that Act.

Contents

Order

1 Title

This order is the Biosecurity (National Mycoplasma Bovis Pest Management Plan) Order 2024.

2 Commencement

This order comes into force on 1 January 2025.

3 Pest management plan

(1) This order makes the national pest management plan that is set out in—

(a) Schedule 1 (which contains all of the provisions of that plan other than rules); and

(b) Schedule 2 (which contains rules).

(2) In Schedules 1 and 2,—

(a) **this plan** means the plan set out in those schedules; and

(b) references to clauses of that plan are references to clauses set out in Schedule 1; and

(c) references to rules of or set out in that plan are references to rules set out in Schedule 2.

Schedule 1
National Mycoplasma Bovis Pest Management Plan: provisions other than rules

cl 3(1)(a)

Contents

Part 1
Preliminary

1 Title

This plan is the National Mycoplasma Bovis Pest Management Plan.

2 Plan's commencement and termination dates

(1) This plan commences on 1 January 2025.

(2) However, rules 4 and 5 of this plan commence on 1 July 2025.

(3) This plan terminates on 1 January 2035.

Guidance note

Under section 100C of the Act, this plan may cease to have effect earlier than 1 January 2035.

3 Interpretation

In this plan, unless the context otherwise requires,—

Act means the Biosecurity Act 1993

allocated unique identifier—

(a) means a unique identifier that has been allocated by a dairy processor or the management agency; and

(b) in rules 10, 11, and 12, includes a unique identifier that has not been allocated by a dairy processor or the management agency, but has been allocated for use in an approved diagnostic laboratory to which samples are submitted under rule 10 or 11 (as the case may be)

animal identifier has the same meaning as it has in section 4 of the National Animal Identification and Tracing Act 2012

animal material or product means either or both of the following (as those terms are defined in section 4(1) of the Animal Products Act 1999):

(a) animal material:

(b) animal product

approved diagnostic laboratory means a laboratory that—

(a) is approved by a chief technical officer to apply tests for *Mycoplasma bovis*; and

(b) is specified on an internet site that is maintained by or on behalf of the Ministry and is publicly accessible free of charge

approved form means a form that—

(a) is approved by the management agency; and

(b) is published on an internet site that is maintained by or on behalf of the management agency and is publicly accessible free of charge

approved method, in relation to taking a sample, means the method that—

(a) is approved by the management agency; and

(b) is specified on an internet site that is maintained by or on behalf of the management agency and is publicly accessible free of charge

approved test means a test for *Mycoplasma bovis* that—

(a) is approved by a chief technical officer; and

(b) is specified on an internet site maintained by or on behalf of the Ministry that is publicly accessible free of charge

cattle means any members of the family Bovidae, subfamily Bovinae

cattle beast means any member of the family Bovidae, subfamily Bovinae

cattle farming business means a business undertaking in which cattle are farmed, raised, grown, or kept for reward or for the purposes of trade in those cattle or any animal material or product taken or derived from those cattle

cattle management group means any group of cattle in which all members of the group—

(a) would share a common risk of being infected with *Mycoplasma bovis* if any members were exposed to it; and

(b) would share that common risk—

(i) because they are kept in the same grazing paddock or pen, or are reared at the same location; or

(ii) for any other reason relating to their management as a group

cattle product business means a business undertaking in which any of the following are processed for reward or for the purposes of trade:

(a) live or dead cattle:

(b) tissue or other material taken or derived from cattle

commercial slaughter business means a cattle product business in which cattle are slaughtered and dressed, but only if one of the following applies in relation to that slaughtering and dressing:

(a) a risk management programme registered under Part 2 of the Animal Products Act 1999:

(b) a regulated control scheme imposed under Part 3 of that Act

dairy processor means a person whose business includes operating a dairy factory

director means,—

(a) in relation to a company, any person occupying the position of a director of the company by whatever name called; or

(b) in relation to a partnership (other than a limited partnership), any partner; or

(c) in relation to a limited partnership, any general partner; or

(d) in relation to a body corporate or unincorporate, other than a company, partnership, or limited partnership, any person occupying a position in the body that is comparable with that of a director of a company; or

(e) in relation to any other person, that person

entity means any of the following:

(a) a company or other body corporate:

(b) a corporation sole:

(c) in the case of a trust that has—

(i) only 1 trustee, the trustee acting in their or its capacity as trustee:

(ii) more than 1 trustee, the trustees acting jointly in their capacity as trustees:

(d) an unincorporated body (including a partnership)

eradication has the same meaning as it has in clause 4(1)(b)(ii) of the National Policy Direction for Pest Management 2015

farm dairy has the same meaning as it has in section 4(1) of the Animal Products Act 1999

farm dairy operator has the same meaning as it has in section 4(1) of the Animal Products Act 1999

feral cattle means any cattle—

(a) that are members of a domesticated species of cattle; but

(b) that are not kept under any direct human supervision or control

herd identification number, in relation to cattle, means the herd identification number for the herd to which the cattle belong that applies in accordance with the identification system that was approved by the Director, Preparedness and Partnerships, Ministry for Primary Industries on 22 June 2012 for the purposes of bovine tuberculosis control, marking the presence or absence in organisms of particular qualities, and meeting the certification requirements of overseas authorities, and was notified in the *Gazette* on 28 June 2012, at p 2074 (or any other identification system that is approved in its place)

management agency, in relation to this plan, means the management agency specified in clause 5

NAIT location has the same meaning as it has in section 5(1) of the National Animal Identification and Tracing Act 2012

NAIT organisation means the organisation designated as the NAIT organisation under section 8 of the National Animal Identification and Tracing Act 2012

operator, in relation to a business, means the owner or other person in control of the business

person in charge, in relation to a laboratory (whether an animal disease diagnostic laboratory or an approved diagnostic laboratory), means all of the directors of the entity that owns or operates the laboratory

person in charge of cattle or **PICC** means an individual or body corporate who or that is in day-to-day charge of cattle

process has the same meaning as it has in section 4(1) of the Animal Products Act 1999

raw milk means dairy cows' milk that is intended for human consumption, or consumption by cattle, in its raw state

raw milk for cattle feed means raw milk that is intended for consumption by cattle

raw milk for human consumption means raw milk that is intended for human consumption

raw state, in relation to dairy cows' milk, means that the milk has not been processed in a way intended to alter the milk's quality or composition (such as by pasteurisation) or had anything added to or removed from it

risk goods for *Mycoplasma bovis* means any organism, organic material, or other thing, or substance, that (by reason of its nature, origin, or other relevant factors) it is reasonable to suspect harbours or contains *Mycoplasma bovis*

risk management practice, in relation to *Mycoplasma bovis*, means a risk management practice that reduces the risk of cattle being infected with or transmitting *Mycoplasma bovis*

test, in relation to *Mycoplasma bovis*, means a procedure to establish the presence or absence of that organism that is applied to—

(a) a live or dead animal; or

(b) any sample of material—

  (i) taken or derived from a live or dead animal (for example, blood, serum, tissue, semen, germplasm, or milk); or

  (ii) taken or derived from a live or dead embryo of an animal; or

  (iii) taken from the environment of a live or dead animal

veterinarian has the same meaning as it has in section 4 of the Veterinarians Act 2005

visual identifier means an ear tag (whether a button or a flag, or made of brass), a durable mark (for example, a brand), or other identifier that—

(a) is attached or applied to a cattle beast; and

(b) allows each cattle beast in a cattle management group to be visually identified and differentiated from others in the group.

4 Pest to be managed

The organism *Mycoplasma bovis*, which is a cause of disease in cattle, is the pest to be managed in accordance with this plan.

5 Management agency

The management agency responsible for implementing this plan is M. bovis Free New Zealand Limited.

Part 2
Nature of plan, and objectives and measures to achieve them

6 Plan is eradication programme

This plan is an eradication programme (within the meaning of clause 5 of the National Policy Direction for Pest Management 2015).

7 Principal objective

The principal objective of this plan is to reduce the adverse effects of *Mycoplasma bovis* on economic well-being by eradicating it from New Zealand by 30 June 2028.

8 Adverse effects that this plan addresses

(1) This plan addresses the adverse effects of *Mycoplasma bovis* on the following matters listed in section 54(a) of the Act:

- (a) economic well-being:
- (b) human health (especially human mental health).

(2) In particular, *Mycoplasma bovis* is an economically significant pathogen of cattle that imposes costs on management of cattle and on production because—

- (a) it can lead to serious health conditions in cattle, including mastitis, pneumonia, arthritis, and late-term abortions, that typically do not respond well to treatment; and
- (b) it spreads quickly through a number of pathways, including—
  - (i) direct cattle-to-cattle contact (including as a result of the movement of infected cattle, which may not show any clinical signs); and
  - (ii) milk-to-cattle transfer; and
  - (iii) indirect transmission (for example, aerosol transmission or contact with risk goods for *Mycoplasma bovis*); and
- (c) management of infection is very difficult (with potentially severe effects on the welfare of farmers and rural communities) due to—
  - (i) the rapid spread of *Mycoplasma bovis* within farms where cattle are infected; and

(ii) the broad range of health conditions that this pathogen can cause in cattle; and

(iii) the lack of tools for controlling the effects of those health conditions.

9 Objective: intermediate outcome

(1) The intermediate outcome that this plan seeks to achieve is eradication of *Mycoplasma bovis* in the population of cattle in New Zealand.

(2) That outcome is expected to be achieved by 30 June 2028.

(3) *Mycoplasma bovis* is to be treated as having been eradicated from the population of cattle in New Zealand when it is assessed by the management agency as being present in no more than 0.01% of the population of cattle on cattle farms in New Zealand to a confidence level of at least 95%.

10 Principal measures to achieve objectives

The principal measures to achieve this plan's objectives (which include the intermediate outcome) are as follows:

(a) carrying out surveillance, sampling, and testing for *Mycoplasma bovis*:

(b) controlling movement of cattle and of any things that are risk goods for *Mycoplasma bovis*:

(c) collecting information to enable tracing of the movement of cattle and of any things that have the capacity to harbour or contain *Mycoplasma bovis*:

(d) tracing those movements:

(e) depopulating cattle management groups that are infected with *Mycoplasma bovis*:

(f) managing populations of feral cattle in places that are declared to be—

(i) restricted places under section 130 of the Act (as applied by clause 14(n)); or

(ii) controlled areas under section 131 of the Act (as applied by clause 15(b)):

(g) cleaning and disinfecting any place (or part of a place), or any thing at a place, at which cattle infected, or suspected of being infected, with *Mycoplasma bovis* were kept before they were destroyed:

(h) educating, engaging with, and collaborating with industry bodies and others to increase—

(i) the awareness of farmers, and other people who have a role in managing the risks of *Mycoplasma bovis*, of effective risk management practices; and

(ii) the adoption by those people of those practices:

(i) developing and implementing applied research and development programmes that support continuous improvement in how this plan is given effect to by the management agency, farmers, veterinarians, approved diagnostic laboratories, and others who have a role in managing the risks of *Mycoplasma bovis*.

11 Means of measuring achievement of objectives

(1) This clause sets out the means of measuring the achievement of this plan's objectives (which include the intermediate outcome).

(2) Whether this plan's objectives are being achieved is to be measured by monitoring and recording the following:

(a) the number of farming properties and other locations in which cattle are confirmed to have been infected with *Mycoplasma bovis*:

(b) how rapidly the management agency identifies events that have increased the risk that cattle at a place are infected with *Mycoplasma bovis* and (where appropriate) launches investigations:

(c) the level of surveillance for, and associated confidence of freedom from, *Mycoplasma bovis*:

(d) the level of compliance with the rules set out in this plan:

(e) the level of awareness of the people to whom those rules apply of—

(i) *Mycoplasma bovis*; and

(ii) their obligations to report to the management agency under those rules:

(f) the completeness and accuracy of tracing records, declarations, or information required to be kept or retained under rule 1, 2, or 5 of this plan and the ability of the management agency to quickly trace risk events and cattle through those records or declarations or that information:

(g) the time that farming properties are under active management by the management agency:

(h) the time taken to process claims for compensation under clause 19.

Part 3
Funding

12 Sources of funding for implementation of plan

Implementation of this plan is to be funded—

(a) by the Crown; and

(b) from any levy payable to the management agency that is imposed by the Biosecurity (Mycoplasma Bovis—Cattle Levy) Order 2024 for the purposes of funding implementation of this plan; and

(c) from any other funds the management agency receives for the purposes of funding implementation of this plan.

13 Limitations on how funds may be used to implement plan

(1) The funding specified in clause 12 that is provided by the Crown may only be used to implement this plan.

(2) The management agency may use the funding specified in clause 12 that is provided by way of any levy only for—

(a) implementing this plan; or

(b) collecting the levy.

Part 4
Powers under Part 6 of Act that may be used to implement plan

14 Powers of authorised person

An authorised person appointed under section 103 of the Act for the purposes of this plan may exercise all or any of the powers that are specified in the following sections of the Act to implement this plan:

(a) section 106 (power to require assistance):

(b) section 109 (power of inspection):

Guidance note

See also the duties set out in section 112 of the Act.

(c) section 111 (entry in respect of offences):

Guidance note

See also the duties set out in section 112 of the Act.

(d) section 113 (power to record information):

(e) section 114 (general powers):

(f) section 115 (use of dogs and devices):

(g) section 118 (power to seize evidence):

(h) section 119 (power to seize abandoned goods):

(i) section 120 (power to intercept risk goods):

(j) section 121 (power to examine organisms):

(k) section 121A (power to apply article or substance to place):

(l) section 122 (power to give directions):

(m) section 123 (power to vaccinate, etc):

(n) section 130 (declaration of restricted place).

15 Powers of management agency

The management agency may exercise all or any of the powers specified in the following sections of the Act to implement this plan:

(a) section 128 (power to act on default):

(b) section 131 (declaration of controlled area):

(c) section 135 (options for cost recovery):

(d) section 136 (failure to pay).

Part 5
Other matters

16 Actions that local authorities may take to implement plan

There are no actions that local authorities may take to implement, or contribute towards the costs of implementing, this plan.

17 Application of plan to exclusive economic zone

This plan does not apply to the exclusive economic zone or to any part of the exclusive economic zone.

18 Application of plan to roads

This plan does not cover any roads of the kind referred to in section 64(3)(l) of the Act.

19 Compensation

(1) This clause applies if—

(a) powers under the Act are exercised for the purpose of implementing this plan; and

(b) the exercise of the powers causes loss to a person as a result of—

(i) damage to or destruction of the person's property; or

(ii) restrictions imposed under Part 6 of the Act (including as applied by clause 14 or 15 of this plan) on the movement or disposal of the person's goods.

(2) Compensation is payable to the person under this clause for loss—

(a) that is verifiable; and

(b) that the person has been unable to mitigate by taking every step that is reasonable in the circumstances.

(3) Compensation is not payable under this clause if the loss is of a kind referred to in section 64(4)(b) of the Act.

(4) The amount of compensation paid must put the person to whom it is paid in no better or worse position than that of a person whose property or goods are not directly affected by the exercise of the powers.

(5) A person must make a claim for compensation under this clause within 1 year after the date on which the loss suffered by the person ought reasonably to have been verifiable.

(6) A claim for compensation received after that 1-year period may be declined on the basis that the claim is late only if the claim's lateness prejudices the decision maker in their ability to assess the claim.

(7) However, compensation is not payable for a claim for compensation received later than 3 years after the date on which the loss suffered by the person ought to have been verifiable.

(8) If there is a dispute about eligibility for, or the amount of, compensation,—

(a) the dispute must be submitted to arbitration within 3 months of assessment of the claim under this clause; and

(b) the arbitration must be conducted under the Arbitration Act 1996.

Schedule 2
National Mycoplasma Bovis Pest Management Plan: rules

cl 3(1)(b)

Contents

Tracing records, declarations, and information

1 Cattle identification and tracing records to be kept by PICC

(1) A PICC must keep a record, for each cattle beast that they are in day-to-day charge of, that specifies,—

(a) to the extent known by the PICC, the month, year, and location of its birth; and

(b) the location at which it is kept or held; and

(c) to the extent applicable,—

(i) the last location at which it was kept or held before being moved to the location at which it is currently held; and

(ii) the date on which it was moved to the location at which it is currently kept or held; and

(iii) if the cattle beast was moved to that location with 1 or more other cattle beasts, the number of cattle with which it was moved.

(2) If a PICC ceases to be in day-to-day charge of a cattle beast because it is moved to a different location, the PICC must keep a record that specifies—

(a) the location to which it is moved; and

(b) the date on which it is moved and, if it is moved with 1 or more other cattle beasts, the number of cattle with which it is moved; and

(c) whether it is moved with the intention of being exported and, if so, the date on which it is exported.

(3) If a PICC ceases to be in day-to-day charge of a cattle beast because it has died or is lost, the PICC must keep a record that specifies—

(a) that it has died or is lost (as the case may be); and

(b) the date of its death or loss (to the extent known by the PICC).

(4) A requirement under this rule to keep a record specifying a location is a requirement to specify,—

(a) in the case of a NAIT location, the location identifier issued by the NAIT organisation for the NAIT location; or

(b) in the case of a location other than a NAIT location,—

(i) the road address of the location; and

(ii) any Land Information New Zealand parcel information associated with the location; and

(iii) the herd identification number for cattle at the location (if applicable); and

(iv) the participant code allocated by Livestock Improvement Corporation Limited (if applicable); and

(v) the participant code allocated by CRV Limited (if applicable); and

(vi) the dairy supply number (if applicable).

(5) A PICC who is required to keep a record relating to a cattle beast under this rule must keep the record—

(a) for at least 1 year after the PICC ceases to be in day-to-day charge of the cattle beast because it is moved to a different location; or

(b) for at least 1 year after the record is made if the PICC ceases to be in day-to-day charge of the cattle beast because it dies or is lost.

2 Animal status declarations

(1) This rule applies to any person who is required to complete and supply a declaration under section 81A of the Animal Products Act 1999 where—

(a) there is to be a change in the ownership of a cattle beast; or

(b) a cattle beast is to be moved to new premises or to a new property or place.

(2) The person must keep a copy of the declaration for at least 1 year after they supply the declaration.

3 Requirement to provide information in records and declarations

(1) A person who is required to keep records or declarations under rule 1 or 2 must comply with any direction of an authorised person to provide information in those records or declarations.

(2) The person must provide the information to the management agency by any reasonable time, or within any reasonable period, specified in the direction.

4 Transporters of raw milk for cattle feed to provide tracing information on delivery

(1) A person (a **driver**) who transports raw milk for cattle feed from a farm dairy for delivery to another place must, on delivery, provide the person who takes delivery with the following information in writing:

(a) the name of the driver (or an allocated unique identifier that identifies the driver):

(b) if the driver transports and delivers the raw milk for reward or for the purposes of trade, the relevant business name of the entity for which that work is carried out (if applicable):

(c) the name of the farm dairy operator (or an allocated unique identifier that identifies the farm dairy operator):

(d) the address of the farm dairy (or an allocated unique identifier that identifies the farm dairy):

(e) the time and date of delivery:

(f) the total volume of the raw milk delivered.

(2) If the information provided under subclause (1) includes an allocated unique identifier, the driver must also provide the person who takes delivery with the following information in writing:

(a) information to the effect that the allocated unique identifier is allocated by (as applicable) a dairy processor or the management agency; and

(b) if allocated by a dairy processor, the name of the dairy processor.

(3) If the driver transports and delivers the raw milk by milk tanker for reward or for the purposes of trade, the driver must, on delivery, also provide the person who takes delivery with the following information in writing:

(a) identifying particulars of the vehicle (for example, its registration or licence plate number or an asset number):

(b) the run number allocated for the transportation and delivery.

(4) If the driver transports and delivers the raw milk for reward or for the purposes of trade and is not the operator of the business in which the driver carries out that work, the operator must ensure that the driver complies with subclauses (1) to (3) (as applicable).

(5) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

(6) However, contravention of this rule by a driver is not an offence if the driver—

(a) transports the raw milk for reward or for the purposes of trade; and

(b) is not the operator of the business in which the driver carries out that work.

5 People who take delivery of raw milk for cattle feed to keep tracing information

(1) A person may take delivery of raw milk for cattle feed only if they receive, on delivery, the written information that they are required to be provided with under rule 4.

(2) The person must retain the information in the form (if any) approved by the management agency for 4 years after the person receives the information.

(3) The person must comply with any written direction of an authorised person to provide to the management agency information that the person is required to retain under this rule.

(4) The person must provide the information to the management agency by any reasonable time, or within any reasonable period, specified in the direction.

(5) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

Sampling and testing

6 Sampling and testing generally

Sampling

(1) A person may take a sample for the purposes of a test for *Mycoplasma bovis* only if—

(a) the person is acting with the approval of a chief technical officer; or

(b) the person is acting under the direction or with the approval of the management agency; or

(c) the sample—

(i) is of raw milk that is intended for human consumption; and

(ii) is taken under rule 10 or 11.

(2) A person taking a sample for the purposes of a test for *Mycoplasma bovis* must use the approved method (if any) of taking the sample.

Applying and reporting tests

(3) A person may apply a test for *Mycoplasma bovis* only if the test is an approved test and the person—

(a) is applying the test in an approved diagnostic laboratory; or

(b) is acting with the approval of a chief technical officer; or

(c) is acting under the direction or with the approval of the management agency.

(4) The appropriate person must ensure that the results of a test for *Mycoplasma bovis* (whether negative, positive, or inconclusive) are reported to the management agency, with the name of the person who took any sample that was tested.

(5) The **appropriate person** is,—

(a) if the test was applied in an approved diagnostic laboratory, the person in charge of the laboratory; or

(b) in any other case, the person who applied the test.

(6) The appropriate person must report the results, in any approved form, as soon as is reasonably practicable after the results are obtained by,—

(a) if the test was applied in an approved diagnostic laboratory, a person engaged or employed in the laboratory; or

(b) in any other case, the person carrying out the test.

(7) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

Compare: SR 1998/179, cl 13(1)(a), (3)(a)

7 Routine access to carcasses at premises of commercial slaughter business

(1) The operator of a commercial slaughter business must allow any authorised person, or any technician or veterinarian, acting under the direction of the management agency routine access to cattle carcasses at the premises of the business so that samples can be taken to evidence that *Mycoplasma bovis* is absent from those carcasses.

(2) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

8 Veterinarians, operators of commercial slaughter businesses, etc, to report and to submit samples

(1) This rule applies to a person who—

(a) is the operator of a commercial slaughter business; or

(b) is a veterinarian; or

(c) is in charge of an animal disease diagnostic laboratory.

(2) If the person, in the course of their business as a person to whom this rule applies, finds or suspects the presence of *Mycoplasma bovis* in a cattle beast, or in the carcass or viscera of a cattle beast, the person must ensure—

Initial report and record

(a) that the finding or suspicion is reported to the management agency, in any approved form, as soon as is reasonably practicable after making that finding or forming that suspicion; and

(b) that the following information is recorded, and is included in that report:

(i) the animal identifier of the cattle beast concerned:

(ii) the name and address of the person who supplied the cattle beast for slaughter; and

Taking and submission of samples

(c) that samples are taken from the cattle beast, carcass, or viscera; and

Guidance note

See rule 6(1) and (2).

(d) that those samples are submitted to an approved diagnostic laboratory in a manner that ensures that the samples are suitable for pathological and bacteriological investigation; and

(e) that the following information is provided to the approved diagnostic laboratory with those samples:

(i) the name of the person who took the samples:

(ii) the date on which the samples were taken:

(iii) the address of the place at which the samples were taken:

(iv) the animal identifier of the cattle beast concerned; and

Report provided after taking samples

(f) that, as soon as is reasonably practicable after the samples are taken, it is reported to the management agency, in any approved form, that those samples have been taken and submitted; and

(g) that the information referred to in paragraph (e) is included in that report.

(3) A person to whom this rule applies must comply with any written direction of an authorised person to provide the management agency with—

(a) any of the information that the person is required to provide under subclause (2); or

(b) any other information for the purpose of establishing the origin of the sample or of the cattle beast concerned.

(4) The person must provide the information to the management agency by any reasonable time, or within any reasonable period, specified in the direction.

(5) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

(6) However, contravention of this rule by a veterinarian does not create an offence.

Compare: SR 1998/179 cls 14, 15A(4), (5)

9 Ante-mortem and post-mortem examiners and others to report and to submit samples

(1) An ante-mortem or post-mortem examiner who, in the course of their work at the premises of a commercial slaughter business, finds or suspects that *Mycoplasma bovis* is present in a cattle beast, or the carcass or viscera of a cattle beast, must—

(a) report the finding or suspicion to the management agency, in any approved form, as soon as is reasonably practicable after making that finding or forming that suspicion; and

(b) ensure that samples are taken from the cattle beast, carcass, or viscera; and

Guidance note

See rule 6(1) and (2).

(c) submit those samples, in a manner that ensures that the samples are suitable for pathological and bacteriological investigation, to—

(i) the person in charge of verifying compliance with ante-mortem and post-mortem examinations at the premises of the commercial slaughter business; or

(ii) if there is no person in charge of verifying that compliance at the premises, to an approved diagnostic laboratory.

(2) An ante-mortem or post-mortem examiner is to be treated as having complied with subclause (1)(b) and is not required to comply with subclause (1)(c) if—

(a) they allow an authorised person, or a technician or veterinarian, acting under the direction of the management agency access, at reasonable times, to the cattle beast, carcass, or viscera concerned for the purpose of taking samples; and

(b) an authorised person, or a technician or veterinarian, acting under that direction takes those samples.

(3) A person in charge of verifying compliance with ante-mortem or post-mortem examination procedures to whom samples are submitted under subclause (1)(c)(i) must submit those samples to an approved diagnostic laboratory in a manner that ensures that the samples are suitable for pathological and bacteriological investigation.

(4) A person who is required to submit samples to an approved diagnostic laboratory under this rule must provide the following information to the approved diagnostic laboratory with those samples:

(a) the name of the person who took the samples:

(b) the date on which the samples were taken:

(c) the address of the place at which the samples were taken:

(d) the animal identifier of the cattle beast concerned.

(5) In this rule, **ante-mortem or post-mortem examiner** means a person who performs ante-mortem or post-mortem examinations of cattle.

(6) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

Compare: SR 1998/179 cls 14A, 14B

10 Transporter of raw milk to dairy processors to submit samples

(1) A person (a **driver**) who transports raw milk for human consumption from a farm dairy for supply to a dairy processor must,—

(a) when collecting the raw milk, take samples of the milk and label those samples with—

(i) the date on which the samples were taken; and

(ii) an allocated unique identifier (if any) that identifies the driver; and

(iii) an allocated unique identifier (if any) that identifies the farm dairy; and

(iv) an allocated unique identifier (if any) that identifies the farm dairy operator; and

(b) keep the samples under secure conditions while they are under the driver's control; and

(c) as soon as is reasonably practicable after taking and labelling those samples, submit them to an approved diagnostic laboratory, in the manner (if any) approved by the management agency, with the appropriate information.

(2) For the purposes of subclause (1)(c), the **appropriate information** is—

(a) information to the effect that the driver took the sample; and

(b) the relevant business name of the entity for which that work is carried out (if applicable); and

(c) if the sample is labelled with an allocated unique identifier that is allocated by a dairy processor or the management agency, information to that effect and (if applicable) the name of the dairy processor; and

(d) if the sample is not labelled with an allocated unique identifier for the driver or the farm dairy operator, the name of the driver or farm dairy operator (as the case may be); and

(e) if the sample is not labelled with an allocated unique identifier for the farm dairy, the address of the farm dairy.

(3) If the driver is not the operator of the business in which the driver carries out work as a driver, the operator must ensure that the driver complies with subclause (1).

(4) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

(5) However, contravention of subclause (1) by a driver is not an offence if the driver is not the operator of the business in which the driver carries out work as a driver.

11 Supplier of raw milk to people other than dairy processors to submit samples

(1) A person who is a farm dairy operator and supplies any raw milk for human consumption to a person who is not a dairy processor must—

(a) take samples of the raw milk that the farm dairy operator intends for that supply; and

(b) label those samples with—

(i) the date on which the samples were taken; and

(ii) an allocated unique identifier (if any) that identifies the farm dairy operator; and

(iii) an allocated unique identifier (if any) that identifies the farm dairy at which the raw milk was produced or processed; and

(c) keep the samples under secure conditions while they are under the person's control; and

(d) submit them to an approved diagnostic laboratory, in the manner (if any) approved by the management agency, with the appropriate information.

(2) For the purposes of subclause (1)(d), the **appropriate information** is—

(a) information to the effect that the farm dairy operator took the samples; and

(b) if the sample is labelled with an allocated unique identifier that is allocated by a dairy processor or the management agency, information to that effect and (if applicable) the name of the dairy processor; and

(c) if the sample is not labelled with an allocated unique identifier for the farm dairy operator, the name of the farm dairy operator; and

(d) if the sample is not labelled with an allocated unique identifier for the farm dairy, the address of the farm dairy.

(3) The farm dairy operator must submit the samples to the approved diagnostic laboratory—

(a) by the time or within the period specified by the management agency by written notice to the farm dairy operator; or

(b) if the farm dairy operator is not given written notice, as soon as is reasonably practicable after taking and labelling the samples.

(4) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

12 Reporting obligations of approved diagnostic laboratory

(1) The person in charge of an approved diagnostic laboratory to which a sample is submitted under this Part must ensure that, as soon as is reasonably practicable after the sample is received, tested, and analysed, the results (whether negative, positive, or inconclusive) are reported to the management agency with—

(a) the name of the person who took the sample; and

(b) the date on which the sample was taken; and

(c) the address of the place at which the sample was taken (except if the sample is of raw milk taken under rule 10 or 11); and

(d) in the case of a sample taken from a cattle beast, or the carcass or viscera of a cattle beast, the animal identifier of the cattle beast that was provided with the sample under rule 8(2)(e)(iv) or 9(4)(d); and

(e) in the case of a sample of raw milk,—

(i) any allocated unique identifiers that the sample was labelled with under rule 10(1)(a) or 11(1)(b); and

(ii) the appropriate information that was submitted with the sample under rule 10(1)(c) or 11(1)(d).

(2) A person in charge of an approved diagnostic laboratory must comply with any written direction of an authorised person to provide to the management agency—

(a) any of the information that it is required to provide under subclause (1); or

(b) any other information for the purpose of establishing the origin of the sample.

(3) The person in charge of the approved diagnostic laboratory must provide the information to the management agency by any reasonable time, or within any reasonable period, specified in the direction.

(4) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

(5) In this rule, **appropriate information**, in relation to a sample submitted to an approved diagnostic laboratory, means,—

(a) in the case of a sample submitted under rule 10(1)(c), the appropriate information as defined in rule 10(2); and

(b) in the case of a sample submitted under rule 11(1)(d), the appropriate information as defined in rule 11(2).

Facilities, assistance, and identifiers

13 Facilities and assistance if cattle required to be submitted for examination, etc

(1) This rule applies to a PICC who is required by an authorised person to submit cattle for examination, inspection, sampling, or testing under—

(a) section 121 of the Act (as applied by clause 14(j) of this plan); or

(b) rule 18.

(2) The PICC must provide sufficient facilities and assistance for mustering, yarding, handling, or restraining the cattle to enable—

(a) the examination, inspection, sampling, or testing to be carried out safely; and

(b) a visual identifier to be affixed or applied safely to those cattle.

(3) The owner of the cattle, instead of the PICC, must comply with subclause (2) to the extent that either or both of the following apply:

(a) the authorised person has not, after taking reasonable steps to identify or contact the PICC, been able to identify or contact the PICC:

(b) the PICC cannot be reasonably made responsible for providing the facilities or assistance concerned (for example, because the PICC does not have the necessary authority under the terms of their engagement or does not have the financial or other resources to provide those facilities or that assistance).

(4) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

Compare: SR 1998/179 cl 11

14 Direction to muster and present cattle for census and other purposes

(1) A PICC must comply with any written direction of an authorised person—

(a) to ensure that cattle are mustered and presented at a particular place and in the manner (if any) directed—

(i) for a census; or

(ii) to enable a visual identifier to be affixed or applied; or

(b) to assist the authorised person in any other way (which may be by providing sufficient facilities)—

(i) to conduct a census; or

(ii) to enable a visual identifier to be affixed or applied safely.

(2) The owner of the cattle, instead of the PICC, must comply with subclause (1) to the extent that either or both of the following apply:

(a) the authorised person has not, after taking reasonable steps to identify or contact the PICC, been able to identify or contact the PICC:

(b) the PICC cannot be reasonably made responsible for complying with subclause (1) (for example, because the PICC does not have the necessary authority under the terms of their engagement or does not have the financial or other resources to provide those facilities or that assistance).

(3) In this rule, **census**, in relation to cattle mustered and presented at a place, means the identification and head count of all cattle beasts at the place.

(4) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

15 Direction to assign animal identifier or visual identifier

(1) A PICC must comply with any written direction of an authorised person to assign an animal identifier, or attach or apply an ear tag or other visual identifier, to cattle.

(2) A person may remove, alter, or deface an ear tag or other visual identifier affixed or applied at the direction of an authorised person under this rule only if the person—

(a) is an authorised person; or

(b) has the written approval of an authorised person to remove, alter, or deface the visual identifier.

(3) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

Compare: SR 1998/179, cl 12(2)

Isolation of cattle and risk goods

16 Isolation of cattle

(1) A PICC must comply with any written direction of an authorised person to isolate any cattle beast or cattle management group from—

(a) other cattle beasts or other cattle management groups; or

(b) any things specified in the direction that, if the cattle beast or cattle management group were to come into contact with them, could become risk goods for *Mycoplasma bovis*.

(2) However, a PICC is required to comply with the direction only if—

(a) the cattle beast or cattle management group that the PICC is directed to isolate has tested positive for *Mycoplasma bovis*; or

(b) the PICC is informed in writing, when the direction is given, that the authorised person knows (or suspects) that there is a risk that the cattle beast or cattle management group is infected with *Mycoplasma bovis* through contact (or potential contact) with—

(i) cattle that are infected with *Mycoplasma bovis*; or

(ii) cattle that are risk goods for *Mycoplasma bovis*; or

(iii) risk goods for *Mycoplasma bovis* (other than cattle).

(3) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

17 Isolation of risk goods other than cattle

(1) A PICC must comply with any written direction of an authorised person to isolate any risk goods for *Mycoplasma bovis* (other than cattle) from cattle.

(2) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

Cattle farming businesses that are high-risk businesses

18 Audit and surveillance testing, etc, for high-risk business

(1) This rule applies to a person if they—

(a) are a PICC in a cattle farming business that an authorised person decides under rule 19 is a high-risk business; and

(b) are given notice under that rule as to the decision that the cattle farming business is a high-risk business.

(2) The PICC must comply with any written direction of an authorised person to do any 1 or more of the following:

(a) to enable an authorised person to audit compliance with any of the rules set out in this plan:

(b) to enable an authorised person—

(i) to determine whether risk management practices for *Mycoplasma bovis* are being applied in the business; or

(ii) to audit the effectiveness of any of those risk management practices being applied in the business:

(c) to submit cattle in the business, any material taken or derived from those cattle, or any material taken or derived from the environment of those cattle for examination, inspection, sampling, or testing at the intervals, by the dates, or on or before the events specified in the direction:

(d) to arrange for any of those cattle or any of that material to be examined, inspected, sampled, or tested at the intervals, by the dates, or on or before the events specified in the direction.

Example

An example of an event that could be specified in the direction is the movement of the cattle to or from a location at which the business is carried on.

(3) The owner of the cattle, instead of the PICC, must comply with subclause (2) to the extent that either or both of the following apply:

(a) the authorised person has not, after taking reasonable steps to identify or contact the PICC, been able to identify or contact the PICC:

(b) the PICC cannot be reasonably made responsible for complying with subclause (2) (for example, because the PICC does not have the necessary authority under the terms of their engagement).

(4) A written direction under this rule may apply in relation to all or only specified locations at which a cattle farming business is carried on.

(5) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

19 Decision that cattle farming business is high-risk business

(1) An authorised person may decide that a cattle farming business is a high-risk business, for the purposes of rule 18, only if the authorised person forms the opinion that—

(a) there is a high risk that, if cattle at a location where the business is carried on were to become infected with *Mycoplasma bovis*, cattle at another location would become infected with that organism; or

(b) there is a high risk that cattle at a location where the business is carried on will become infected with *Mycoplasma bovis*.

(2) In forming that opinion, the authorised person—

(a) must have regard to the mandatory matters; and

(b) may have regard to any other matters that the authorised person considers to be relevant.

(3) The **mandatory matters** are as follows:

(a) the number of locations from which the cattle in the business are sourced and the number of those locations on which dairy cows are kept or held:

(b) the current and likely future stocking density of cattle at the location where the cattle in the business are kept or held:

(c) if any cattle in the business were to be infected with *Mycoplasma bovis*, the number of cattle that could be put at risk of being infected with that organism, or the number of locations to which it may spread, due to—

(i) direct cattle-to-cattle contact; or

(ii) milk-to-cattle transfer; or

(iii) indirect transmission pathways (for example, aerosol transmission or contact with risk goods for *Mycoplasma bovis*):

(d) if any cattle in the business were to be infected with *Mycoplasma bovis*, the potential risk that the prevalence of infection among cattle in the business could be sustained (for example, because of the way in which different groups of cattle and their contact with each other are managed):

(e) the history of the compliance or non-compliance of the PICC in the business with rules 1 to 3 (as applicable):

(f) any risk management practices for *Mycoplasma bovis* that are being applied in the business.

(4) An authorised person who decides that a cattle farming business is a high-risk business must give the PICC and the owner of the cattle—

(a) written notice of their decision (including the authorised person's reasons for the decision); and

(b) written information about the application of rule 18.

(5) The authorised person is not required to give notice to the PICC if the authorised person has not, after taking reasonable steps to identify or contact the PICC, been able to identify or contact the PICC.

Other rules applying to commercial slaughter businesses

20 Systems for identifying origin of carcasses at commercial slaughter businesses

(1) The operator of a commercial slaughter business must maintain systems that connect each cattle beast's animal identifier with its carcass to at least the point of post-mortem inspection.

(2) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

Compare: SR 1998/179 cl 15A(2)

21 Auditing of commercial slaughter businesses

(1) The operator of a commercial slaughter business must allow and assist the management agency to audit compliance with rule 7, 8, or 20 at any reasonable time requested by the management agency.

(2) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

Compare: SR 1998/179 cl 15A(6)

Other rules

22 Approval required to vaccinate, medicate, or treat cattle

(1) A person must not do any of the following without the written approval of a chief technical officer:

(a) vaccinate cattle against *Mycoplasma bovis*:

(b) medicate cattle, therapeutically or prophylactically, for *Mycoplasma bovis* or any associated disease:

(c) vaccinate, medicate, or otherwise treat cattle for the purpose of enhancing, repressing, or altering the response of those cattle to *Mycoplasma bovis* or a test for *Mycoplasma bovis*.

(2) This rule does not apply to an authorised person exercising the power under section 123 of the Act (as applied by clause 14(m) of this plan).

(3) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

Compare: SR 1998/179 cl 13(1)(b)–(d)

23 Provision of information

(1) A person must comply with any written direction of an authorised person to provide the management agency with information that the person holds about any of the following matters (as specified in the direction):

(a) the location at which cattle are or have been kept or held:

(b) the movement of cattle:

(c) the location or movement of any other thing that could harbour or contain *Mycoplasma bovis* (including any raw milk or any other products derived or taken from live or dead cattle):

(d) any unique identifiers that have been allocated by a dairy processor, or for use in an approved diagnostic laboratory, and identify—

(i) a person who transports raw milk from a farm dairy; or

(ii) a farm dairy at which raw milk is produced or processed; or

(iii) a farm dairy operator:

(e) the matters identified by a unique identifier allocated by a dairy processor or for use in an approved diagnostic laboratory (for example, the name of a farm dairy operator and the address of a farm dairy):

(f) the location of a farm dairy at which raw milk is produced or where it is stored before being collected for supply to a dairy processor or anyone else:

(g) any other matters that the management agency reasonably requires to assist or enable it—

(i) to determine or monitor the presence or distribution of *Mycoplasma bovis* in cattle; or

(ii) to identify the source, or potential source, of *Mycoplasma bovis* infections in cattle; or

(iii) to trace or monitor the movement of cattle, raw milk, or any other products derived or taken from live or dead cattle; or

(iv) to identify cattle that have consumed raw milk; or

(v) to trace or identify any other thing that could harbour or contain *Mycoplasma bovis*.

(2) The person must provide the information to the management agency by any reasonable time, or within any reasonable period, specified in the direction.

(3) A written direction under this rule has no effect to the extent that it directs—

(a) a person to provide any information that they could be required to provide under rule 3; or

(b) a veterinarian to provide any information that they could be required to provide under rule 8(3).

(4) Contravention of this rule creates an offence (*see* section 154N(18) of the Act).

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order but is intended to indicate its general effect.

This order, which comes into force on 1 January 2025, makes the National Mycoplasma Bovis Pest Management Plan (the **plan**).

The matters that are required to be specified in the plan are set out in section 64 of the Biosecurity Act 1993 (the **Act**). The plan is set out in Schedules 1 and 2 of this order. Its main provisions are as follows.

Schedule 1—Provisions of the plan other than rules

Part 1—Preliminary

The plan commences on 1 January 2025 (except for rules 3 and 4, which are set out in Schedule 2 and commence on 1 July 2025). The plan terminates on 1 January 2035. (*See clause 2 of Schedule 1*.)

The pest to be managed by the plan is *Mycoplasma bovis*, which is a cause of disease in cattle. (*See clause 4 of Schedule 1*.)

M. bovis Free New Zealand Limited is the management agency responsible for implementing the plan. (*See clause 5 of Schedule 1*.)

Part 2—Nature of plan, and objectives and measures to achieve them

Clause 6 of Schedule 1 states that the plan is an eradication programme, within the meaning of clause 5 of the National Policy Direction for Pest Management 2015 (the **National Policy Direction**).

The principal objective of the plan is to reduce the adverse effects of *Mycoplasma bovis* by eradicating it from New Zealand by 30 June 2028. (*See clause 7 of Schedule 1*.)

The adverse effects of *Mycoplasma bovis* are described in *clause 8 of Schedule 1* and are required to be included in the plan by the National Policy Direction.

The term eradication is defined for the purposes of the plan by reference to the National Policy Direction. (*See clause 3(1) of Schedule 1*.) The term refers to the reduction of the infestation level of the pest concerned to zero levels in an area (which in the present case is New Zealand) in the short-to-medium term.

The National Policy Direction requires the objectives of a pest management plan to state the intermediate outcome that a pest management plan seeks to achieve. In the present case, the intermediate outcome that the plan seeks to achieve is eradication of *Mycoplasma bovis* in the population of cattle in New Zealand by 30 June 2028. That outcome is to be treated as having been achieved when that organism is assessed by the management agency as being present in no more than 0.01% of the population of cattle on cattle farms in New Zealand to a confidence level of at least 95%. (*See clause 9 of Schedule 1*.)

Clauses 10 and 11 of Schedule 1 set out the principal measures to achieve the plan's objectives and the means of measuring that achievement.

Part 3—Funding

Clause 12 of Schedule 1 provides that implementation of the plan is to be funded—

- by the Crown; and
- from levies paid to the management agency under the Biosecurity (Mycoplasma Bovis—Cattle Levy) Order 2024; and
- from any other funds the management agency receives for the purposes of implementing the plan.

Clause 13 of Schedule 1 limits how the funding provided by the Crown and the funding provided by way of levies may be used.

It is intended that funding for the purposes of implementing the plan be the subject of an agreement between Beef + Lamb New Zealand Limited, DairyNZ Incorporated, the Ministry for Primary Industries, and the management agency.

Part 4—Powers under Part 6 of Act that may be used to implement plan

Clauses 14 and 15 of Schedule 1 set out the powers under Part 6 of the Act that are available to authorised persons (those appointed under section 103 of the Act) and the management agency to implement the plan. Under section 100A of the Act, authorised persons appointed for the purposes of a pest management plan, and a management agency for a pest management plan, may exercise powers under Part 6 of the Act only if allowed by the pest management plan.

Part 5—Other matters

Clauses 16 to 18 of Schedule 1 deal with matters that section 64 of the Act requires to be included in the plan but that have no effect for the purposes of the plan.

Clause 19 of Schedule 1 sets out when compensation is payable for losses caused by the exercise of powers under the Act for the purposes of implementing the plan.

Schedule 2—Rules

Schedule 2 sets out rules. With certain exceptions provided for in the rules, a person who fails to comply with the rules commits an offence against section 154N(18) of the Act.

Issued under the authority of the Legislation Act 2019.
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This order is administered by the Ministry for Primary Industries.

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