

SCHEDULE 3

Process for objecting to the carrying out of survey work.

1. An occupier of land or premises on which survey work authorised by this Order is to be carried out may object to the carrying out of the survey work.
2. An objection must:
 - (a) be in writing addressed to the Director-General of the NSW Department of Primary Industries, and
 - (b) identify the property concerned and state the name and contact details of the person objecting.
3. An objection will only be considered if it is:
 - (a) received by the Director-General, NSW Department of Primary Industries, Locked Bag 21, Orange NSW 2800 by 4:00 pm on 17 April 2009, or
 - (b) delivered to an inspector who, for the purpose of carrying out the survey work, has entered the land or premises of the person objecting to the survey work being carried out.
4. An objection received under paragraph 3(a) of Schedule 3 but not within the time specified in that paragraph, may be considered before the time that an inspector attends a property to carry out the survey work.

Note: This Order remains in force for 6 months from the date it is made.

Dated this 2nd day of April 2009.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

STOCK DISEASES ACT 1923

Notification No. 1818-BJD

Declaration of Protected Area and Protected (Control) Areas, as regards Johne's disease in cattle
(commonly known as bovine Johne's disease or BJD)

I, IAN MACDONALD, M.L.C., Minister for Primary Industries:

- A. pursuant to sections 3 (2) (a) and 11A of the Stock Diseases Act 1923 ("the Act"), revoke Notification No. 1789-BJD published in *NSW Government Gazette* No. 142 of 3 September 2004 at pages 7403-7405 and any notification revived as a result of this revocation; and
- B. pursuant to section 11A of the Act:
 1. declare the lands described in the Schedule below to be Protected (Control) Areas, and the remaining lands of New South Wales to be a Protected Area, as regards Johne's disease in cattle; and
 2. prohibit the bringing into the Protected Area of any cattle from any part of a Protected (Control) Area, unless:
 - (a) the cattle are transported in a vehicle directly or via an approved facility to:
 - (i) an abattoir, where the cattle are slaughtered, or
 - (ii) a slaughter-only sale, or
 - (iii) an approved feedlot, or
 - (iv) the same or another part of the Protected (Control) Area;
 - (b) the cattle are steers and are less than 2 years of age;
 - (c) the cattle:
 - (i) originate from a dairy holding, and
 - (ii) are transported in a vehicle directly, or via an approved facility, to a dairy holding; and
 - (iii) are accompanied by a Completed Dairy BJD Assurance Score Declaration Form which was completed within the previous 14 days and is given to the person to whom they are delivered; or
 - (d) the cattle:
 - (i) originate from a monitored negative herd, and
 - (ii) have not subsequently lost their status of monitored negative, and
 - (iii) are transported in a vehicle directly or via an approved facility, to the Protected Area, and
 - (iv) are accompanied by a completed Declaration Form, (cattle from a dairy holding must be accompanied by a Completed Dairy BJD Assurance Score Declaration Form), bearing details of their status of monitored negative, which is given to the person to whom they are delivered; or
 - (e) the cattle:
 - (i) originate from a non-assessed herd that has been subjected to an approved test that has produced negative results, and
 - (ii) are transported in a vehicle directly, or via an approved facility, to the Protected Area, and

- (iii) are accompanied by a completed Declaration Form, (cattle from a dairy holding must be accompanied by a Completed Dairy BJD Assurance Score Declaration Form), indicating those results, which is given to the person to whom they are delivered; or
- (f) the cattle:
 - (i) originate from a herd in one part of the Protected Area, and
 - (ii) are transported through a Protected (Control) Area in a vehicle directly into the same or another part of the Protected Area; or
- (g) the cattle are from a non-assessed or monitored negative herd in a Protected Area and are transported in a vehicle directly to and from an approved facility in a Protected (Control) Area; or
- (h) the cattle are from a non-assessed or monitored negative herd in a Protected (Control) Area and are transported in a vehicle directly to and from an approved facility in a Protected Area; or
- (i) the cattle:
 - (i) are beef breed cattle and satisfy the Beef Only Criteria, and
 - (ii) are transported from the property on which the cattle were last kept, in a vehicle directly, or via an approved facility, to the Protected Area, and
 - (iii) are accompanied by a completed Declaration Form, indicating they satisfy the Beef Only Criteria, which is given to the person to whom they are delivered; or
- (j) the cattle are moved or sold in accordance with a written permit issued by an inspector under section 7(6) of the Act in circumstances that are of a kind approved from time to time by the Executive Director, Agriculture, Biosecurity and Mine Safety, the Director, Animal and Plant Biosecurity, or the Chief Veterinary Officer; or
- (k) the cattle are moved or sold in accordance with an order made by an inspector under section 8 of the Act.

Definitions

In this Notification:

approved facility means a facility that is approved from time to time by a District Veterinarian.

approved feedlot means a feedlot that is authorised in writing by the Director-General as a feedlot to which infected stock may be sold.

approved test means a test that is approved from time to time by the Chief Veterinary Officer or, in his or her absence, a Deputy Chief Veterinary Officer appointed under the Animal Diseases (Emergency Outbreaks) Act 1991.

Beef Only Criteria has the meaning given to that term in the "National Animal Health Statement for Johne's Disease Status of Beef Cattle" as published from time to time by Animal Health Australia, 26-28 Napier Close, Deakin ACT 2600.

Chief Veterinary Officer means the Chief Veterinary Officer appointed pursuant to section 66(1) of the Animal Diseases (Emergency Outbreaks) Act 1991.

Completed Dairy BJD Assurance Score Declaration Form means a form approved for the declaration of Johne's disease status by the Director, Animal and Plant Biosecurity, which has been completed by the person with day to day responsibility for managing the cattle in question. The details on a completed declaration form must include:

- (a) the property identification code (PIC);
- (b) Part A, one box ticked;
- (c) Part C, 'Total score' section completed;
- (d) Declaration section, full name, address, date and signature completed.

dairy holding means:

- (a) a holding, or part of a holding, on which a milking herd is grazed or kept, or
- (b) a holding, or part of a holding, which has the same Property Identification Code (PIC) and/or is under the same ownership or control as a holding described in paragraph (a) above, and which is used to graze or keep cattle that:
 - (i) are part of the milking herd, or
 - (ii) are the progeny of the milking herd, or
 - (iii) are cattle (including beef breed cattle and dairy/beef cross breed cattle that are grazed or kept for beef production) that have grazed or have been kept on the same land as the milking herd; or
- (c) a holding, or part of a holding, on which cattle which will be used in a milking herd are raised for the owner of that milking herd, or
- (d) a holding, or part of a holding, on which dairy breed cattle are bred and/or raised for sale or supply to a milking herd.

Declaration Form means a declaration form for Johne's disease status as approved from time to time by the Director, Animal and Plant Biosecurity.

directly means without off-loading cattle from a vehicle en route.

Director, Animal and Plant Biosecurity means the Director, Animal and Plant Biosecurity of the NSW Department of Primary Industries.

Director-General means the Director-General of the NSW Department of Primary Industries.

Executive Director, Agriculture, Biosecurity and Mine Safety means the Executive Director, Agriculture, Biosecurity and Mine Safety of the NSW Department of Primary Industries.

herd means a group of animals maintained as a discrete unit.

holding means:

- (a) a parcel of land, or
- (b) several parcels of land which:
 - (i) are contiguous with one another or are separated from one another only by a road, river, creek or other watercourse, and
 - (ii) constitute or are worked as a single property, irrespective of whether those parcels are held under the same title or different titles or titles of different kinds.

inspector means a person appointed as an inspector under section 6 of the Act or otherwise authorised by section 6 to perform the duties and/or exercise the powers of an inspector.

Johne's disease means the form of Johne's disease (*Mycobacterium paratuberculosis*) commonly known as bovine Johne's disease.

Livestock Health and Pest District means a livestock health and pest district constituted by or as a consequence of the proclamation made under section 5 of the Rural Lands Protection Act 1998 titled "Amalgamation of 47 rural lands protection districts to constitute 14 livestock health and pest districts" published in *NSW Government Gazette* No. 158 of 19 December 2008 at pages 12876 to 12905.

monitored negative has the meaning given to that term in the Australian Johne's Disease Market Assurance Program for Cattle published from time to time by Animal Health Australia, 26-28 Napier Close, Deakin ACT 2600.

non-assessed in relation to a herd, means a herd that is not infected or suspected of being infected with Johne's disease, that is not in quarantine on account of Johne's disease, and that does not have a monitored negative or other tested negative status in respect of Johne's disease.

Protected Area means the area of New South Wales which does not form part of a Protected (Control) Area.

Protected (Control) Area means a Protected (Control) Area described in the Schedule below.

slaughter-only sale means a sale approved by the Director-General for infected stock.

SCHEDULE

Protected (Control) Areas

1. The following portions of land contained within the North Coast Livestock Health and Pest District:
 - (a) the area described under the heading "Tweed-Lismore" in the proclamation titled "Amendment of the Boundaries of Pastures Protection Districts under Pastures Protection Act 1902" published in *NSW Government Gazette* No. 56 of 8 May 1907 (being the former Tweed-Lismore Rural Lands Protection District); and
 - (b) the area described in Schedule 1 to the proclamation titled "Proclamation to alter the boundaries of the Casino and Northern New England Rural Lands Protection Districts" published in *NSW Government Gazette* No. 178 of 24 December 1998 at pages 10132 to 10137 (being the former Casino Rural Lands Protection District),
 as indicated by the shaded area of the North Coast Livestock Health and Pest District in the map below.
2. That portion of the lands contained within the South East Livestock Health and Pest District, south of the southern boundary of the Kings Highway between Braidwood and Batemans Bay, then west of the western boundary of the Princes Highway, then south of the northern shoreline of the Clyde River and Batemans Bay, as indicated by the shaded area of the South East Livestock Health and Pest District in the map below.
3. That portion of the lands contained in the Riverina Livestock Health and Pest District bounded by the roads and property description lines commencing at Corowa at the point where Bridge Road, Corowa crosses the Murray River, thence along Bridge Road, Sangar Street, Redlands Road to the Riverina Highway, thence along the Old Corowa Road to its intersection with the Jerilderie-Oaklands Road, thence along that road to the northern corner of Lot 1 in DP 733544, thence along the north-western, and western boundaries of that lot and of Lot 3 in DP 733544 to the north-eastern boundary of Lot 203 in DP 756426, thence along the northern boundaries of that lot, of Lot 213 in DP 756426, of the reserve known as the Jerilderie Rifle Range, of Lot 226 in DP 820194 and of Lot 111 in DP 756426 to the north-western corner of that lot, thence directly west to a point of intersection with the eastern boundary of the Newell Highway, thence south along the Newell Highway approximately 3 kilometres to its junction with Leahy Lane, thence west along Leahy Lane to the south-eastern corner of Lot 106 in DP 756426, thence along the eastern boundaries of Lots 106, 107, 180 and 179 in DP 756426 and of Lots 431 and 432 in DP 1013379 to where the eastern boundary of Lot 432 meets the Jerilderie-Conargo Road, thence west along that road to where it intersects with the Deniliquin Road at Conargo, thence along Conargo-Deniliquin Road to where that road crosses the Edward River at Deniliquin, thence along the Deniliquin Road to the Edward River at Deniliquin, thence along the Edward River to its junction with the Niemur River, thence along the Niemur River to its junction with the Moulamein-Barham Road, thence along the Moulamein-Barham Road to Moulamein Road at Barham, thence along Moulamein Road, Barham to where it meets Noorong Street, thence along Noorong Street to its intersection with Murray Street, thence along Murray Street to its intersection with Thule Street, thence along Thule Street to where Thule Street crosses the Murray River at Barham, and thence along

the Murray River to the point where Bridge Road, Corowa crosses the Murray River as indicated by the shaded area of the Riverina Livestock Health and Pest District in the map below. (The roads and their road related areas do not form part of the Protected (Control) Area.)



Note:

It is an offence under section 20H (1) (a) of the Act to contravene a provision of this Notification. The maximum penalty for such an offence is \$11,000.

A Protected (Control) Area is an area of New South Wales with a moderate prevalence of a disease (section 11A (1A) of the Act). This is different from a Protected Area, where there is a lower prevalence of a disease (section 11A (1B) of the Act).

A person who receives a completed Declaration form is advised to retain it as evidence of compliance with this Notification.

1818-BJD is the NSW Department of Primary Industries reference.

For further information, contact the New South Wales Department of Primary Industries on (02) 6391 3630.

Dated this 2nd day of April 2009.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries