



**Industry &  
Investment**



**Procedure**

**PRIMARY INDUSTRIES  
Biosecurity**

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## OVINE JOHNE'S DISEASE EXCLUSION AREAS

NUMBER	PRO2009/010	VERSION	2
AUTHORISED BY	Principal Director, Biosecurity	AUTHORISED DATE	11/06/2010
ISSUED BY	Primary Industries, Biosecurity	EFFECTIVE DATE	11/06/2010

### REVISION HISTORY

VERSION	DATE	AMENDMENTS	
		SECTION	DETAILS
1	11/06/2010		Amendments to CIRCULAR NO: AI 2004/060
		1	New section detailing responsibilities
		All	Position titles updated,
		1	New Application process to establish EA
		1	New requirements for annual reporting
		1	New process to revoke an EA
		2	Revised conditions for the exercise of 'reserve powers'
		3	Revised action on traces
		4	Revised action on breaches

NEXT REVIEW DATE: 01/08/2012

### Purpose

The purpose of this procedure is ensure that activities carried out by staff of Industry and Investment (I&I) NSW and staff and Boards of Livestock Health and Pest Authorities (LHPAs) in relation to Ovine Johne's Disease Exclusion Areas (EAs), are consistent and in accordance with legislation and Departmental policy. LHPA staff and Boards should also comply with the LHPA EA Operational Plans.

### Scope

This procedure applies to I&I NSW staff.

When signed as a Written Instrument it applies to staff of LHPAs in their role as Stock Inspectors enforcing the Stock Diseases Act 1923, Stock (Chemical Residues) Act 1975 and Animal Diseases (Emergency Outbreaks) Act 1991.

When signed as a Guideline it applies to the LHPA including their Board and staff.

### Warnings

Users are reminded of the need to follow safe work practices when applying any techniques described in this publication. This includes identifying, assessing and managing any occupational health and safety risks.

Safe Work Method Statements that refer to activities included in this procedure must be used in assessing and managing risks.

## PROCEDURE

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## 1. RESPONSIBILITIES

### 1.1 Principal Director Biosecurity

The Principal Director Biosecurity will:

- consider all written advice regarding recommendations for the establishment or revocation of an EA,
- advise the Minister that an EA should be established if satisfied that the application demonstrates that all the criteria in section 1 of the policy document have been met.
- advise the Minister that an EA should be revoked on receipt of written advice that:
  - less than 50% of producers responded to the triennial survey on continuation of the EA, or
  - less than 50% of producers who participated in the triennial survey support the continuation of the EA, or
  - there is evidence that the EA no longer meets the prevalence and disease distribution criteria in section 1 of the OJD EA Policy, or
  - the EA has not submitted an annual report within three months of the due date, or
  - the EA has not submitted a new operational plan within three months of the due date, or

- the EA has not undertaken sufficient activity to implement the operational plan for a period of greater than 12 months, and
- advise the General Manager of the LHPA of any recommendations to the Minister relating to the establishment or revocation of an EA in their LHPA area and copy these communications to the Regional Veterinary Officer (RVO) and State Management Council (SMC).

## 1.2 Director Animal Biosecurity

The Director Animal Biosecurity will advise the RVO that 'reserve powers' may be exercised if:

- satisfied that there is written evidence that without the exercise of 'reserve powers' other producers and flocks are at unnecessary risk of exposure to Johne's disease, and
- all the conditions specified in section two of this procedure have been met.

## 1.3 NSW OJD Coordinator

The NSW OJD Coordinator will:

- endorse an EA operational plan if satisfied that it details appropriate objectives, strategies and performance indicators in accordance with section 2 of the OJD EA Policy,
- notify the General Manager of the LHPA of any deficiencies that prevent an operational plan being endorsed,
- review an application to establish an EA against the criteria detailed in section 1 and 2 of the OJD EA Policy,
- advise the Principal Director Biosecurity in writing whether an application to establish an EA has met all the requirements detailed in section 1 and 2 of the OJD EA Policy,
- review the annual EA report and advise the Principal Director Biosecurity in writing if the EA has failed to meet any obligations or area criteria detailed in the policy document, and
- copy all communications on the above to the RVO and SMC.

## 1.4 RVO

The RVO may if requested by the LHPA:

- assist in the development of the operational plan,
- request the written endorsement of the Director Animal Biosecurity for an inspector to exercise 'reserve powers',
- assist with the development of a PDMP for an infected property, and
- assist in resolution of any dispute relating to development of a PDMP.

## 1.5 SMC

SMC is responsible for noting information and reports received relating to EAs.

## 1.6 The Board and General Manager of the LHPA

The Board and General Manager of the LHPA are responsible for:

- developing and submitting an EA operation plan in accordance with section 2 of the EA policy document,
- lodging a written application to establish an EA, on behalf of the LHPA, with the OJD coordinator,
- ensuring that any poll of eligible producers regarding the establishment of an EA is conducted in accordance with electoral processes detailed in Schedule 2 of the *Rural Lands Protection (General) Regulation 2001*,

- publishing and providing a summary of the EA annual report to all local producers by 30 March each year,
- ensuring that a triennial survey is undertaken targeting a random sample of at least 33.3% of eligible producers to gauge their support for continuation of the EA, and
- ensuring that the data from the triennial survey is collated and made available to the Senior District Veterinarian (SDV) or Western Division RVO for inclusion in the annual report.

### **1.7 SDV or Western Division RVO**

The SDV or Western Division RVO will:

- assist the General Manager of the LHPA to develop and revise a written operational plan for the EA,
- assist the General Manager of the LHPA to develop an application to establish an EA,
- collate the required information provided by LHPA staff to produce the EA annual report (note the report may be developed using the EA section of the LHPA activity template),
- assist in resolving any concerns that arise regarding difficulties in implementing a Property Disease Management Program (PDMP) for a flock or property that is suspected or known infected to be infected with OJD,
- undertake and document in writing a risk assessment (re the risk of exposure to Johne's disease), prior to the exercise of 'reserve' regulatory powers by an inspector.
- Where tracing is undertaken advise:
  - relevant LHPA and RVO of any trace advice relating to a property outside the LHPA; and
  - RVO and NSW OJD Coordinator of any interstate trace.

### **1.8 District Veterinarians (DV) or Western Division Veterinary Officer (VO)**

DVs will:

- provide a producer whose flock/property is known or suspected to be infected with OJD with information on management options to minimise the risk of spread of infection,
- make every effort to negotiate an agreed PDMP that is:
  - acceptable to the owner/manager of a flock that is known or suspected to be infected with OJD, and
  - consistent with the aims of the OJD EA operational plan.
- complete the EA section in the LHPA activity template to provide summary information on OJD prevalence and risk management in the EA including:
  - the number of eligible flocks in the EA at 31 December,
  - the prevalence of OJD in the EA at 31 December,
  - compliance with notification of movements into the EA (ie percentage of movements identified in NLIS summary report), risks identified and follow up actions taken,
  - the number of PDMPs at the start and end of period, including the number of new, completed or abandoned PDMPs,
  - the number of new OJD detections and how these were identified,
  - the source of new OJD infections if known,
  - details of surveillance activities undertaken including the number of trace forward and/or trace back reports received and investigated,
  - the result of any producer survey,

- OJD advisory activities undertaken in the last 12 months (attach copies of publicity material as appropriate)
- the number of breaches detected and description of the enforcement action taken in response to each breach,
- staff resources available during the year,
- a review of progress against targets in the operational plan.
- assist Rangers/Inspectors as required with OJD:
  - risk assessment (e.g. using a NSHS) or
  - tracing.
- assess and recommend communications and other actions to promote the effective functioning of the LHPA EA.

DVs may instigate compliance checks by Rangers on the completion and provision of NSHSs at private or on-property sales.

## 1.9 Rangers/Inspectors

Rangers/Inspectors will:

- undertake compliance checks on the provision of completed NSHSs:
  - at every public saleyards at least six times per annum,
  - on a significant percentage of lots (approximately 10% of lots offered at large sales or at least 25 of the lots on offer at small sales),
  - ideally at the point of delivery of sheep to the saleyard,
- where information is available that leads them to suspect a NSHS contains false or misleading information:
  - undertake due enquiry regarding any perceived irregularities in the NSHS provided with sheep for sale
  - bring any suspicion that a NSHS contains false or misleading information to the attention of only the seller/seller's agent,
  - advise a seller whom they believe has completed a NSHS inaccurately, that they will commit an offence if the sheep are offered for sale without the seller first correcting the Statement,
  - undertake an investigation where they are aware that a sale has proceeded and the NSHS contains false or misleading information,
  - undertake an investigation in other circumstances where an Inspector suspects that a Statement contains false or misleading information,
- undertake compliance checks on the notification of sheep movements into the LHPA at a minimum interval of once a month, by comparing NSHSs supplied to LHPA with the ['NLIS report of sheep entering the EA'](#),
- undertake an investigation where information leads them to suspect appropriate notification of sheep movement into the LHPA has not occurred.

Rangers/Inspectors may:

- undertake an initial OJD risk assessment relating to sheep introductions or traces using information such as a NSHS,
- assist in the development of a PDMP,
- exercise 'reserve' regulatory powers in accordance with section 2 of this procedure,

- undertake tracing and trace notification in an EA, in accordance with section 3 of this procedure,
- undertake compliance checks on the notification of sheep movements into the LHPA by comparing NSHSs supplied to LHPA with other available information, for example: introductions of sheep known to flock owners, stock agents or transport drivers,.

## 2. 'RESERVE' REGULATORY POWERS

The exercise of 'Reserve' regulatory powers should be a last resort in terms of minimising the risk of the spread of Johne's disease.

'Reserve' regulatory powers are available only where:

- cooperative measures to minimise the risk of spread of Johne's disease have been utilised and have not succeeded,
- the SDV has consulted with the RVO,
- the RVO has obtained the written endorsement of the Director Animal Biosecurity that there is evidence that without the exercise of 'reserve powers' other producers and flocks are at unnecessary risk of exposure to Johne's disease, and
- all the relevant conditions detailed below in 2.1 to 2.6 are met.

### 2.1 Order to muster

An Order to muster sheep may be issued only when the following conditions have been met:

- that the muster of the sheep is considered by the SDV/RVO Western Division essential to enable risk assessment, testing or treatment of the sheep to be undertaken,
- that the reasons for requiring the muster have been discussed by the DV/SDV/VO Western Division with the owner or person in charge of the sheep,
- that following discussion, the owner or person in charge of the sheep has been requested in writing on more than one occasion to muster the sheep, has had reasonable time to comply, and has not complied,
- that the reason/s for not complying are not considered valid reasons by the SDV/RVO Western Division,
- that the SDV/RVO Western Division considers on the basis of a written risk assessment that failure to muster the sheep may put other producers and flocks at unnecessary risk of exposure to Johne's disease.

If an Order to muster is not complied with, the Inspector may undertake the muster, and the cost of the muster may be recovered from the owner of the sheep.

### 2.2 Order or cause sheep to be tested

An Order to test sheep may be issued only when the following conditions have been met:

- that testing of the sheep is considered by the SDV/RVO Western Division essential to enable risk assessment to be undertaken,
- that the reasons for requiring testing have been discussed by the DV/SDV/VO Western Division with the owner or person in charge of the sheep,
- that following discussion, the owner or person in charge of the sheep has been requested in writing on more than one occasion to test the sheep, has had reasonable time to comply, and has not complied,
- that the reason/s for not complying are not considered valid reasons by the SDV/RVO Western Division,

- that the SDV/RVO Western Division considers on the basis of a written risk assessment that failure to test the sheep may put other producers and flocks at unnecessary risk of exposure to Johne's disease.

If an Order to test is not complied with, the Inspector may undertake the testing, and the cost of the testing may be recovered from the owner of the sheep.

### **2.3 Order to treat (vaccinate)**

An Order to vaccinate sheep with Gudair® vaccine may be issued only when the following conditions have been met:

- that the DV/SDV/RVO Western Division considers or suspects that the flock to be vaccinated is infected with Johne's disease,
- that vaccination of the sheep is considered by the SDV/RVO Western Division essential to minimise the risk of spread of Johne's disease,
- that the reasons for requiring vaccination have been discussed by the DV/SDV/VO Western Division with the owner or person in charge of the sheep,
- that following discussion, the owner or person in charge of the sheep has been requested in writing on more than one occasion to vaccinate the sheep, has had reasonable time to comply, and has not complied,
- that the reason/s for not complying are not considered valid reasons by the SDV/RVO Western Division ,
- that the SDV/RVO Western Division considers on the basis of a written risk assessment that failure to vaccinate the sheep may put other producers and flocks at unnecessary risk of exposure to Johne's disease.

If an Order to vaccinate is not complied with, the Inspector may undertake the vaccination, and the cost of the vaccination may be recovered from the owner of the sheep.

### **2.4 Detention of stock**

An Order to detain sheep may be issued only when the following conditions have been met:

- that the DV/SDV/RVO Western Division considers or suspects that the sheep to be detained are infected with Johne's disease,
- alternate means to manage Johne's disease risk in the particular situation have been discussed with the owner or person in charge of the sheep, and agreement has not been reached,
- detention of the sheep is considered by the SDV/RVO Western Division to be essential to manage Johne's disease risk in the situation,
- the SDV/RVO Western Division has been consulted, is unable to resolve the situation, and considers on the basis of a written risk assessment that failure to detain the sheep may put other producer's land or flocks at unnecessary risk of exposure to Johne's disease.

Where an Inspector issues a Detention Order for sheep in the EA, the order must be in accordance with the Operational Plan for the EA, and with the Procedure on Stock Disease Act Detention and Quarantine.

## 2.5 Quarantine of land

A quarantine order or undertaking may only be issued where:

- alternative efforts to manage the Johne's disease risk in the particular situation have been tried and shown to be ineffectual,
- quarantine of land is considered by the SDV/RVO Western Division to be essential to manage Johne's disease risk in the situation,
- the SDV/RVO Western Division has been consulted, is unable to resolve the situation, and considers that failure to quarantine land may put other producer's land or flocks at unnecessary risk of exposure to Johne's disease.

An Inspector may only quarantine land in the EA, or may make a recommendation to the Minister to quarantine land in the EA, in accordance with the Procedure on Stock Disease Act Detention and Quarantine.

## 2.6 Enter land

An Inspector may exercise the power to enter land to comply with the exercise of other 'reserve' powers.

## 3. IDENTIFICATION AND NOTIFICATION OF TRACE FORWARD, TRACE BACK AND NEIGHBOURING FLOCKS/PROPERTIES

Tracing is the identification of flocks/properties that are trace forward, trace back or neighbour contacts of infected or suspected flocks.

Trace notification is the notification, in writing, of owners/persons in charge of traced flocks/properties that their flock/property may have been exposed to Johne's disease.

Tracing and trace notification may only be undertaken when the following conditions have been met:

- that the DV/VO Western Division considers that the tracing and trace notification are essential for the purpose of the disease control program in the EA,
- that the reasons for tracing and trace notification have been discussed by the DV/SDV/RVO Western Division with the owner or person in charge of the infected or suspected flock,
- that following discussion, the owner or person in charge of the infected or suspected flock has been encouraged to personally undertake tracing and trace notification,
- that, where the owner or person in charge of the infected or suspected flock has declined to personally undertake tracing and trace notification, consent for the Inspector to undertake tracing and trace notification has been sought,
- that the SDV/RVO Western Division considers on the basis of a written risk assessment that failure to trace and notify traces may put other producers and flocks at unnecessary risk of exposure to Johne's disease.

## 4. BREACHES

### 4.1 Action with regard to breaches

An investigation is to be conducted into all suspected breaches including:

- consigning or selling sheep, other than exempt sheep, without a completed NSHS (Offence Provision S20H(1)(a) SDA),
- delivering sheep, other than exempt sheep, to a saleyard without the provision of a completed NSHS (Offence Provision S20H(1)(a) of the SDA),
- failure to notify infection or suspicion of infection with OJD (Offence Provision S9 SDA Occupier etc to give notice - 12 Month Statute),

- failure to notify the movement of sheep into the EA (Offence Provision S20H(1)(a) SDA),
- failure to comply with requirements to implement a PDMPs (Offence Provision S20H(1)(a) SDA),
- any breach of an order to muster stock (Offence Provision S20H(1) A person must not:(b)contravene the terms of an order or notice served on or given to the person under this Act),
- any breach of an order to vaccinate stock (Offence Provision S20H(1)(b) 20FA(1) of the SDA),
- any breach of a detention order (Offence Provision S20H(1)(b) and 20FA(3) depending on circumstances of breach), and
- any breach of a quarantine order/notice (Offence Provision S20C(1)(b), S20H(1)(a) and 20H(1)(b)).

## 4.2 Regulatory action with regard to breaches

Regulatory Officers should refer to the [Agricultural Compliance Manual](#) to decide the appropriate response to a suspected offence.

## 4.3 Action with regard to sheep, other than exempt sheep, having been delivered to a saleyard without a completed NSHS

In the event that sheep, other than exempt sheep, are delivered to a saleyard without a completed NSHS, and the seller is available, an Inspector should advise both the seller and the seller's agent, that an offence will be committed if the sheep are sold without the seller first completing a NSHS and making it available to prospective buyers to inspect.

In the event that:

- sheep, other than exempt sheep, are delivered to a saleyard without a completed NSHS, and
- the seller is not available, and
- an Inspector is of the opinion that the seller has not previously failed to comply with a requirement to provide a NSHS,

then the Inspector may advise the seller's agent that sale of the sheep can proceed without penalty to the agent, provided the agent undertakes to:

- announce to prospective buyers, immediately before offering the sheep for sale, that the sheep are not accompanied by a completed NSHS and therefore do not have any Assurance Based Credit points allotted to them, and
- record the same information on the invoice of sale, and
- obtain, from the seller, a completed NSHS, and
- provide the completed NSHS to an Inspector within seven days of the sale.

In the event that:

- an Inspector has advised a seller's agent that sale of the sheep can proceed without penalty to the agent, subject to the above undertaking, and
- the Inspector is subsequently of the opinion that the agent has failed to comply with his/her undertaking,

then the Inspector should proceed with an investigation.

## References

- [www.ojd.com.au](http://www.ojd.com.au)
- [www.ojdinfo.nsw.gov.au](http://www.ojdinfo.nsw.gov.au)

## Legislation

- [Stock Diseases Act 1923](#)

## Policies and Procedures

- [I&I Policy 0-067 for the OJD Exclusion Areas](#)
- [ABMS Policy for the OJD Management Area](#)
- [ABMS O-055 Policy Supply and use of Gudair vaccine for Johne's disease \(JD\)](#)
- [ABMS O-054 OJD Abattoir Monitoring – Reporting and Follow up of Positive Traces](#)

## Definitions

<i>Cluster of infected flocks</i>	Three or more flocks infected with OJD where the properties share common boundaries or are in close geographical proximity
<i>Completed Sheep Health Statement</i>	<ul style="list-style-type: none"> <li>• a document sourced from a booklet titled 'National Sheep Health Statement Version 1 March 2008' or from a subsequent edition approved by the Director, Animal Biosecurity, and duly completed by the owner and/or person responsible for the husbandry of the sheep, or</li> <li>• a document sourced electronically titled 'National Sheep Health Statement Version 1 March 2008' or from a subsequent edition approved by the Director, Animal Biosecurity, and duly completed by the owner and/or person responsible for the husbandry of the sheep, or</li> <li>• a document approved from time to time by the Director, Animal Biosecurity, and duly completed by the owner and/or person responsible for the husbandry of the sheep</li> </ul>
<i>CVO</i>	Chief Veterinary Officer
<i>Director Animal Biosecurity</i>	The Director of Animal Biosecurity I&I NSW
<i>DV</i>	District Veterinarian, or Veterinary Officer in Western Division
<i>Eligible sheep producer</i>	a producer whose property is partly or fully located within the defined geographic boundaries of the Exclusion Area and has run a flock of 50 or more sheep on that property in the last 12 months
<i>Exempt sheep</i>	sheep exempt from the requirement to provide a NSHS when they are moved. These sheep are: <ul style="list-style-type: none"> <li>• sheep being moved to slaughter, directly or via a slaughter-only sale, or</li> <li>• sheep being sent or delivered to an NSHS exempt sale or</li> <li>• lambs accompanied by a National Vendor Declaration on which section 7 has been filled in with the words 'PRIME LAMBS FOR SLAUGHTER ONLY'</li> </ul>
<i>Exclusion Area</i>	This is a protected area for OJD that is proclaimed by the Minister for Primary Industries at the request of a Livestock Health and Pest Authority. <a href="#">See map</a>
<i>Infected</i>	<p>A flock/property is considered to be infected where</p> <ul style="list-style-type: none"> <li>• infection by the sheep strain of <i>M. Paratuberculosis</i> has been identified, and there is evidence of, or likely potential for, transmission of infection within the flock;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• infection by the cattle strain of <i>M. Paratuberculosis</i> has been identified, and there is evidence of, or likely potential for, transmission of infection within the flock;</li> </ul> <p>and the flock has not met the requirements for the resolution of infection</p>

<i>I&amp;I NSW</i>	Industry and Investment NSW
<i>Infected Flock</i>	A flock is regarded as infected with Johne's disease when: <ul style="list-style-type: none"> <li>• one or more infected animals have been found, and</li> <li>• there is evidence of, or likely potential for, transmission of infection to other sheep</li> </ul>
<i>Management area</i>	The area of the state that lies outside the proclaimed Exclusion Areas for OJD. <a href="#">See map</a>
<i>LHPA</i>	Livestock Health And Pest Authority
<i>OJD</i>	Ovine Johne's Disease the disease which is caused by infection with ovine strains of the organism <i>Mycobacterium paratuberculosis</i>
<i>Principal Director Biosecurity</i>	The Principal Director of I&I NSW, formerly known as the Director Animal and Plant Biosecurity
<i>PDMP</i>	Property Disease Management Plan
<i>RVO</i>	Regional Veterinary Officer
<i>SDV</i>	Senior District Veterinarian
<i>SMC</i>	State Management Council of LHPA
<i>Suspected</i>	An owner or manager should suspect a flock is infected with OJD if the owner has reasonable grounds to believe that it has been exposed to OJD infection or that OJD may exist in the flock. These grounds include: <ul style="list-style-type: none"> <li>• detection of infection by abattoir surveillance; or</li> <li>• trace back or trace forward contact with an infected flock; or</li> <li>• contact with OJD contaminated land or facilities</li> <li>• reactors in the flock to a Johne's Disease test</li> <li>• the flock neighbours an infected flock</li> <li>• the flock has introduced sheep with an ABC Score of 0</li> <li>• clinical signs of OJD</li> <li>• advice from the Chief Veterinary Officer based on a risk assessment that considers the above factors</li> </ul> <p>And the flock has not met the requirements for the resolution of suspicion</p>
<i>Terminal-'T' tag lambs</i>	Lambs which are to be slaughtered before they cut their first permanent teeth and are identified by an NLIS (sheep) 'T' tag.
<i>VO</i>	Veterinary Officer

## Contact

Policy Officer Animal Biosecurity (OJD Coordinator)

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BIOSECURITY DOCUMENT Ref: PRO 2009/010

SC Ref: -/-/WI

TRIM Ref: INT09/49570

DV Ref: -/-

## OVINE JOHNE'S DISEASE EXCLUSION AREAS

The attached document is a **GUIDELINE** issued with the concurrence of the Director-General of NSW Department of Industry & Investment under Clause 6.2 of the Memorandum of Understanding between the Director-General of NSW Department of Industry & Investment and the State Council of Livestock Health and Pest Authorities.

A handwritten signature in black ink, appearing to be 'B M Christie'.

**[APPROVED]**

**[APPROVED]**

**B M CHRISTIE      for R F SHELDRAKE**

**S ORR**

**DIRECTOR-GENERAL**

**CHIEF EXECUTIVE OFFICER**

**DEPARTMENT OF INDUSTRY &**

**STATE MANAGEMENT COUNCIL**

**INVESTMENT**

**LIVESTOCK HEALTH AND PEST AUTHORITIES**

**Date: 19 May 2010**

**Date: 11 June 2010**