BRC 2017

CONTROLLED AREA NOTICE

NOTICE UNDER THE BIOSECURITY ACT 1993

SECTION 131 - CONTROLLED AREA, MOVEMENT CONTROLS AND PROCEDURES IN RESPECT OF BONAMIA OSTREAE (*B. ostreae*)

Commencement

1. This Notice takes effect at 4pm on Wednesday 14 June 2017.

Controlled Area Declaration

2. Pursuant to section 131(2) of the Biosecurity Act 1993, I hereby declare that the areas described in Schedule 1 and defined by map in Schedule 2 ("the Controlled Area") are the areas controlled in order to:-

   (a) Enable the limitation of the spread of *B. ostreae*, being an unwanted organism under the Biosecurity Act 1993;

   (b) Minimise the damage caused to wild and farmed flat oyster populations by *B. ostreae*;

   (c) Protect areas in New Zealand most at risk from an incursion of *B. ostreae*;

   (d) Facilitate the access of New Zealand products to overseas markets; and

   (e) Monitor risks associated with the movement of *B. ostreae* to parts of New Zealand where the *B. ostreae* status is unknown.

Notice of Movement Controls

3. Under section 131(3)(a) of the Biosecurity Act 1993, I hereby give notice that, except in accordance with any conditions imposed by this notice or an inspector or authorised person:-

   (a) Things listed in Schedule 3 that are in the area specified as the "Contained Zone" of the Controlled Area must not be moved out of the Contained Zone.

   (b) Things listed in Schedule 3 that are outside of the area specified as the "Protected Zone" of the Controlled Area must not be moved into the Protected Zone.

   (c) Things listed in Schedule 3 specified in the area "Stewart Island Zone" of the Controlled Area must not be moved into or out of Stewart Island.

4. The movement controls above do not apply to the specified activities described in Schedule 4 upon fulfilment of the conditions applicable to that activity as specified in Schedule 4, or as otherwise determined or directed by a Chief Technical Officer or Deputy Chief Technical Officer.

5. These movement controls do not apply to the things listed in Schedule 3 taken in accordance with the Fisheries (Amateur Fishing) Regulations 2013 or the Fisheries (South Island Customary Fishing) Regulations 1999 by persons not a "commercial fisher" as defined in regulation 3 of the Fisheries (Commercial Fishing) Regulations 2001.

This Notice amends and replaces BRC 2017 issued 1 June 2015.

Pastoral House, 25 The Terrace, PO Box 2526
Wellington 6140, New Zealand
Telephone: 0800 00 83 33, Facsimile: +64-4-894 0726
www.mpi.govt.nz

This Notice remains applicable together with and subject to any further direction(s) given by an Inspector or Authorised Person by exercise of power under the Act.

Signed at Wellington this 14th day of June 2017.

D. Yard

David Yard
Deputy Chief Technical Officer
Ministry for Primary Industries

Pastoral House, 25 The Terrace, PO Box 2526
Wellington 6140, New Zealand
Telephone: 0800 00 83 33, Facsimile: +64-4-894 0726
www.mpi.govt.nz

Schedule 1 - Description of Controlled Area

The following areas are included in the **"Controlled Area"** and subject to this Notice:

Contained Zone is the area contained within the unitary authority boundaries of Nelson and Marlborough and including the Territorial Sea, as defined in the map in Schedule 2.

Protected Zone is the area contained within the regional council boundaries of Southland and Otago including the Territorial Sea and also includes Stewart Island and the Chatham Islands, as defined in the map in Schedule 2.

Stewart Island Zone is the area contained within the boundaries of the Southland District Council including the territorial sea extending 1 nautical mile from the shoreline, as defined in the map in Schedule 2.
(Note: this area is also included within the Protected Zone)

Where any property or part thereof is bisected by the boundary of a zone of the controlled area, the entire property shall be included in that zone of the controlled area.

Property means real property and includes all land, structures and all interests in the property.

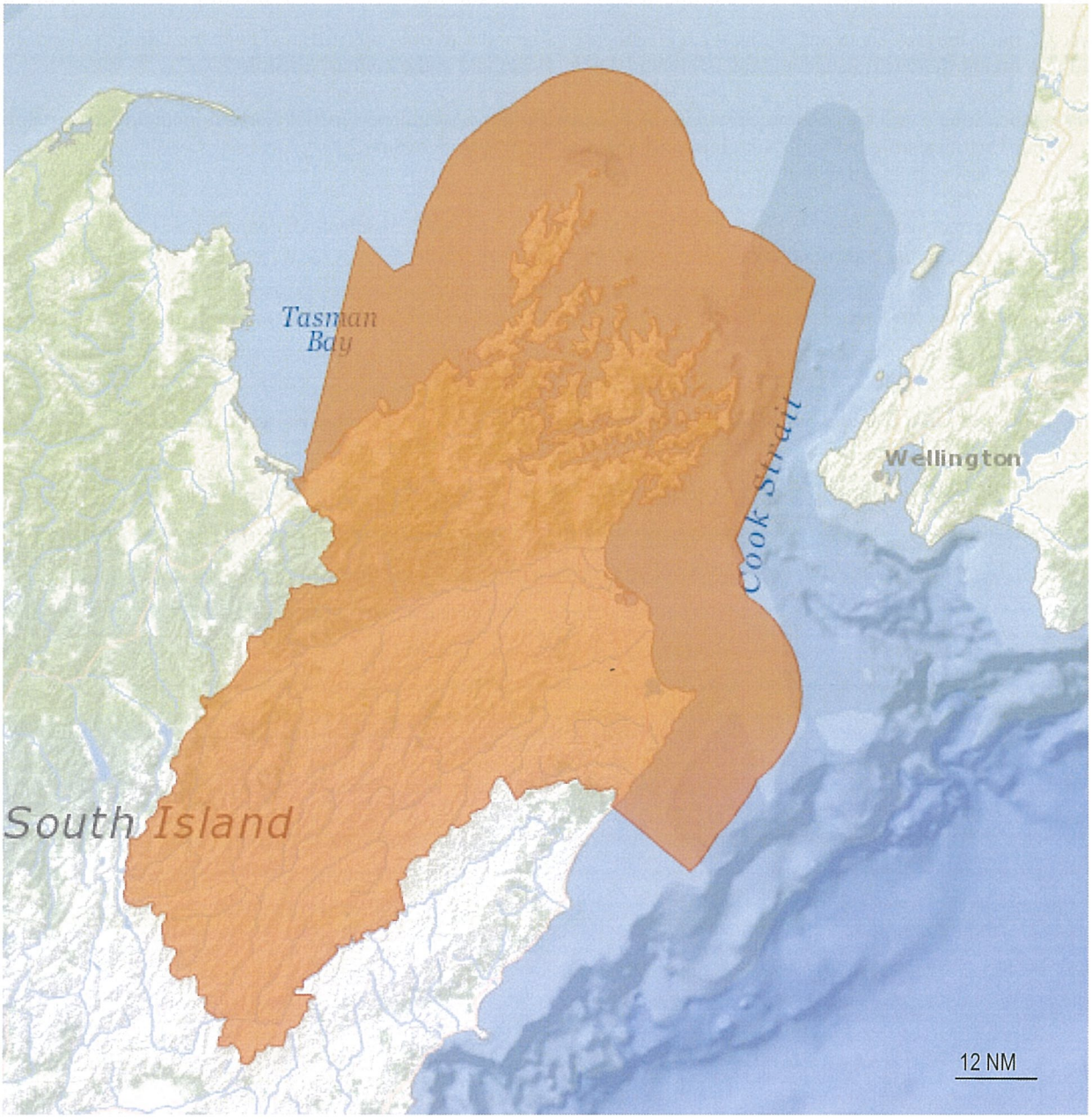
The Territorial Sea is an area of water not exceeding 12 nautical miles in width which is measured seaward from the territorial sea baseline as defined in Section 3 of the Territorial Sea (Contiguous Zone) and Exclusive Economic Zone Act 1977:

The territorial sea of New Zealand comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 [and 6A] of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which line is distant 12 nautical miles from the nearest point of the baseline.

Pastoral House, 25 The Terrace, PO Box 2526
Wellington 6140, New Zealand
Telephone: 0800 00 83 33, Facsimile: +64-4-894 0726
www.mpi.govt.nz

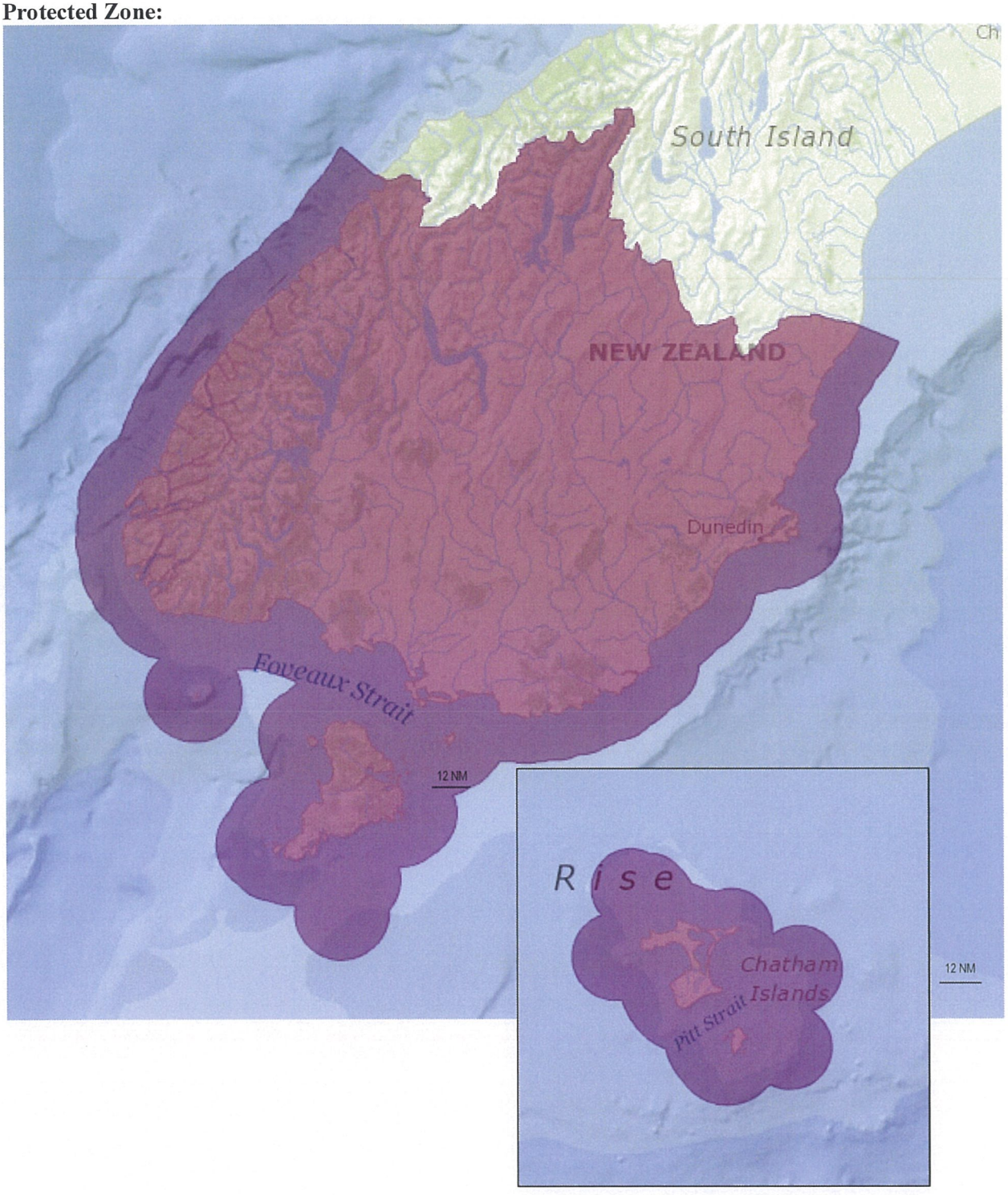
Schedule 2 - Map of Controlled Area

Contained Zone:



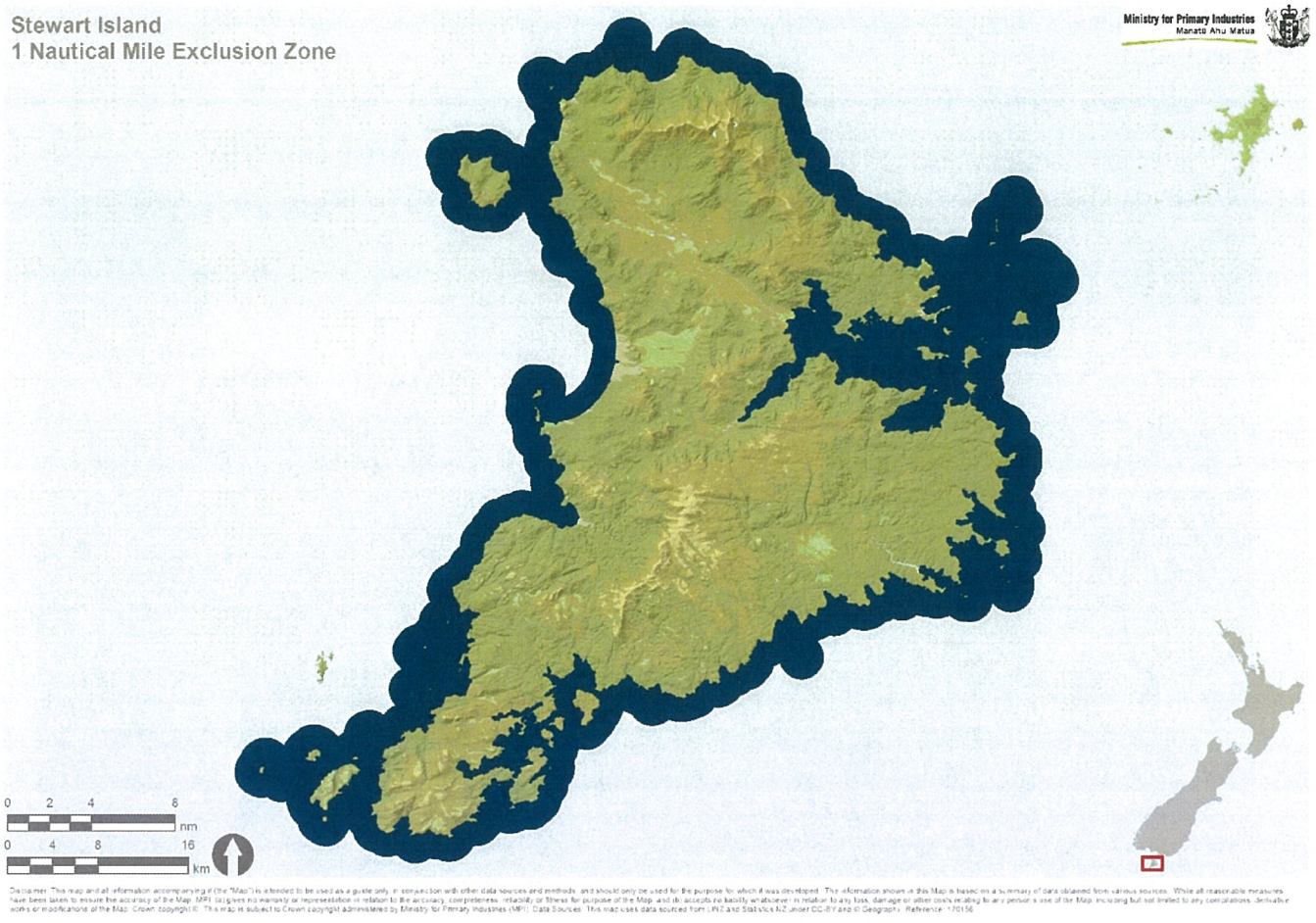
Pastoral House, 25 The Terrace, PO Box 2526
Wellington 6140, New Zealand
Telephone: 0800 00 83 33, Facsimile: +64-4-894 0726
www.mpi.govt.nz

Protected Zone:



Pastoral House, 25 The Terrace, PO Box 2526
Wellington 6140, New Zealand
Telephone: 0800 00 83 33, Facsimile: +64-4-894 0726
www.mpi.govt.nz

Stewart Island Zone:



Disclaimer: This map and all information accompanying it (the "Map") is intended to be used as a guide only, in conjunction with other data sources and methods, and should only be used for the purpose for which it was developed. The information shown in this Map is based on a summary of data obtained from various sources. While all reasonable measures have been taken to ensure the accuracy of the Map, MPI (a) gives no warranty or representation in relation to the accuracy, completeness, reliability, or fitness for purpose of the Map, and (b) accepts no liability whatsoever in relation to any loss, damage or other costs relating to any person's use of the Map, including but not limited to any compilations, derivative works or modifications of the Map. Crown copyright ©. This map is subject to Crown copyright administered by Ministry for Primary Industries (MPI). Data Sources: This map uses data sourced from LINZ and Statistics NZ under CC-BY and © Geographx. Reference: 10156.

Pastoral House, 25 The Terrace, PO Box 2526
Wellington 6140, New Zealand
Telephone: 0800 00 83 33, Facsimile: +64-4-894 0726
www.mpi.govt.nz

Schedule 3

Things subject to Movement Controls

The following things both live and dead and inclusive of their spat, are subject to the movement controls described in clause 3 of this notice:

i. Flat oyster (*Ostrea chilensis*), also known as Dredge or Bluff oysters.
ii. Pacific oyster (*Crassostrea gigas*).
iii. Green-lipped mussel (*Perna canaliculus*).
iv. Geoducks (*Panopea zelandica*).

Things subject to Movement Controls specific to Stewart Island Zone

The following things specific to the Stewart Island Zone are subject to the movement controls described in clause 3(c) of this notice:

Organisms (both live and dead and inclusive of their spat)

i. Flat oyster (*Ostrea chilensis*), also known as Dredge or Bluff oysters.
ii. Pacific oyster (*Crassostrea gigas*).
iii. Green-lipped mussel (*Perna canaliculus*).
iv. Geoducks (*Panopea zelandica*).

Other goods

i. All marine farm equipment and craft including but not limited to boats, rope, backbone line, droppers, mussel rope, marker buoys, navigation lights, anchor warps/lines.

Pastoral House, 25 The Terrace, PO Box 2526
Wellington 6140, New Zealand
Telephone: 0800 00 83 33, Facsimile: +64-4-894 0726
www.mpi.govt.nz

Schedule 4 – Specific activities not subject to movement controls

Definitions:

Craft for the purposes of this Notice has the same meaning as defined in section 2 of the Biosecurity Act 1993 but does not include craft that has not been moored at or otherwise associated with a marine farm which farms the organisms in Schedule 3.

Permit means: The written permission of an inspector or authorised person appointed under the Biosecurity Act 1993, inclusive of any conditions contained therein.

Process has the same meaning as in section 4 of the Animal Products Act 1999.
(process includes kill, slaughter, dress, cut, extract, manufacture, pack, preserve, transport, and store)

Processed for human consumption for the purpose of this Notice means that all processing steps have been fully completed and the product is in a final state for delivery to the retail seller or consumer.
For the avoidance of doubt, the product is not deemed to have been processed for human consumption if any interim or further processing step is required in relation to the product with the exception of final transportation to the retail seller or consumer.

The following specific activities relating to things listed in Schedule 3, are not subject to the movement controls in clause 3 upon fulfilment of the conditions specified:

i. Movement of Pacific oysters, Green-lipped mussels and Geoducks **out of the Contained Zone** provided that:

Conditions:
a. a permit is obtained prior to the movement; and
b. any conditions specified in the permit are fulfilled by the permit holder;

or

c. they have been processed for human consumption.

ii. Movement of Pacific oysters, Green-lipped mussels and Geoducks **into the Protected Zone** provided that:

Conditions:
a. a permit is obtained prior to the movement; and
b. any conditions specified in the permit are fulfilled by the permit holder;

or

c. they have been processed for human consumption.

iii. Movement of Flat oysters **out of the Contained Zone** provided that:

Conditions:
a. they have been processed for human consumption; and
b. MPI is notified in writing by the owner or person in charge as soon as reasonably practicable of the movement, itinerary and details of the consignment.

iv. Movement of Flat oysters **into the Protected Zone** provided that:

Conditions:
a. they have been processed for human consumption; and
b. MPI is notified in writing by the owner or person in charge as soon as reasonably practicable of the movement, itinerary and details of the consignment.

Stewart Island Zone

v. Movement of Pacific oysters, Green-lipped mussels and Geoducks **into or out of Stewart Island Zone** provided that:

Conditions:
a. a permit is obtained prior to the movement; and
b. any conditions specified in the permit are fulfilled by the permit holder;

or

c. they have been processed for human consumption.

vi. Movement of Flat oysters **out of Stewart Island Zone** provided that:

Conditions:
a. they have been processed for human consumption; and
b. MPI is notified in writing by the owner or person in charge as soon as reasonably practicable of the movement, itinerary and details of the consignment.

vii. Movement of other goods as described in schedule 3 **into or out of Stewart Island Zone** provided that:

Conditions:
a. a permit is obtained prior to the movement; and
b. any conditions specified in the permit are fulfilled by the permit holder.

Notes for Information

Any person who wishes to obtain the permission of an inspector or authorised person to carry out a movement or activity that is prohibited by this Notice should contact:

bonamiapermit@mpi.govt.nz

"Notified in writing" for the purposes of Schedule 4 (iii) and (iv) may be completed by way of email to the email address specified above or by the usual reporting process to Marlborough Shellfish Quality Program Marine Biotoxin Library Sample Register.

Failure by you or your employee or agent to comply with this Notice or any subsequent directions may give rise to an offence under the Act. Please ensure your employees have a copy of this notice.

Conditions specified in a permit may include the following (by way of example only) in relation to vessels and equipment. MPI will determine the permit conditions applicable for permitted movements either generally or on a case by case basis:
Examples:

Vessels
- No macro-fouling
- Be clean inside and out
- Antifouling certificate, a recent (within 2 weeks) hull inspection, a biofouling management plan and record book.

Equipment
- A cleaning/disinfection procedure e.g. Burn or designate to landfill all wooden/porous structures
- Manually clean and remove any biofouling from the remaining structures
- Treat in freshwater for at least 14 days (changing the water every 12-24 hours)
- Air dry for 28 days with a two month fallowing period prior to return to the sea

Pastoral House, 25 The Terrace, PO Box 2526
Wellington 6140, New Zealand
Telephone: 0800 00 83 33, Facsimile: +64-4-894 0726
www.mpi.govt.nz