

14 August 2026

Consultation: Proposed foot and mouth disease emergency regulations and notices

Ministry for Primary Industries

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DairyNZ submission on foot and mouth disease (FMD) emergency regulations and notices

1. DairyNZ appreciates the opportunity to provide feedback on MPI's proposal to pre-draft emergency regulations and notices for use during an FMD biosecurity emergency.
2. We support proactive preparedness measures that would strengthen the country's ability to respond quickly and effectively to an outbreak. The proposal recognises that speed is critical in a response and that the supporting regulatory framework should be developed before an emergency occurs rather than under the pressures of an outbreak.
3. Pre-drafting regulations and notices creates an opportunity to undertake robust analysis, consult widely and resolve implementation issues before an outbreak occurs. We also see this work as an opportunity to close gaps identified in the FMD Operational Plan Review.
4. DairyNZ generally agrees with the categories of matters identified by MPI as likely to require emergency regulations or notices during an FMD outbreak. Further consideration should be given to several matters that are important to the dairy sector. These include disposal of raw milk from dairy farms where milk collection is not possible, compensation implications of exercising powers, the legislative powers of supporting agencies, and maintaining public and industry confidence in an outbreak.
5. DairyNZ is the industry good organisation that represents all New Zealand dairy farmers. We are focused on helping farmers build profitable, sustainable, and resilient farm businesses through extension, advocacy, science and research. Our purpose is to deliver a positive future for New Zealand dairy farming.
6. DairyNZ is funded by a levy on milk solids that is paid by all dairy farmers under the Commodity Levies Act 1990, a significant proportion of our work is allocated towards biosecurity.



Managing milk where collection is not possible

7. The Regulated Control Scheme will provide significant support to dairy farmers during an FMD outbreak by enabling the continued collection, transport and processing of raw milk under controlled conditions. However, there may be a number of dairy farms where milk collection cannot occur due to disease control measures.
8. DairyNZ recommends that MPI consider the regulatory and operational arrangements that would apply to dairy farms where milk collection is not possible. This should include on-farm milk storage or disposal that manages disease transmission risks and environmental impacts, farmer obligations, compensation implications, and communications to affected farmers.

Compensation

9. DairyNZ considers that further clarity is needed regarding the interaction between emergency powers and compensation provisions. Where the Crown directs the disposal of livestock, the relationship between those directions and subsequent compensation should be transparent and clearly understood.
10. This is important where disposal activities result in ongoing obligations or costs for affected dairy farmers. For example, on-farm burial may create ongoing leachate management, consenting or land-use implications that continue well beyond the immediate response. Consideration should be given to whether compensation settings appropriately account for the full consequences of response actions directed by the Crown, where costs or liabilities continue for many years after the outbreak has been eradicated.

Legislative powers of supporting agencies

11. DairyNZ encourages MPI to consider the broader legislative framework that would support implementation of emergency powers during an outbreak. An FMD response will require coordinated action across multiple agencies, including Biosecurity New Zealand, supporting Government agencies, local authorities, and industry partners. Emergency powers need to align with the statutory authorities available to supporting agencies, and gaps need to be addressed before an outbreak occurs.
12. Movement restrictions will rely on support for enforcement. DairyNZ understands that there may be limitations on the circumstances in which Police can stop vehicles away from designated checkpoints. DairyNZ recommends that MPI undertake a cross-agency assessment to confirm whether supporting agencies have the necessary powers, operational guidance, training and communication protocols to give practical effect to emergency biosecurity directions.

Maintaining farmer and industry confidence

13. We support existing co-governance and joint decision-making arrangements. Strong governance processes provide transparency around significant response decisions and help ensure that response strategy is informed by both government and industry perspectives. Maintaining this transparency will be particularly important where highly intrusive powers are being exercised.



14. The exercise of powers can have substantial impacts on dairy farmers and rural communities. There is a risk to social licence if dairy farmers do not understand why powers are being exercised or how decisions are being made. A proactive communications strategy that explains the rationale for response measures, evidence supporting decisions and benefits of disease eradication will assist in maintaining public and industry confidence in the response.

Regulation via emergency regulations or notices

15. DairyNZ supports that measures that will remain consistent throughout the outbreak are suited to Emergency Regulations, and measures that require flexibility are suited to Emergency Notices.

Next steps

While recognising MPI's role as the regulatory authority, DairyNZ's participation in the FMD Council and our shared approach to readiness and response planning means we would welcome the opportunity to contribute to the development and drafting of these emergency powers.

If you have any questions on the feedback provided in this submission, please contact me.

Yours sincerely,

A handwritten signature in brown ink that reads "Fi Roberts".

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