

Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Order 1998

(SR 1998/179)

PURSUANT to section 68 of the Biosecurity Act 1993, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on the recommendation of the Minister of Agriculture, makes the following order.

Contents

	Page
1 Title and commencement	2
2 Interpretation	2
3 National Bovine Tuberculosis Pest Management Strategy	5
4 Pest	5
5 Objectives of strategy	5
5A Principal measures to implement strategy	5
6 Management agency	6
7 Term of strategy	6
8 Powers used to implement the strategy	6
9 Strategy rules	6
10 Obligation to notify Board of place where herd is kept	7
11 Obligation to provide facilities and assistance for restraint of animals	7
12 Identification of animals with bovine tuberculosis	7
12A Identification of cattle and deer for testing	8
12B Declarations	8
12C Form and content of declarations	9
12D Retention of declarations	11
12E Sales	11
12F Meaning of movement	12
13 Restrictions on testing and treatment of animals	12

Note

This order is administered in the Ministry of Agriculture and Forestry.

14	Obligation of veterinarians and other persons to submit specimens for investigation	13
14A	Obligation of persons performing ante- and post-mortem examinations to submit specimens for investigation	14
14B	Obligation of persons in charge of verifying compliance with ante- and post-mortem examination procedures	15
15	Obligation of laboratories to provide results	15
16	Obligation to supply information	15
17	Obligation to report suspected presence of bovine tuberculosis to Board	17
17A	Release of pigs into wild state	17
18	Compensation	17
19	Funding of strategies	18
20	Application of funds	19
21	Actions that may be taken by local authorities	20

1 Title and commencement

- (1) This order may be cited as the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Order 1998.
- (2) This order comes into force on 1 July 1998.

2 Interpretation

- (1) In this order, unless the context otherwise requires,—
 - Accredited person** means a person accredited under section 103(7) of the Act
 - Act** means the Biosecurity Act 1993
 - Approved**,—
 - (a) In relation to a test for bovine tuberculosis, means approved by a chief technical officer:
 - (b) In relation to a diagnostic laboratory, means approved by a chief technical officer:
 - Authorised person** means a person, appointed under section 103(1)(b) of the Act for the purposes of the strategy
 - Board** means the Animal Health Board (Incorporated)

breakdown means changing a herd's status from uninfected herd to infected herd

breakdown: this definition was inserted, as from 30 September 2004, by clause 3(1) Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Cattle means any animal of the artiodactyla Bovidae

Chief technical officer means a chief technical officer appointed under section 101(1) of the Act

Common costs means the administrative costs of the strategy; and includes costs of information, education, research and development, and advice and assistance in relation to bovine tuberculosis

Disease control means any action taken for the purpose of—

- (a) Identifying and monitoring the distribution of bovine tuberculosis in domesticated animals or farmed animals; or
- (b) Preventing the spread of bovine tuberculosis between domesticated animals or farmed animals; or
- (c) Eradicating bovine tuberculosis from domesticated animals or farmed animals:

herd means a group of cattle or deer, or cattle and deer that is—

- (a) managed as 1 unit; or
- (b) kept within the same enclosure or behind the same fence

herd: this definition was substituted, as from 30 September 2004, by clause 3(2) Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

herd of origin means the herd with which a cattle beast or a deer is, for the time being, grazing

herd of origin: this definition was inserted, as from 30 September 2004, by clause 3(2) Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Infected herd means a herd that includes, or has included, 1 or more animals—

- (a) That has reacted positively to an approved test for bovine tuberculosis; or
- (b) That exhibits gross bovine tuberculosis lesions; or
- (c) From which a tissue specimen has been taken, and histopathology or a culture analysis based on that tissue demonstrates the presence of bovine tuberculosis;—

and, in respect of that herd, the information available from the subsequent testing or the subsequent inspection of carcasses of animals is not sufficient to exclude the likelihood that bovine tuberculosis remains in animals within the herd

person in charge, in relation to an animal, includes a person who has the animal in his or her possession or custody, or under his or her care, control, or supervision

person in charge: this definition was inserted, as from 30 September 2004, by clause 3(3) Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Strategy means the National Bovine Tuberculosis Pest Management Strategy made by this order

test means a procedure to establish the presence or absence of bovine tuberculosis, carried out on—

- (a) any animal; or
- (b) any blood or serum sample taken from any animal; or
- (c) any tissue sample taken from any animal

test: this definition was inserted, as from 30 September 2004, by clause 3(4) Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Tuberculosis vector free area means an area classified by the Board as an area where vectors are not present, or if present do not have the potential to infect herds

Tuberculosis vector risk area means an area classified by the Board as an area where vectors are present and have the potential to infect herds

Vector means an animal that is not kept within an enclosure or behind a fence and that is known or suspected by the Board to be capable of harbouring the pest

Vector control means any action taken for the purpose of—

- (a) Preventing the spread of bovine tuberculosis between vectors; or
- (b) Preventing the spread of bovine tuberculosis from vectors to domesticated or farmed animals; or
- (c) Eradicating bovine tuberculosis from vectors:

Veterinarian means a person registered as a veterinarian or a specialist under the Veterinarians Act 2005.

Veterinarian: this definition was amended, as from 22 December 2005, by section 105 Veterinarians Act 2005 (2005 No 126) by substituting the words “or a

specialist under the Veterinarians Act 2005” for the words “in accordance with the Veterinarians Act 1994”.

- (2) Unless the context otherwise requires, terms and expressions that are not defined in this order but that are defined in the Act have the same meaning as in the Act.

3 National Bovine Tuberculosis Pest Management Strategy
This order makes the National Bovine Tuberculosis Pest Management Strategy.

4 Pest
The organism *Mycobacterium bovis*, the cause of the disease of bovine tuberculosis, is the pest to be managed in accordance with the strategy.

5 Objectives of strategy

- (1) The primary objective of the strategy is to reduce, by 30 June 2013, the tuberculosis annual period prevalence rate to 0.2% or less (no more than 2 infected herds to every 1000 uninfected herds).
- (2) The progress objectives of the strategy are to—
- (a) prevent, from 1 July 2004, the establishment of infected vector populations within tuberculosis vector free areas:
 - (b) increase, by 30 June 2006, the area in which the annual period prevalence rate of infected herds is 0.2% or less (no more than 2 infected herds to every 1000 uninfected herds) to at least 226000 sq km:
 - (c) reduce, by 30 June 2009, the mean annual number of infected vector-related breakdowns in tuberculosis vector risk areas to a rate of 1.2% or less (no more than 12 breakdowns to every 1000 uninfected herds).

Clause 5 was substituted, as from 30 September 2004, by clause 4 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

5A Principal measures to implement strategy

The principal measures to be taken to implement the strategy are—

- (a) the detection of bovine tuberculosis by testing herds and vectors for bovine tuberculosis:
- (b) the slaughter of domestic animals suspected of being infected with bovine tuberculosis:
- (c) the management of vector populations in tuberculosis vector risk areas and in buffer control zones associated with those areas:
- (d) the controls on the movement of cattle and deer.

Clause 5A was inserted, as from 30 September 2004, by clause 5 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

6 Management agency

The management agency responsible for implementing the strategy is the Animal Health Board (Incorporated).

7 Term of strategy

The strategy remains in force until 30 June 2013.

Clause 7 was substituted, as from 30 September 2004, by clause 6 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

8 Powers used to implement the strategy

- (1) The powers conferred on an authorised person by sections 106, 109, 111, 113, 114, 118, 119, 121, 121A, 122, 123, and 130 of the Act may be used by an authorised person, appointed for the purposes of the strategy, to implement the strategy.
- (2) The powers conferred on a management agency by sections 128 and 131 of the Act may be used by the management agency to implement the strategy.
- (3) The power in section 114A of the Act may be used to implement the strategy.

Subclause (1) was amended, as from 30 September 2004, by clause 7 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271) by inserting the expression “121A,” after the expression “121,”.

9 Strategy rules

Clauses 10 to 17A contain the strategy rules.

Clause 9 was substituted, as from 30 September 2004, by clause 8 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

10 Obligation to notify Board of place where herd is kept

- (1) Every person who owns or is in charge of a herd must notify the Board or an authorised person of the place where the herd is, for the time being, kept.
- (2) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

11 Obligation to provide facilities and assistance for restraint of animals

- (1) Every person who owns or is in charge of a herd that is required to be tested for the presence or absence of bovine tuberculosis must provide sufficient facilities and assistance for holding, handling, and restraint of the cattle or deer to enable the tests to be safely carried out and identification to be safely applied in accordance with clause 12.
- (2) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

12 Identification of animals with bovine tuberculosis

- (1) If an animal has tested positive for bovine tuberculosis, or is to be moved from an infected herd, an ear tag or other identification may be applied to the animal.
- (2) Only an inspector, authorised person, or accredited person may remove, alter, or deface an ear tag or other identification applied in accordance with subclause (1), unless—
 - (a) an inspector or authorised person has given written permission for another person to do so; or
 - (b) an accredited person has given written confirmation that the animal has tested negative for bovine tuberculosis.
- (3) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Clause 12 was substituted, as from 30 September 2004, by clause 9 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

12A Identification of cattle and deer for testing

- (1) When directed to do so by an inspector or authorised person, the owner or person in charge of a herd must identify, in the manner directed, any member of that herd that is required to be tested.
- (2) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Clauses 12A to 12F were inserted, as from 30 September 2004, by clause 10 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

12B Declarations

- (1) A cattle beast or deer aged 30 days or more that is being moved must be accompanied throughout the movement by a declaration that complies with clause 12C.
- (2) The owner of the animal to be moved, or any person acting with the authority of the owner, is responsible for the preparation of the declaration, and must—
 - (a) give the declaration to the person in charge of the animal during the movement; and
 - (b) inform the person in charge of the requirements of sub-clause (3).
- (3) The person in charge must, during the period of his or her charge, ensure that the declaration is—
 - (a) immediately accessible at all times during the movement; and
 - (b) provided for inspection when requested by any person; and
 - (c) if the person in charge changes during the movement, given to the person to whom charge is transferred, together with instructions on the requirements of this sub-clause; and
 - (d) given to the person to whom the animal is being delivered on completion of the movement.
- (4) If the movement involves more than 1 animal, a single declaration, identifying all the animals being moved, may be used.
- (5) If the movement involves more than 1 animal, and the group of animals is divided or redivided during the movement, the

person in charge at the time of the division or redivision must ensure that—

- (a) the declaration is copied; and
 - (b) the requirements of subclause (3) are complied with in relation to any animals that the person remains in charge of; and
 - (c) the requirements of subclause (3)(c) are complied with in relation to the animals that are transferred to the charge of another person.
- (6) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Clauses 12A to 12F were inserted, as from 30 September 2004, by clause 10 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

12C Form and content of declarations

- (1) A declaration required under clause 12B must—
- (a) be in a form approved by the Board; and
 - (b) be completed, signed, and dated by—
 - (i) the owner of the cattle beast or deer to which it relates; or
 - (ii) a person acting with the authority of the owner; and
 - (c) include—
 - (i) the name and address of the person completing, signing, and dating the form;
 - (ii) the herd identification number of the herd from which the animal is being moved as given to that herd in accordance with an identification system approved under the Biosecurity (Animal Identification Systems) Regulations 1999;
 - (iii) the species or class of the animal (examples include hind, dairy cow, heifer, and beef bull);
 - (iv) information on whether the animal was born at the place or establishment from which it is being moved;
 - (v) if the animal was not born at the place or establishment from which it is being moved, information on whether the animal has been managed or

kept at that place or establishment for 60 days or more:

- (vi) if the animal was not born at the place or establishment from which it is being moved and has not been managed or kept at that place or establishment for 60 days or more, information on whether there is a declaration under clause 12B that relates to a movement of the animal in the previous 60 days:
 - (vii) the bovine tuberculosis status, if any, assigned by the Board to the animal's herd of origin:
 - (viii) information on whether the animal has been tested while at the place or establishment from which it is being moved:
 - (ix) the date of the latest test carried out on the animal:
 - (x) the date of the latest test carried out on the animal's herd of origin:
 - (xi) information on whether bovine tuberculosis was detected in any animal as a result of a test carried out under subparagraph (ix) or subparagraph (x):
 - (xii) information on whether the animal has ever been vaccinated against Johne's disease:
 - (xiii) information on whether the animal's herd of origin is subject to movement control under the Act:
 - (xiv) information on whether the animal is being moved from a place or establishment that is within a controlled area declared under section 131 of the Act:
 - (xv) if the animal is being moved from a place or establishment that is within a controlled area declared under section 131 of the Act, information on whether the animal has been tested during the 60 days before the movement.
- (2) Subclause (1)(c)(xv) does not apply if the animal is being moved directly to a place of slaughter.
- (3) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Clauses 12A to 12F were inserted, as from 30 September 2004, by clause 10 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

12D Retention of declarations

- (1) The owner of an animal to which the declaration required under clause 12B refers must retain a copy of the declaration that he or she completed for 6 months from the date of signing.
- (2) On completion of the movement, the person to whom the animal is delivered must retain the accompanying declaration, or a copy of the declaration, for—
 - (a) 6 months from the date of receipt of the animal; or
 - (b) the period, if greater than 6 months, during which the person is in charge of the animal.
- (3) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Clauses 12A to 12F were inserted, as from 30 September 2004, by clause 10 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

12E Sales

- (1) A person who offers a cattle beast or deer for sale must, immediately prior to or at the time of sale, clearly announce or display for a reasonable period at the place where the animal is being offered for sale—
 - (a) the bovine tuberculosis status of the animal; and
 - (b) the date of the animal's last bovine tuberculosis test; and
 - (c) whether that animal has been moved to the place of sale from a place or establishment that is within a controlled area declared under section 131 of the Act.
- (2) A person who offers a cattle beast or deer for sale must make any declaration required for that animal under clause 12B available for inspection by persons attending the place where the animal is being offered for sale.
- (3) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Clauses 12A to 12F were inserted, as from 30 September 2004, by clause 10 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

12F Meaning of movement

- (1) For the purposes of clauses 12B to 12D, **movement** means the relocation of an animal.
- (2) A movement—
 - (a) begins when the animal is removed from its herd of origin, or other place or establishment at which it is being kept; and
 - (b) ends when the animal is delivered to its final destination.
- (3) Despite subclauses (1) and (2), no declaration is required if the sole purpose of the movement is to relocate an animal from one part of a property to another part of the same property.
- (4) Subclause (3) does not apply if the movement—
 - (a) results in the animal changing its herd of origin; or
 - (b) involves the animal moving within or from a controlled area declared under section 131 of the Act.

Clauses 12A to 12F were inserted, as from 30 September 2004, by clause 10 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

13 Restrictions on testing and treatment of animals

- (1) Unless the approval of a chief technical officer is first obtained, no person may—
 - (a) apply a test, other than an approved test:
 - (b) vaccinate an animal against bovine tuberculosis:
 - (c) medicate an animal for bovine tuberculosis, either therapeutically or prophylactically:
 - (d) medicate or otherwise treat or vaccinate a cattle beast or deer for the purpose of enhancing, repressing, or altering an animal's response to bovine tuberculosis or to a test.
- (2) Only an inspector, authorised person, or accredited person may apply a test to a cattle beast or deer.
- (3) Subclause (2) does not apply to—
 - (a) a veterinarian acting in the ordinary course of his or her profession when diagnosing the cause of illness in an animal; or
 - (b) a person who is being taught veterinary science at undergraduate level, when acting under the supervision of an authorised person or an accredited person; or

- (c) a person conducting a test on any blood, serum, or tissue in an approved diagnostic laboratory.
- (4) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Clause 13 was substituted, as from 30 September 2004, by clause 11 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

14 Obligation of veterinarians and other persons to submit specimens for investigation

- (1) This clause applies to any person who—
 - (a) is a veterinarian;
 - (b) is in charge of an animal disease diagnostic laboratory;
 - (c) operates an animal product business within the meaning of the Animal Products Act 1999 where (under a risk management programme registered under Part 2 of that Act or a regulated control scheme imposed under Part 3 of that Act) mammals are slaughtered, dressed, or processed for human or animal consumption;
 - (d) operates deer slaughtering premises, a packing house, or a slaughterhouse;
 - (e) operates premises required to be licensed under section 20 of the Meat Act 1981.
- (2) A person to whom this clause applies who, in the course of his or her business, suspects the presence of bovine tuberculosis in the carcass or viscera of a mammal must—
 - (a) collect affected tissue specimens from the carcass or viscera; and
 - (b) submit those specimens to an approved diagnostic laboratory in a manner that ensures the specimens are suitable for pathological and bacteriological investigation.
- (3) In this clause, the terms **deer slaughtering premises**, **packing house**, and **slaughterhouse** have the same meanings as in section 2(1) of the Meat Act 1981.
- (4) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Subclause (1) was amended, as from 1 November 1999, by section 8(2) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94) by in-

serting the words “operator of a risk management programme registered under Part 2 of the Animal Products Act 1999,”.

Subclause (1) was amended, as from 1 November 1999, by section 8(2) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94) by inserting the words “or at premises of an animal product business within the meaning of the Animal Products Act 1999 in which mammals are slaughtered, dressed, or processed under a risk management programme registered under Part 2 of that Act or a regulated control scheme made under Part 3 of that Act,”.

Clause 14 was substituted, as from 30 September 2004, by clause 12 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

14A Obligation of persons performing ante- and post-mortem examinations to submit specimens for investigation

- (1) This clause applies to any person who performs ante- or post-mortem examinations at—
 - (a) the premises of an animal product business within the meaning of the Animal Products Act 1999 where (under a risk management programme registered under Part 2 of that Act or a regulated control scheme imposed under Part 3 of that Act) mammals are slaughtered, dressed, or processed for human or animal consumption; or
 - (b) deer slaughtering premises, a packing house, or a slaughterhouse; or
 - (c) premises required to be licensed under section 20 of the Meat Act 1981.
- (2) A person to whom this clause applies who suspects the presence of bovine tuberculosis in the carcass or viscera of a mammal must—
 - (a) collect tissue specimens from the carcass or viscera; and
 - (b) submit those specimens, in a manner that ensures the specimens are suitable for pathological and bacteriological investigation, to—
 - (i) the person in charge of verifying compliance with ante- and post-mortem examination procedures at the premises; or
 - (ii) if the premises do not have such a verifier, to an approved diagnostic laboratory; and
 - (c) keep records of the specimens in a form approved by the Board.

- (3) In this clause, the terms **deer slaughtering premises, packing house, and slaughterhouse** have the same meanings as in section 2(1) of the Meat Act 1981.
- (4) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Clauses 14A and 14B were inserted, as from 30 September 2004, by clause 13 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

14B Obligation of persons in charge of verifying compliance with ante- and post-mortem examination procedures

- (1) A person in charge of verifying compliance with ante- and post-mortem examination procedures to whom specimens are submitted in accordance with clause 14A must—
 - (a) submit those specimens to an approved diagnostic laboratory in a manner that ensures the specimens are suitable for pathological and bacteriological investigation; and
 - (b) keep records of the specimens in a form approved by the Board.
- (2) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Clauses 14A and 14B were inserted, as from 30 September 2004, by clause 13 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

15 Obligation of laboratories to provide results

- (1) If a tissue specimen is sent to a laboratory in accordance with clause 14, 14A, or 14B, the laboratory must provide the Board with the results of the investigation and the name of the person who collected the sample.
- (2) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Clause 15 was substituted, as from 30 September 2004, by clause 14 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

16 Obligation to supply information

- (1) This clause applies to—
 - (a) A veterinarian:

- (b) A person who owns or occupies land on which a herd is farmed or kept:
 - (c) The owner or person in charge of a herd:
 - (d) A stock agent:
 - (e) A person in charge of a sale yard:
 - (f) A person in charge of a business for transporting cattle or deer:
 - (g) A person in charge of an animal disease diagnostic laboratory:
 - (h) A person in charge of premises required to be licensed under Part 3 of the Meat Act 1981:
 - (i) A person in charge of a milk station (within the meaning of section 2 of the Dairy Industry Act 1952).
 - (j) An operator of a risk management programme registered under Part 2 of the Animal Products Act 1999:
 - (k) A person subject to the requirements of a regulated control scheme made under Part 3 of the Animal Products Act 1999:
 - (l) A person listed (or deemed by section 20 of the Animal Products (Ancillary and Transitional Provisions) Act 1999 to be listed) as a homekill or recreational catch service provider under Part 6 of the Animal Products Act 1999.
- (2) The Board, or an authorised person, may require any person to whom this clause applies to provide information held by that person, if the Board or authorised person reasonably believes that that information is necessary for monitoring—
- (a) the distribution of the pest; or
 - (b) changes in the composition of a herd; or
 - (c) the location of cattle or deer.
- (3) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Subclause (1)(j) to (l) were inserted, as from 1 November 1999, by section 8(2) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

Subclause (2) was substituted, as from 30 September 2004, by clause 15 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

17 Obligation to report suspected presence of bovine tuberculosis to Board

- (1) Every person who, in the course of their business or occupation or in the course of hunting (whether recreational or as a business), encounters an animal which that person suspects may harbour bovine tuberculosis must report the possible presence of bovine tuberculosis in that animal to the Board or an authorised person.
- (2) The obligation in subclause (1) does not apply if that person has reasonable grounds to believe that the Board is aware of the possible presence of bovine tuberculosis in that animal.
- (3) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

17A Release of pigs into wild state

- (1) No person may release a pig into a wild state.
- (2) This clause does not apply if the pig—
 - (a) is—
 - (i) a wild animal, as defined in section 2(1) of the Wild Animal Control Act 1977; and
 - (ii) released on land that is administered under any of the Acts listed in Schedule 1 of the Conservation Act 1987; or
 - (b) is released by the Board for research purposes.
- (3) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.

Clause 17A was inserted, as from 30 September 2004, by clause 16 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

18 Compensation

- (1) Compensation under section 86 of the Act and this strategy is payable only in respect of any head of cattle—
 - (a) Slaughtered in compliance with a direction given under the Act, after the animal has tested positive to an approved test for bovine tuberculosis;
 - (b) Slaughtered, where slaughter is the only permitted or practicable option for that animal following the impos-

ition of restrictions on the movement of its herd under section 130 of the Act.

- (2) The amount of compensation payable is 65% of—
- (a) The fair market value of that animal on the date of the direction for slaughter referred to in subclause (1)(a), or the date of slaughter referred to in subclause (1)(b), assuming the animal did not have bovine tuberculosis; or
 - (b) The maximum value of that animal—
 - (i) Determined by such organisation as is recognised by the responsible Minister as an appropriate representative of the dairy industry in the case of a beast raised for dairy farming; or
 - (ii) Determined by the New Zealand Meat Board (as established under the Meat Board Act 1997) in the case of a beast raised for beef,—

whichever is the lesser.

Subclause (2)(b)(i) was substituted, as from the amalgamation date (being 16 October 2001), by section 165(5) Dairy Industry Restructuring Act 2001 (2001 No 51). *See* sections 166-169 of that Act for the saving and transitional provisions.

19 Funding of strategies

The implementation of the strategy is to be funded by payments from the following sources:

- (a) Subject to section 92 of the Act, by a levy under section 90 of the Act on all cattle beasts slaughtered where that cattle beast weighs more than 27 kilograms dressed weight:
- (b) by payments made by Dairy Insight Incorporated in accordance with the funding agreement, dated 24 November 2003, between the Board and Dairy Insight Incorporated (or any agreement that replaces that agreement):
- (c) By payments made by deer farmers in accordance with regulations made under the Act:
- (d) By payments made by cattle farmers in accordance with regulations made under the Act:
- (e) by payments made by the Game Industry Board (established under the Game Industry Board Regulations 1985) in accordance with the funding agreement, dated

15 December 2003, between the Board and the Game Industry Board (or any agreement that replaces that agreement):

- (f) By a payment made at the discretion of the Crown:
- (g) By a payment made at the discretion of each regional council:
- (h) Subject to section 92 of the Act, by a levy under section 90 of the Act on persons within a region.

Paragraph (b) was substituted, as from the amalgamation date (being 16 October 2001), by section 165(5) Dairy Industry Restructuring Act 2001 (2001 No 51). See sections 166-169 of that Act for the saving and transitional provisions.

Paragraph (b) was substituted, as from 30 September 2004, by clause 17(1) Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Paragraph (e) was substituted, as from 30 September 2004, by clause 17(2) Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

20 Application of funds

The funds from the sources specified in clause 19 must be applied for the purposes of the strategy as follows:

- (a) Disease control activities relating to cattle may be funded by payments from the sources specified in clause 19(a), (b), and (d):
- (b) Disease control activities relating to deer may be funded by payments from the sources specified in clause 19(c) and (e):
- (c) Vector control activities may be funded by payments from the sources specified in clause 19(a), (b), (e), (f), (g), and (h):
- (d) Common costs may be funded by payments from the sources specified in clause 19(a), (b), (e), (f), (g), and (h)

Clause 20 was amended, as from 30 September 2004, by clause 18 Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271) by substituting the expression “clause 19” for the expression “clause 18”.

21 Actions that may be taken by local authorities

Every regional council may carry out vector control activities and may contribute funds towards the costs of vector control activities and the common costs of the strategy.

MARIE SHROFF,

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 July 1998, sets out the National Bovine Tuberculosis Pest Management Strategy. The strategy provides for the surveillance of herds, the testing of cattle and deer for bovine tuberculosis, and, where tests are positive, the slaughter of cattle and deer with bovine tuberculosis, the control of movement of cattle and deer, and vector control activities.

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