

**Reprint
as at 1 July 2013**



**Biosecurity (Deer and Other
Testing Costs) Regulations 1998**
(SR 1998/458)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 18th day of December 1998

Present:

The Right Hon Jenny Shipley presiding in Council

Pursuant to section 165 of the Biosecurity Act 1993, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

Contents

	Page
1 Title and commencement	2
2 Interpretation	2
3 Matters for which costs are recoverable	2
4 Assessment of costs	3

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry for Primary Industries.

5	Person liable for costs	3
6	Waiver or refund of costs	4
	Schedule	4
	Assessment of costs	

Regulations

1 Title and commencement

- (1) These regulations may be cited as the Biosecurity (Deer and Other Testing Costs) Regulations 1998.
- (2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
Act means the Biosecurity Act 1993
bovine tuberculosis means the disease caused by *Mycobacterium bovis*
TBfree New Zealand means TBfree New Zealand Limited
veterinarian means a person registered as a veterinarian or a specialist under the Veterinarians Act 2005.
- (2) Any term or expression that is not defined in these regulations, but that is defined in the Act, has the meaning given to it by the Act.

Regulation 2(1) **Board**: revoked, on 1 July 2013, by regulation 4(1) of the Biosecurity (Deer and Other Testing Costs) Amendment Regulations 2013 (SR 2013/202).

Regulation 2(1) **TBfree New Zealand**: inserted, on 1 July 2013, by regulation 4(2) of the Biosecurity (Deer and Other Testing Costs) Amendment Regulations 2013 (SR 2013/202).

Regulation 2(1) **veterinarian**: amended, on 22 December 2005, by section 105 of the Veterinarians Act 2005 (2005 No 126).

3 Matters for which costs are recoverable

- (1) Except as provided in subclause (2), TBfree New Zealand may recover the following costs:
 - (a) costs relating to the testing of deer under section 121(1) to (1B) of the Act to ascertain the presence or absence

- of bovine tuberculosis, including the reading and interpretation of such testing:
- (b) costs relating to the taking of action under section 121(4) of the Act after an inspector or authorised person has required an animal to be submitted for the purpose of applying a test to ascertain the presence or absence of bovine tuberculosis, and the owner or person in control of the animal, or the occupier of the place in which the animal is present, fails to comply with a direction given under section 121(3) of the Act.
- (2) Costs may be recovered under subclause (1)(a) only where the person who is liable to pay costs—
- (a) has been given an opportunity to arrange for the testing of the deer to ascertain the presence or absence of bovine tuberculosis; and
 - (b) has failed to carry out the testing within the time notified by or on behalf of TBfree New Zealand (or, if notified before 1 July 2013, by or on behalf of the Animal Health Board (Incorporated)).

Regulation 3(1): amended, on 1 July 2013, by regulation 5(1) of the Biosecurity (Deer and Other Testing Costs) Amendment Regulations 2013 (SR 2013/202).

Regulation 3(1)(a): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Regulation 3(2)(b): amended, on 1 July 2013, by regulation 5(2) of the Biosecurity (Deer and Other Testing Costs) Amendment Regulations 2013 (SR 2013/202).

4 Assessment of costs

The costs of testing deer for the presence or absence of bovine tuberculosis under section 121(1) of the Act, or taking action under section 121(4) of the Act, must be charged at the rates set out in the Schedule.

5 Person liable for costs

The person liable for costs is,—

- (a) in the case of testing deer for the presence or absence of bovine tuberculosis under section 121(1) of the Act, the owner or person in charge of the deer; or

- (b) in the case of taking action after a failure to comply with a direction under section 121(3) of the Act, the person who failed to comply with the direction.

6 Waiver or refund of costs

If TBfree New Zealand is satisfied that costs payable under these regulations exceed the actual costs incurred, it may waive (wholly or in part) the payment of any costs required by these regulations to be paid; and, where all or part of those costs have already been paid, TBfree New Zealand may refund to the person who paid the costs some or all of the amount paid, as the case may be.

Regulation 6: amended, on 1 July 2013, by regulation 6 of the Biosecurity (Deer and Other Testing Costs) Amendment Regulations 2013 (SR 2013/202).

Schedule Assessment of costs

r 4

Testing costs

Item	Rate
Labour (where testing is carried out by an inspector or authorised person appointed under section 103 of the Act who is not a veterinarian)	\$45 per hour (including travel time)
Labour (where testing is carried out by an inspector or authorised person appointed under section 103 of the Act who is a veterinarian)	\$90 per hour (including travel time)
Use of vehicle	60c per km
Equipment hire and materials (including testing drugs)	Actual cost

Costs incurred in taking action

Item	Rate
Labour (where action is carried out by an inspector or authorised person appointed under section 103 of the Act who is not a veterinarian)	\$45 per hour (including travel time)
Labour (where action is carried out by an inspector or authorised person appointed under section 103 of the Act who is a veterinarian)	\$90 per hour (including travel time)
Labour (persons assisting an inspector or authorised person under section 106 of the Act)	\$30 per hour (including travel time)
Use of vehicle (other than hire vehicle)	60c per km
Aircraft, vehicle, or equipment hire	Actual cost
Materials	Actual cost

Marie Shroff,
Clerk of the Executive Council.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 General**

This is a reprint of the Biosecurity (Deer and Other Testing Costs) Regulations 1998. The reprint incorporates all the amendments to the regulations as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 ***List of amendments incorporated in this reprint
(most recent first)***

Biosecurity (Deer and Other Testing Costs) Amendment Regulations 2013 (SR 2013/202)

Biosecurity Law Reform Act 2012 (2012 No 73): section 93

Veterinarians Act 2005 (2005 No 126): section 105
