

BIOSECURITY (NATIONAL BOVINE TUBERCULOSIS PEST MANAGEMENT STRATEGY)
ORDER 1998

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 29th day of June 1998

Present:

The Right Hon. Jenny Shipley presiding in Council

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.

ANALYSIS

1. Title and commencement
2. Interpretation
3. National Bovine Tuberculosis Pest Management Strategy
4. Pest
5. Objectives of strategy
6. Management agency
7. Term of strategy
8. Powers used to implement the strategy
9. Strategy rules
10. Obligation to notify Board of place where herd is kept
11. Obligation to provide facilities and assistance for restraint of animals
12. Identification of animals with tuberculosis
13. Restrictions on testing and treatment of animals
14. Obligation to submit specimens for testing
15. Obligation of laboratories to provide results
16. Obligation to supply information
17. Obligation to report suspected presence of bovine tuberculosis to Board
18. Compensation
19. Funding of strategies
20. Application of funds
21. Actions that may be taken by local authorities

ORDER

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):
- “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 that is managed as 1 unit; and includes a group of cattle or deer, whether managed or not, that is kept within the same enclosure or behind the same fence:
- “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:
- “Strategy” means the National Bovine Tuberculosis Pest Management Strategy made by this order:
- “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 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 manage bovine tuberculosis so as to ensure---

- (a) The number of infected herds in tuberculosis vector free areas is reduced to 0.2% of the total number of herds in those areas;
- (b) Any area classified as a tuberculosis vector free area does not become a tuberculosis vector risk area;
- (c) The number of infected herds in tuberculosis vector risk areas is no more than 11% of the total number of herds in those areas.

(2) The secondary objectives of the strategy are---

- (a) To identify bovine tuberculosis in herds through a programme of testing herds for bovine tuberculosis;
- (b) To reduce or eliminate populations of vectors or the prevalence of the pest in populations of vectors;
- (c) To reduce or eliminate bovine tuberculosis from infected herds by destroying any animal infected with bovine tuberculosis in the herd;
- (d) To prevent the spread of bovine tuberculosis by controlling the movement of cattle and deer;
- (e) To establish a monitoring programme, in addition to testing herds, to identify the presence of the disease;
- (f) To publish information and conduct research related to control of the pest and to train, advise, and assist persons to identify and eliminate the pest.

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 1 July 2001.

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, 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.

9. Strategy rules---Clauses 10 to 17 contain the strategy rules.

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 tuberculosis---(1) Where an animal has been tested for bovine tuberculosis or an animal is to be moved from an infected herd, an ear tag or other identification may be applied to that animal.

(2) Except with the written permission of an inspector or authorised person, no person may remove, alter, or deface identification applied to an animal in accordance with subclause (1).

(3) A breach of this rule, without reasonable excuse, is an offence under section 154 (q) of the Act.

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 any test for bovine tuberculosis, other than an approved test, to deer or cattle:
- (b) Vaccinate deer or cattle against bovine tuberculosis:

- (c) Medicate deer or cattle for bovine tuberculosis, either therapeutically or prophylactically:
- (d) Medicate or otherwise treat deer or cattle for the purpose of enhancing, repressing, or altering the response of deer or cattle to bovine tuberculosis or approved tests for bovine tuberculosis.

(2) Approved tests for bovine tuberculosis may be applied to deer or cattle only by an inspector, an authorised person, or an accredited person.

(3) The restriction in subclause (2) does not apply to veterinarians acting in the ordinary course of their occupation when diagnosing the cause of illness in an animal.

(4) A breach of this rule, without reasonable excuse, is an offence under section 154 (q) of the Act.

14. Obligation to submit specimens for testing---(1) Every veterinarian, person in charge of an animal disease diagnostic laboratory, or person in charge of meat inspection services at a slaughterhouse, deer slaughtering premises, packing house, or premises required to be licensed under section 20 of the Meat Act 1981, who suspects the presence of bovine tuberculosis in the carcass of an animal must, in the course of his or her business, collect a tissue specimen from that carcass and submit that specimen to an approved diagnostic laboratory in a manner that ensures that the specimen is suitable for pathological and bacteriological investigation at that laboratory.

(2) The terms ``slaughterhouse'', ``deer slaughtering premises'', and ``packing house'' have the same meanings as in section 2 (1) of the Meat Act 1981.

(3) Every person who collects a tissue sample must keep the records required by the Board of the tissue samples collected.

(4) A breach of this rule, without reasonable excuse, is an offence under section 154 (q) of the Act.

15. Obligation of laboratories to provide results---(1) Where a tissue specimen is sent to a laboratory in accordance with clause 14, that laboratory must provide the results of the test and the name of the person who collected the sample to the Board.

(2) A breach of this rule, without reasonable excuse, is an offence under section 154 (q) of the Act.

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 III 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).

(2) An authorised person may require a person to whom this clause applies to provide information held by that person that the authorised person believes on reasonable grounds is necessary for the purpose of monitoring---

- (a) The distribution of the pest:
- (b) Changes in the composition of a herd:
- (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.

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.

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 imposition 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 the New Zealand Dairy Board (as established under the Dairy Board Act 1961) 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.

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 a payment made at the discretion of the New Zealand Dairy Board (being the Board established under the Dairy Board Act 1961):
- (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 a payment made at the discretion of the New Zealand Game Industry Board established under the Game Industry Board Regulations 1985:
- (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.

20. Application of funds---The funds from the sources specified in clause 18 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).

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.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in the Gazette: 30 June 1998.

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