

1971/202



**THE CATTLE BRUCELLOSIS AND TUBERCULOSIS CONTROL  
REGULATIONS 1971**

—  
ARTHUR PORRITT, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington this 27th day of September 1971

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Animals Act 1967, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Cattle Brucellosis and Tuberculosis Control Regulations 1971.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

**2. Interpretation**—(1) In these regulations, unless the context otherwise requires,—

“Accredited area” means any area which the Director-General, by notice in the *Gazette* which for the time being remains unrevoked, has designated as brucellosis accredited or tuberculosis accredited:

“Approved” means approved by the Director-General:

“Clinical case of tuberculosis”, in relation to any cattle, means—

(a) Any animal the appearance of which, in the opinion of a Testing Officer, justifies a diagnosis of tuberculosis in respect of that animal without the necessity for a tuberculin test:

(b) Any other animal the health or condition of which, in the opinion of any Testing Officer, indicates that the animal is likely to be affected with tuberculosis, and which, solely for the purpose of confirming that opinion, is tested with the tuberculin test:

“Declared area” means any area which the Minister has, by notice in the *Gazette* pursuant to subsection (8) of section 53 of the Animals Act 1967 which for the time being remains unrevoked, declared to be an area in which every owner shall, as often and in such manner as he may be required to do so by the Director-General, submit the cattle for testing for brucellosis and tuberculosis for the purposes of that section, as amended by section 6 of the Animals Amendment Act 1969:

“Reactor”, in relation to any cattle, means an animal which gives a positive reaction to a test, not being a tuberculin test made in respect of a clinical case of tuberculosis:

“Slaughterhouse” means an abattoir or meat export slaughterhouse as defined in section 2 of the Meat Act 1964:

“Test”, in relation to any cattle tested for the purposes of section 53 of the Animals Act 1967, means any approved test made, in accordance with approved techniques, of a bovine animal for the presence of brucella abortus or tubercle bacillus:

“Testing Officer”, in relation to any test under section 53 of the Animals Act 1967, means any Brucellosis Testing Officer, Tuberculin Testing Officer, Tuberculin Testing Technician, or Inspector:

Terms and expressions defined in the Animals Act 1967 shall have the meanings so defined.

(2) For the purposes of these regulations a calf shall be deemed to have attained the age of 3 months at the beginning of the day 3 months after the date of its birth, and to have passed the age of 6 months at the expiration of the day 6 months after the date of its birth.

## PART I

## VACCINATION OF FEMALE CALVES AGAINST BRUCELLOSIS

**3. Vaccination to be compulsory**—(1) It shall be the duty of the owner, and the person in charge, for the time being, of every female calf that has attained the age of 3 months but has not passed the age of 6 months to cause the calf to be vaccinated against brucellosis, with a vaccine and in a manner approved by the Director-General, before the expiration of the day on which the calf became 6 months of age.

(2) Where any owner of cattle refuses or fails to have his female calves vaccinated, and an Inspector has issued a notice to muster in accordance with regulation 23 of these regulations, the Inspector may, on or after the date fixed by the notice for the muster, arrange to vaccinate the calves.

**4. Vaccination period restricted**—Except with the written consent of the Chief Veterinary Officer, no person shall administer brucella vaccine to any cattle, except to female calves that have attained the age of 3 months but have not passed the age of 6 months.

**5. Authorised vaccinating officers**—No person other than a registered veterinary surgeon or an Inspector shall administer brucella vaccine.

**6. Identification of vaccinated calves**—Where any calf is vaccinated in accordance with these regulations, the owner or person who caused it to be vaccinated shall also cause it to be identified at the time of the vaccination in the manner required by the Director-General.

**7. Vaccination fee**—The fee for every brucellosis vaccination carried out by an Inspector shall be that specified in the First Schedule hereto.

**8. Crown may recover vaccination costs**—Where any Inspector vaccinates any calf against brucellosis, the Director-General may recover the cost of vaccination from the owner as a debt due to the Crown.

**9. Certificate to be issued**—(1) Where a registered veterinary surgeon or an Inspector vaccinates any calf or calves of any owner in accordance with these regulations, he shall, at the time of the vaccination, issue to the owner a certificate of vaccination in the form set out in the Second Schedule hereto.

(2) Where a registered veterinary surgeon or an Inspector issues a certificate of vaccination as aforesaid, he shall, within 14 days thereafter, forward a copy of the certificate to the nearest office of the Department of Agriculture.

**10. Slaughter of vaccinated calves**—No person shall slaughter any calf for human consumption within 2 months after the date on which it was vaccinated as aforesaid for brucellosis.

## PART II

### TESTING OF CATTLE FOR BRUCELLOSIS OR TUBERCULOSIS

**11. Authority to apply tests—**(1) No test, whether approved or not, for brucellosis or tuberculosis shall be carried out of any animal, or of any milk or cream or other specimen of any animal, without the prior consent of the Director-General, unless the test is made at the direction of a veterinary surgeon in the course of investigation of an abortion, infertility, or any other special problem.

(2) Where any specimen is taken by a veterinary surgeon from any animal in a brucellosis tested herd for the purposes of testing for brucellosis infection, the specimen shall be submitted to a Department of Agriculture Animal Health Laboratory or such other laboratory as may be approved by the Director-General.

(3) Where any dairy herd is under brucellosis test, the owner or person in charge of any dairy factory or milk treatment station which receives milk or cream from the herd shall provide to an Inspector such samples of the milk or cream as may be required from time to time by the Director-General.

(4) The references in subclauses (2) and (3) of this regulation to a herd that is brucellosis tested or under brucellosis test shall apply only to a herd in respect of which the relevant test has been or is being made for the purposes of section 53 of the Animals Act 1967.

**12. Payment of test costs—**(1) Where any animal is subjected to a test for the purposes of section 53 of the Animals Act 1967, the cost of the test shall, where the Minister so directs, be borne by the owner of that animal, but otherwise shall be borne by the Crown and paid out of money appropriated by Parliament for the purpose.

(2) The fee and mileage allowance payable in respect of every such test shall be at the rate or rates specified in the First Schedule hereto.

(3) Where the test is carried out by an Inspector and the owner of the animal is required to pay for the cost of the test, the Director-General shall recover that cost as a debt due to the Crown, and may deduct the amount owing from any sum payable to the owner as compensation under regulation 15 hereof.

**13. Slaughter of infected cattle—**(1) Where the Director-General is satisfied that any animal is affected with brucellosis or tuberculosis, it shall be identified in such manner as the Director-General considers is necessary or desirable for the purpose of indicating that the animal is infected.

(2) After an animal has been identified in accordance with subclause (1) of this regulation, the Director-General shall notify the owner in writing that the animal is to be slaughtered and the notification shall specify—

- (a) The period within which the animal is to be slaughtered:
- (b) The temporary brand to be placed by the owner on the animal before it is sent for slaughter.

**14. Owner to notify Department before slaughter of infected cattle—**

(1) Where in accordance with regulation 13 hereof any owner of any animal has received a notice from the Director-General directing that the animal shall be slaughtered at a slaughterhouse, the owner shall, before the animal is received at the slaughterhouse, give notice to the Supervising Meat Inspector at the slaughterhouse of—

- (a) The name and address of the owner;
- (b) The number and description of animals forwarded to the slaughterhouse;
- (c) A description of the temporary brand placed on any animal so forwarded;
- (d) The date on which any animal so forwarded is expected to arrive at the slaughterhouse;
- (e) The name of the carrier in charge of the vehicle in which the animal is to be transported to the slaughterhouse.

(2) Where the Director-General directs that any animal shall be slaughtered at a boiling down works, the notification required by subclause (1) of this regulation to be given by the owner shall be made to the Inspector for the district.

**15. Compensation payable to owners—**(1) Where any animal has been slaughtered in accordance with a direction given by the Director-General under regulation 13 hereof, or where any animal subject to a direction to be slaughtered dies before slaughter, compensation shall be payable in respect of that animal according to the following scale,—

Age of the Animal when it was Tested or Inspected and Identified as Being Infected with Brucellosis or Tuberculosis	Compensation	
	Reactor	Clinical Case of Tuberculosis
Twelve months of age and over .....	\$16	\$6
Six months of age and less than twelve months of age .....	\$8	\$3
Under six months of age .....	Nil	Nil

(2) The compensation set out in subclause (1) of this regulation as being payable on the slaughter of any animal directed to be slaughtered shall be reduced to one-eighth of the rates stated, if—

- (a) The animal is not slaughtered within the period notified by the Director-General;
- (b) The Supervising Meat Inspector or the Inspector for the district is not notified by the owner in accordance with regulation 14 hereof;
- (c) The animal is a reactor to a test carried out after the owner has failed to comply with regulation 17 hereof:

Provided that, with the consent of the Minister, a greater proportion or the whole of the compensation may be paid.

(3) Where any animal has passed a test and subsequently is found to have been infected with brucellosis or tuberculosis or is inspected and condemned as a clinical case of tuberculosis, compensation shall be payable according to the scale in subclause (1) of this regulation as if the animal had been a reactor at the last test.

**16. Department may purchase reactors**—In special circumstances the Director-General may, with the agreement of the owner, purchase any reactor and pay the owner fair market value for the animal.

**17. Testing of additional animals and notification to Department**—(1) Where any cattle more than 14 days old is brought on to the premises of any owner whose whole herd has been subjected to a test, the owner shall keep the animal segregated from any tested animals already on the farm, and shall notify the Director-General accordingly, within 7 days of the date of the arrival of the animal on the premises, of the name and address of the person from whom the animal was obtained and the individual identification of the animal according to a system of identification approved by the Director-General:

Provided that the Director-General may from time to time exempt any owner from notification to him of any class of cattle.

(2) Any such animal may be subjected to one or more tests for brucellosis or tuberculosis as decided by the Director-General, and until the tests have been completed, the animal shall be kept segregated from other cattle on the premises as directed by the Director-General.

**18. Notification of an abortion in a tested herd**—(1) Where any cattle has an abortion on any premises on which tested cattle are normally depastured, the owner and person in charge of the premises shall report this to an Inspector within 24 hours of the time he discovers that the animal has aborted, and shall keep the animal segregated from any other cattle.

(2) On being notified of an abortion in accordance with subclause (1) of this regulation, the Inspector may arrange for the abortion to be investigated by a registered veterinary surgeon, and the owner and person in charge shall provide all such assistance and labour as is necessary to present the aborted cattle for inspection and testing.

**19. Declaration of accredited area**—(1) Where all the cattle in any area that are required by the Director-General to be tested for brucellosis or tuberculosis have been so tested, and the Director-General is satisfied regarding the disease status of the cattle, he may, by notice in the *Gazette*, designate the area as brucellosis accredited or tuberculosis accredited, as the case may be.

(2) Any such notice may, in like manner, be revoked or amended.

**20. Restrictions on movement of cattle, sheep, horses, and swine**—No person shall, without the written consent of the Minister or the Director-General, or otherwise than in accordance with such conditions as the Minister or the Director-General may think fit to impose, bring or move or remove any cattle, sheep, horse, or swine, or permit any such animal to be brought, moved, or removed—

- (a) Into an accredited area from any other place; or
- (b) From an accredited area into any other place; or
- (c) From a declared area into any other place; or
- (d) Into a declared area from any other place.

**PART III****CONTROL OF USE OF TUBERCULIN, ANTIGENS, AND VACCINES**

**21. Approved products only to be used**—No tuberculin or brucella antigen or brucella vaccine shall be administered to any cattle or used for testing any serum, milk, cream, or other specimen from any cattle, unless it has been licensed under the Animal Remedies Act 1967 and approved by the Director-General.

**22. Sales of approved products restricted**—(1) No dealer as defined in section 2 of the Animal Remedies Act 1967, or person to whom a licence has been granted under Part II of that Act, shall sell or supply any tuberculin, brucella antigen, or brucella vaccine to any person other than another such dealer or licensee, or a registered veterinary surgeon, an Inspector, or a person in charge of a laboratory to which specimens have to be submitted in accordance with subclause (2) of regulation 11 hereof.

(2) Every such dealer and licensee commits an offence who sells or supplies any such product to any person other than another such dealer or licensee, or a registered veterinary surgeon, an Inspector, or a person in charge of such a laboratory.

**PART IV****OBLIGATION OF OWNERS TO PRESENT CATTLE FOR INSPECTION, TESTING, AND VACCINATION**

**23. Owners' obligation**—(1) An Inspector may give to the owner or person in charge of any cattle that are due to be inspected, tested, or vaccinated in accordance with these regulations notice in writing, not less than 14 days before the day specified in the notice, requiring him to muster and present as required, on a day and at a time and place specified in the notice, all cattle which he has a duty under these regulations to cause to be inspected, tested, or vaccinated.

(2) Where any owner of cattle is served a notice by an Inspector in accordance with subclause (1) of this regulation, he shall provide all the necessary labour or other assistance to the Inspector for the handling of the cattle during the inspection, testing, or vaccination.

(3) Where any cattle are not presented as required under subclause (1) of this regulation, an Inspector may arrange for the cattle to be mustered for inspection, testing, or vaccination, and he may recover the cost from the owner as a debt due to the Crown.

(4) Where any stray cattle are included in any muster arranged by an Inspector and all reasonable inquiries fail to identify the ownership of the cattle, the Director-General may dispose of them by sale or slaughter and retain the proceeds to defray the costs incurred.

(5) Where for any reason it is not practical to muster any cattle, whether stray cattle or otherwise, the Director-General may arrange for the destruction of those cattle.

(6) Before arranging for the sale or slaughter of any animal under subclauses (4) and (5) of this regulation, the Director-General shall give 14 days' public notice of his intention so to do.

## PART V

### FACILITIES AND ASSISTANCE FOR INSPECTION, TESTING, OR VACCINATION

**24. Facilities and assistance to be provided—**(1) For the purpose of carrying out any inspection, test, or vaccination of cattle under these regulations, every owner of cattle shall provide to the satisfaction of an Inspector facilities and amenities adequate to enable any inspection, test, or vaccination to be carried out efficiently and promptly, and afford the Inspector, Vaccinating Officer, or Testing Officer reasonable protection from personal injury, including—

(a) A yard or other enclosure into which any cattle can be mustered and in which they can be securely held:

(b) A race leading from the yard or other enclosure, the height of which must be 66 inches (1650 mm) and the internal width of which must not be greater than 26 inches (660 mm) (or such other height or width as an Inspector may approve), and which must be provided with a head bail in which any cattle can be held securely, and with a catwalk on one side not less than 12 inches (300 mm) wide, which catwalk shall be secured 33 inches (827 mm) below the top of the race:

Provided that, in respect of any milking dairy cattle, an Inspector may decide that the bails used for milking are adequate and efficient for the restraint of those cattle for the purpose of testing them, in which case no further compliance with this paragraph shall be necessary in respect of those cattle:

(c) An adequate supply of clean water in a clean container at the place where the cattle are being inspected, tested, or vaccinated.

(2) Every fence, yard, race, and head bail shall be soundly constructed in a workmanlike manner of materials normally used for the restraint of cattle.

(3) Where an owner fails to provide adequate facilities and amenities as required under subclauses (1) and (2) of this regulation, an Inspector may provide for temporary facilities to be supplied, and he may recover the cost incurred as a debt due to the Crown.

## PART VI

### MISCELLANEOUS

**25. Brucellosis reactors under 1966 Regulations in declared areas—**Where any cattle in any declared area have been shown to be affected with brucellosis as a result of a test carried out before 31 August 1971 under the Cattle Brucellosis Control Regulations 1966, if the Director-General serves a notice on the owner or person in charge of the cattle requiring their slaughter, that owner or person shall cause them to be slaughtered within 30 days thereafter, and the provisions of regulation 15 hereof shall not apply to those slaughtered cattle.

**26. Offences—**(1) Every person commits an offence against these regulations who—

(a) Fails to comply with or acts in contravention of any provision, express or implied, of these regulations:



- (b) Without the approval of the Minister, has in his possession after the 1st day of March 1972 any female calf more than 6 months of age which was born on or after the 1st day of September 1971 and which has not been vaccinated against brucellosis:
- (c) Sells any female cattle which has been born after the 1st day of September 1971 and which is over 6 months of age and which has not been vaccinated against brucellosis:  
 Provided that this paragraph shall not apply to a sale for immediate slaughter:
- (d) Being or having been the owner of any female cattle 6 months of age or over fails to produce on demand to an Inspector within 7 days, a certificate of vaccination for the animal or such other documentary evidence as may verify or enable the Inspector to verify that the animal has been vaccinated according to these regulations:
- (e) Not being an Inspector, veterinary surgeon, or person in charge of a laboratory approved by the Director-General, administers any tuberculin or brucella vaccine to any cattle, or tests with any antigen any serum, milk, cream, or other specimen for brucella abortus:  
 Provided that this paragraph shall not apply where any person, under authority given him under the Food and Drug Act 1969, carries out any test of milk or cream samples for brucellosis for the purposes of that Act.
- (2) Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$200.

**27. Revocations**—The regulations specified in the Third Schedule to these regulations are hereby revoked.

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## SCHEDULES

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Regs. 7, 12

### FIRST SCHEDULE

#### FEES

**Brucellosis Vaccinations**—

The fee for brucellosis vaccinations carried out by an Inspector shall be 22c per animal with a minimum of \$1.50 where fewer than 7 animals are being vaccinated at the same time.

In addition to the vaccination fee a mileage allowance of 9.5c per mile shall be payable for reasonable mileage certified by an inspector as travelled to carry out a brucellosis vaccination in terms of these regulations.

The fee and mileage allowance shall in each case be payable by the owner of the animal.

**Tuberculin Tests**—

The testing fee payable to a Tuberculin Testing Officer, being a person who is not an Inspector but who is a registered veterinary surgeon appointed by the Minister to carry out tuberculin tests for the purposes of section 53 of the Animals Act 1967, shall be—

FIRST SCHEDULE—continued

(a) Dairy Cattle—

(i) Sub-caudal Intradermal Tests—

- 42c per head for the first 10 animals.
- 14c per head for each further animal from 11 to 70.
- 13c per head for each further animal from 71 to 140.
- 12c per head for each further animal in excess of 140.

The minimum fee payable shall be \$4.20 per herd.

(ii) Short Thermal Tests—

- |           |       |   |  |
|-----------|-------|---|--|
| All tests | ..... | } | <ul style="list-style-type: none"> <li>\$7.90 for the first animal, plus \$2.60 for each additional animal up to 5.</li> <li>\$18.30 for the first 5 animals, plus \$2.25 for each additional animal up to 10.</li> <li>\$29.55 for the first 10 animals, plus \$2.00 for each additional animal;</li> </ul> |
|           |       |   | plus an additional fee of \$2.60 for any number of animals in any case where a tenth hour reading is necessary.  |

(b) Beef Cattle—

Sub-caudal Intradermal Tests—

- |   |   |   |
|---|---|---|
| Initial herd tests and tests of additional animals brought into a tested herd | } | <ul style="list-style-type: none"> <li>25c per head for each of the first 10 animals.</li> <li>12c per head for each further animal 11-50.</li> <li>11c per head for each further animal 51-100.</li> <li>10c per head for each further animal 101-150.</li> <li>9c per head for each further animal 151-200.</li> <li>8c per head for each further animal 201-250.</li> <li>7c per head for each further animal 251-300.</li> <li>6c per head for each further animal over 300.</li> </ul> |
|---|---|---|

Whole herd retests ..... Scale as for initial tests less 10 percent.

The minimum fee payable is \$2.50 per herd.

(c) Mileage Allowance—

In addition to the test fee, a mileage allowance of 9.5c per mile shall be payable for reasonable mileage certified by a Tuberculin Testing Officer as travelled to carry out a tuberculin test in terms of these regulations.

Brucellosis Tests—

The testing fee payable to a registered veterinary surgeon, being a person who is not an Inspector but who is appointed as a Brucellosis Testing Officer by the Minister to carry out Brucellosis tests for the purposes of section 53 of the Animals Act 1967, shall be—

(a) Brucellosis Test—

- 23c per animal.

FIRST SCHEDULE—*continued*

## (b) Mileage allowance—

In addition to the test fee, a mileage allowance of 9.5c per mile is payable for reasonable mileage certified by a Brucellosis Testing Officer as travelled to carry out a brucellosis test in terms of these regulations.

Reg. 9

## SECOND SCHEDULE

THE CATTLE BRUCELLOSIS AND TUBERCULOSIS CONTROL REGULATIONS  
1971*Certificate of Vaccination against Brucellosis*

Name ..... Farm Address .....

Postal Address .....

I hereby certify that ..... beef/dairy calves, being the property of  
(Number)  
the above owner, were vaccinated with approved brucella vaccine by me  
on ..... in accordance with the conditions prescribed  
(Date of vaccination)  
in the Cattle Brucellosis and Tuberculosis Control Regulations 1971.

.....  
Registered Veterinary Surgeon  
Inspector under the Animals Act 1967.

Range of identification numbers: .....

Reg. 27

THIRD SCHEDULE  
REGULATIONS REVOKED

Title	Published in Statutory Regula- tions Serial No.
The Cattle Tuberculosis Regulations 1962 .....	1962/9
The Cattle Tuberculosis Regulations 1962, Amendment No. 1 .....	1962/206
The Cattle Tuberculosis Regulations 1962, Amendment No. 2 .....	1966/93
The Cattle Brucellosis Control Regulations 1966	1966/190
The Cattle Brucellosis Control Regulations 1966, Amendment No. 1 .....	1969/191

P. J. BROOKS,  
Clerk of the Executive Council.

EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations provide for the vaccination of female calves against brucellosis, and for the testing of cattle for brucellosis and tuberculosis. The regulations consolidate and amend the Cattle Tuberculosis Regulations 1962 and the Cattle Brucellosis Control Regulations 1966 and their amendments.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 September 1971.

These regulations are administered in the Department of Agriculture.