



**THE CATTLE BRUCELLOSIS AND TUBERCULOSIS CONTROL
REGULATIONS 1971, AMENDMENT NO. 11**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 18th day of December 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 53AA and 107 of 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.

REGULATIONS

1. Title and application—(1) These regulations may be cited as the Cattle Brucellosis and Tuberculosis Control Regulations 1971, Amendment No. 11, and shall be read together with and deemed part of the Cattle Brucellosis and Tuberculosis Control Regulations 1971* (hereinafter referred to as the principal regulations).

(2) These regulations shall apply in respect of animals infected on or after the day after the date of the notification of these regulations in the *Gazette*.

*S.R. 1971/202

Amendment No. 1: (*Revoked by S.R. 1974/110*)

Amendment No. 2: (*Revoked by S.R. 1977/295*)

Amendment No. 3: (*Revoked by S.R. 1977/295*)

Amendment No. 4: S.R. 1977/58

Amendment No. 5: (*Revoked by S.R. 1979/112*)

Amendment No. 6: S.R. 1977/324

Amendment No. 7: S.R. 1978/397

Amendment No. 8: S.R. 1979/112

Amendment No. 9: S.R. 1979/224

Amendment No. 10: S.R. 1980/244

2. Compensation payable to owners —(1) The principal regulations are hereby amended by revoking regulation 15 (as substituted by regulation 5 of the Cattle Brucellosis and Tuberculosis Control Regulations 1971, Amendment No. 4), and substituting the following regulation:

“15. (1) Subject to this regulation, the amount of the compensation payable by the Crown under section 53AA of the Act in respect of any head of cattle infected with brucellosis that is directed to be slaughtered under that section shall be—

“(a) Subject to paragraph (b) of this subclause, 95 percent of the value of the animal as determined under this regulation; or

“(b) If the owner of the animal has, in relation to the animal, contravened or failed to comply with any provision of section 53 or section 53AA or section 53AB of the Act or of Part II of these regulations, or any direction or requirement given or made thereunder, 12 percent of the value of the animal as determined under this regulation.

“(2) Subject to this regulation, the amount of the compensation payable by the Crown under section 53AA of the Act in respect of any head of cattle infected with tuberculosis that is directed to be slaughtered under that section shall be,—

“(a) Subject to paragraph (c) of this subclause, for the first 2 animals on any premises that are found to be infected and are so slaughtered in any period of 12 months commencing on the 1st day of July in any year, 45 percent of the value of each animal as determined under this regulation:

“(b) Subject to paragraph (c) of this subclause, for any further animal from the same premises so slaughtered in the same period, 95 percent of the value of the animal as determined under this regulation:

“(c) If the owner of the animal has, in relation to the animal, contravened or failed to comply with any provision of section 53 or section 53AA or section 53AB of the Act or of Part II of these regulations, or any direction or requirement given or made thereunder, 12 percent of the value of the animal as determined under this regulation.

“(3) Subject to subclause (4) of this regulation, for the purposes of this regulation the value of any head of cattle shall be whichever is the lesser of—

“(a) The market value of the animal at the date on which the direction for its slaughter was given under section 53AA of the Act assuming that the animal did not have tuberculosis or brucellosis; or

“(b) The maximum market value of cattle of that type at the date referred to in paragraph (a) of this subclause as determined by—

“(i) The New Zealand Dairy Board, in the case of dairy cattle:

“(ii) The Market Milk Federation of New Zealand Incorporated, in the case of town milk supply cattle:

“(iii) The New Zealand Meat Producers Board, in the case of beef cattle.

“(4) The market value of an animal for the purposes of subclause (3) (a) of this regulation shall be determined by an Inspector, but where—

“(a) The value so determined is less than the maximum market value of cattle of that type determined by the appropriate body referred to in subclause (3) (b) of this regulation; and

“(b) The owner of the animal disputes the Inspector’s determination,—the matter shall be submitted to arbitration under the Arbitration Act 1908, and the market value of the animal shall, for the purposes of subclause (3) (a) of this regulation, be as determined upon the arbitration.

“(5) For the purposes of the Arbitration Act 1908, subclause (4) of this regulation shall be regarded as a submission to arbitration by 2 arbitrators.

“(6) Notwithstanding the other provisions of this regulation, where compensation is paid under section 53AA of the Act in respect of an animal sold for immediate slaughter, the proceeds of any such sale shall be payable to the Crown.”

(2) Paragraphs (a) and (b) of regulation 15 (2) of the principal regulations (as substituted by subclause (1) of this regulation) shall apply in respect of cattle that are found to be infected, and are slaughtered, during the period that commences with the date of application of these regulations and ends with the 30th day of June 1990 as if that period were the period of 12 months commencing with the 1st day of July 1989.

3. Revocations—The following regulations are hereby consequentially revoked:

- (a) Regulation 5 of the Cattle Brucellosis and Tuberculosis Control Regulations 1971, Amendment No. 4:
- (b) The Cattle Brucellosis and Tuberculosis Control Regulations 1971, Amendment No. 6:
- (c) Regulation 4 of the Cattle Brucellosis and Tuberculosis Control Regulations 1971, Amendment No. 9:
- (d) The Cattle Brucellosis and Tuberculosis Control Regulations 1971, Amendment No. 10.

C. J. HILL,
for 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 revoke and replace regulation 15 of the Cattle Brucellosis and Tuberculosis Control Regulations 1971. The new regulation 15 provides for the payment of compensation for infected and slaughtered cattle as follows:

- (a) The compensation to be paid is set at 95 percent of fair market value for cattle infected with brucellosis:
- (b) For cattle infected with tuberculosis compensation is set at 45 percent of fair market value for the first two reactors found in any year, and 95 percent of fair market value for any further reactors:
- (c) Compensation will be reduced to 12 percent of value where the owner of the cattle is in breach of certain provisions of the Animals Act 1967 or the principal regulations:
- (d) The method of setting fair market value is changed:
- (e) Provision is made for arbitration in cases of dispute over fair market value:
- (f) The value of the carcass of any slaughtered animal for which compensation has been paid will be payable to the Crown.

The new compensation regime will apply to animals found to be infected on or after the day that follows the date of the notification of these regulations in the *Gazette*. The period between that day and 30 June 1990 will be treated as a full year for the purposes of the different rate of compensation to be paid for the first 2 cases of cattle infected with tuberculosis on any premises.

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

Date of notification in *Gazette*: 20 December 1989.

These regulations are administered in the Ministry of Agriculture and Fisheries.