



**THE CATTLE BRUCELLOSIS AND TUBERCULOSIS CONTROL
REGULATIONS 1971, AMENDMENT NO. 4**

—
DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 28th day of March 1977

Present:

THE RIGHT HON. B. E. TALBOYS PRESIDING 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.

ANALYSIS

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| <p>1. Title and commencement</p> <p>2. Vaccination of female calves
 against brucellosis</p> <p>3. Testing of cattle</p> <p>4. Identification of infected cattle</p> | | <p>5. Compensation payable to owners</p> <p>6. Restrictions on movement of
 cattle</p> <p>7. Test costs</p> |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Cattle Brucellosis and Tuberculosis Control Regulations 1971, Amendment No. 4, 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) Except as provided in regulation 5 (3) of these regulations, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Vaccination of female calves against brucellosis—(1) The principal regulations are hereby amended by revoking regulations 3 and 4, and substituting the following regulations:

*S.R. 1971/202

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

Amendment No. 2: S.R. 1974/110

Amendment No. 3: S.R. 1976/172

“3. Female calves may be vaccinated—The owner of a female calf that has attained the age of 3 months but has not passed the age of 6 months may 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 becomes 6 months of age.

“4. Vaccination restricted—Except in accordance with these regulations or any other enactment or with the written consent of the Chief Veterinary Officer, no person shall administer brucella vaccine to any cattle.”

(2) Regulation 23 of the principal regulations is hereby consequentially amended—

(a) By omitting from subclause (1) the words “inspected, tested, or vaccinated” in both places where they occur, and substituting in each case the words “inspected or tested”:

(b) By omitting from subclauses (2) and (3) the words “inspection, testing, or vaccination”, and substituting in each case the words “inspection or testing”.

(3) Regulation 26 (1) of the principal regulations is hereby consequentially amended by revoking paragraphs (b) to (d).

3. Testing of cattle—Regulation 11 of the principal regulations is hereby amended by adding the following subclause:

“(5) If the Director-General so requires, the person in charge of any cattle that is to be tested for tuberculosis or brucellosis shall ensure that the cattle is identified in such manner as the Director-General considers necessary or desirable in the circumstances.”

4. Identification of infected cattle—(1) The principal regulations are hereby amended by revoking regulation 13, and substituting the following regulation:

“13. Where the Director-General is satisfied that an animal is infected with brucellosis or tuberculosis, he may, by written notice to the owner, require the owner to identify the animal, or present the animal for identification, within such time and in such manner as the Director-General specifies in the notice; and the owner shall comply with the requirement.”

(2) Regulation 14 (1) of the principal regulations is hereby consequentially amended by omitting the words “regulation 13 hereof”, and substituting the words “section 53 (4) of the Animals Act 1967”.

5. Compensation payable to owners—(1) The principal regulations are hereby amended by revoking regulation 15, and substituting the following regulation:

“15. (1) Subject to subclause (6) of this regulation, the amount of compensation payable by the Crown under subsection (5) or subsection (6) of section 53 of the Animals Act 1967 in respect of any animal shall be the total of such of the following amounts as apply:

“(a) A sum equal to 90 percent of the difference between—

(i) The average carcass value, fixed in accordance with subclause (3) of this regulation, for the appropriate class of animal at the time the animal was directed to be slaughtered or, if the compensation is payable under the said subsection (6), was slaughtered or died; and

(ii) The standard replacement value, fixed in accordance with subclause (3) of this regulation, for the appropriate class of animal at that time:

- “(b) Where, after inspection at the slaughterhouse, the animal or its carcass is condemned for tuberculosis or for any disease or deficiency that, in the opinion of the Director-General, results directly from the sending of the animal for slaughter pursuant to a direction given under section 53 (4) of the Animals Act 1967, a sum equal to 90 percent of the average carcass value, calculated in accordance with subclause (4) of this regulation, for the appropriate class of animal at the time the animal was slaughtered or died:
- “(c) Where the animal is a town supply dairy cow, the sum of \$70:
- “(d) Where the animal is a dairy cow (other than a town supply dairy cow), a sum equal to the appropriate amount shown in the following table:

Animal directed to be slaughtered as a result of a test or inspection conducted in North Island in month of	Animal directed to be slaughtered as a result of a test or inspection conducted in South Island, Stewart Island, or Chatham Islands in month of	Amount \$
June	July	10
July	August	30
August	September	40
September	October	50
October	November	40
November	December	40
December	January	25
January	February	10 :

- “(e) Where the animal is a beef breeding in-calf cow or a heifer or cow with a dependant calf or calves at foot and the test or inspection that resulted in the direction to slaughter was conducted in the North Island in the month of July, August, September, October, November, or December or was conducted in the South Island, Stewart Island, or the Chatham Islands in the month of August, September, October, November, December, or January, a sum equal to one half of the average sale price of weaners, fixed in accordance with subclause (5) of this regulation, at the time that the test or inspection was conducted:

“Provided that the compensation payable under section 53 (6) of the Animals Act 1967 shall not include the sums specified in paragraphs (c) to (e) of this subclause:

“Provided also that the compensation specified in paragraphs (b) to (e) of this subclause shall not be paid if any identification requirement under regulation 13 of these regulations, or direction to slaughter under section 53 (4) of the Animals Act 1967, in respect of the animal was not fully complied with.

“(2) For the purposes of this regulation, the term ‘appropriate class of animal’ means, in relation to any animal, that class of the following classes to which the animal belongs:

- “(a) Dairy cattle aged more than 12 months:
- “(b) Dairy cattle aged 12 months or less:
- “(c) Beef breeding cattle aged more than 12 months:
- “(d) Beef breeding cattle aged 12 months or less:

“(e) Beef cattle (other than beef breeding cattle) aged more than 18 months:

“(f) Beef cattle (other than beef breeding cattle) aged 18 months or less.

“(3) For the purposes of subclause (1) (a) of this regulation, the average carcass value and the standard replacement value of every class of animal specified in subclause (2) of this regulation shall be fixed from time to time by the Minister.

“(4) For the purposes of subclause (1) (b) of this regulation, the average carcass value of any animal shall be the amount obtained by multiplying the average carcass weight, fixed in accordance with the following provisions, for the appropriate class of animal by the rate for manufacturing grade beef in the current weekly Meat Board Schedule. The average carcass weight of every class of animal specified in subclause (2) of this regulation shall be fixed from time to time by the Minister.

“(5) For the purposes of subclause (1) (e) of this regulation, the average sale price of weaners shall be fixed from time to time by the Minister.

“(6) Notwithstanding subclause (1) of this regulation, the amount of compensation payable by the Crown under subsection (5) or subsection (6) of section 53 of the Animals Act 1967 in respect of any animal shall be one-eighth, or such greater proportion as the Director-General may prescribe in any particular case, of the amount specified in the said subclause (1) if—

“(a) Any identification requirement under regulation 13 of these regulations in respect of the animal was not fully complied with; or

“(b) The animal did not die, and was not slaughtered, within the period specified by the Director-General pursuant to section 53 (4) of the Animals Act 1967; or

“(c) The owner did not give notice in accordance with regulation 14 of these regulations; or

“(d) The animal was a reactor to a test carried out after the owner failed to comply with regulation 17 of these regulations.”

(2) Notwithstanding subclause (1) of this regulation, where the Director-General has, pursuant to section 53 (4) of the Animals Act 1967, directed that cattle be slaughtered and the owner of the cattle has been notified of that direction before the 1st day of September 1976, the amount of compensation payable to that owner under section 53 (5) of that Act shall be the amount that would have been payable if subclause (1) of this regulation had not been enacted.

(3) This regulation shall be deemed to have come into force on the 1st day of September 1976.

6. Restrictions on movement of cattle—Regulation 20 of the principal regulations is hereby amended by adding the following subclause:

“(2) Where an animal has been removed from a herd declared to be a movement controlled herd under section 53A of the Animals Act 1967 with the written permission of the Director-General under subsection (5) of that section, no person shall, without the written consent of the Director-General or otherwise than in accordance with such conditions as the Director-General may think fit to impose, move the animal from the place to which it has been taken in accordance with that permission while that declaration remains in force.”

7. Test costs—The First Schedule to the principal regulations (as substituted by regulation 2 of the Cattle Brucellosis and Tuberculosis Control Regulations 1971, Amendment No. 2) is hereby amended—

- (a) By omitting from paragraph (c) of the item relating to tuberculin tests the expression “11c per mile”, and substituting the expression “11.2c per kilometre”;
- (b) By omitting from paragraph (b) of the item relating to brucellosis tests the expression “11c per mile”, and substituting the expression “11.2c per kilometre”.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

Regulation 2 substitutes a new regulation 3 in the principal regulations (which relates to vaccination of female calves against brucellosis) and makes other consequential amendments. The new regulation 3 permits, but does not require, the vaccination of female calves that are aged between 3 and 6 months. Under the previous regulation 3, such vaccination was compulsory.

Regulation 3 adds a new subclause to regulation 11 of the principal regulations (which relates to the testing of cattle for brucellosis or tuberculosis). The new subclause provides that, if the Director-General so requires, cattle that are to be tested for brucellosis or tuberculosis shall be identified in such manner as the Director-General specifies.

Regulation 4 substitutes a new regulation 13 in the principal regulations, and makes a consequential amendment. The new regulation 13 empowers the Director-General to require the owner of an animal infected with tuberculosis or brucellosis to identify the animal, or present the animal for identification, in the time and manner specified by the Director-General.

Regulation 5 (which is deemed to have come into force on 1 September 1976) substitutes a new regulation 15 in the principal regulations (which prescribes the compensation payable by the Crown to owners of cattle that has been slaughtered because of tuberculosis or brucellosis infection). The compensation prescribed by the new regulation is—

- (a) A sum equal to 90 percent of the difference between the average carcass value (fixed by the Minister) and the standard replacement value (fixed by the Minister); and
- (b) Where the animal is condemned at the slaughterhouse, a sum equal to 90 percent of the average carcass value (calculated at ruling rates); and
- (c) Where the animal is a town supply dairy cow, \$70; and
- (d) Where the animal is a dairy cow (other than a town supply cow) a sum between \$10 and \$50 depending on location and the time of year; and
- (e) Where the animal is a beef breeding cow and the disease test was conducted in a specified month, a sum equal to one half of the average sale price of weaners (fixed by the Minister).

The new regulation also provides that in certain circumstances a reduced amount of compensation will be payable.

Regulation 6 adds a new subclause (2) to regulation 20 of the principal regulations. The new subclause provides that an animal that has been removed from a movement controlled herd and taken to a place with the permission of the Director-General shall not be moved from that place without the written consent of the Director-General.

Regulation 7 increases the mileage allowance payable in connection with tuberculin and brucellosis tests from 11c per mile to 11.2c per kilometre.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 31 March 1977.

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