

1958/178

THE CATTLE TUBERCULOSIS REGULATIONS 1958

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 17th day of December 1958

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Stock Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Cattle Tuberculosis Regulations 1958.
2. In these regulations, unless the context otherwise requires,—
 - “Cattle” means cattle within the meaning of the Stock Act 1908; but does not include any cattle to which section 35 of the Stock Amendment Act 1956 applies:
 - “Clinical case of tuberculosis”, in relation to any cattle, means any animal the appearance of which, in the opinion of any Tuberculin Testing Officer or other Inspector, justifies a diagnosis of tuberculosis in respect of that animal without the necessity for a tuberculin test:
 - “Dairy cattle” means any cattle kept or intended for the purpose of producing milk or cream; and includes all bulls (including bull calves) used or intended to be used in connection with any such cattle:
 - “Director-General” means the Director-General of Agriculture:
 - “Initial test”, in relation to any herd of any owner, means the first tuberculin test made of the whole of the herd after the coming into force of these regulations:
 - “Reactor”, in relation to any cattle, means any animal which gives a positive reaction to a tuberculin test and which, in the opinion of the Tuberculin Testing Officer who tested the animal, is affected with tuberculosis:
 - “Slaughterhouse” means an abattoir, or meat export slaughterhouse, as defined in section 2 of the Meat Act 1939:

“Test date”, in respect of any animal which is tested with the tuberculin test, means the date on which that test is interpreted by a Tuberculin Testing Officer:

“Tuberculin test”, in relation to any cattle, means a test made of a living animal for the presence of the tubercle bacillus by injecting into that animal tuberculin of manufacture approved by, and in accordance with techniques approved from time to time by, the Director-General:

“Tuberculin Testing Officer” means a Tuberculin Testing Officer within the meaning of section 7 of the Stock Amendment Act 1958.

3. (1) Where at any time a Tuberculin Testing Officer or other Inspector is satisfied that any cattle is a clinical case of tuberculosis and condemns that animal pursuant to section 7 (2) of the Stock Amendment Act 1958, the owner thereof shall be responsible to cause the animal to be destroyed immediately.

(2) In any case where any cattle is tested with the tuberculin test and is condemned as a reactor pursuant to section 7 (2) of the Stock Amendment Act 1958, then, if the animal is less than one year old at the test date or, in the case of cattle other than dairy cattle, is one year old or more at the test date, the owner thereof shall be responsible to cause the animal to be destroyed immediately.

4. (1) Where, on the initial test of any herd of cattle, ten per cent or less of the dairy cattle within the herd are reactors and are condemned pursuant to section 7 (2) of the Stock Amendment Act 1958, the owner thereof, or any person who may for the time being be the owner thereof, shall be responsible to cause to be destroyed, not later than the 1st day of September next following the test date, such of those reactors as, at the test date, are one year old or more.

(2) Where, on the initial test of any herd of cattle, more than ten per cent of the dairy cattle within the herd are reactors and are condemned pursuant to section 7 (2) of the Stock Amendment Act 1958, the owner thereof, or any person who may for the time being be the owner thereof, shall be responsible to cause to be destroyed, not later than the 1st day of September next following the third anniversary of the test date, such of those reactors as, at the test date, are one year old or more.

5. Where any cattle that is a clinical case of tuberculosis is required by regulation 3 (1) of these regulations to be destroyed immediately and, being one year old or more at the date of condemnation, is so destroyed, there shall be payable as compensation in respect of that animal the sum of £3.

6. Where, in the case of cattle other than dairy cattle, any reactor, being one year old or more at the test date, is required by regulation 3 (2) of these regulations to be destroyed immediately and is so destroyed, there shall be payable as compensation in respect of that animal the sum of £8.

7. Where any dairy cattle one year old or more at the test date is a reactor and is required by regulation 4 (1) of these regulations to be destroyed not later than the 1st day of September next following the test date and is so destroyed, there shall be payable as compensation in respect of that animal the sum of £8.

8. Where any dairy cattle one year old or more at the test date is a reactor and is required by regulation 4 (2) of these regulations to be destroyed not later than the 1st day of September next following the third anniversary of the test date and is destroyed not later than the 1st day of September next following the test date, there shall be payable as compensation in respect of that animal the sum of £8.

9. Where any dairy cattle one year old or more at the test date is a reactor and is required by regulation 4 (2) of these regulations to be destroyed not later than the 1st day of September next following the third anniversary of the test date and is destroyed not later than the 1st day of September next following the first anniversary of the test date, there shall be payable as compensation in respect of that animal the sum of £6.

10. Where any dairy cattle one year old or more at the test date is a reactor and is required by regulation 4 (2) of these regulations to be destroyed not later than the 1st day of September next following the third anniversary of the test date and is destroyed not later than the 1st day of September next following the second anniversary of the test date, there shall be payable as compensation in respect of that animal the sum of £4.

11. Where any dairy cattle one year old or more at the test date is a reactor and is required by regulation 4 (2) of these regulations to be destroyed not later than the 1st day of September next following the third anniversary of the test date and is so destroyed then, unless a different rate of compensation is payable as aforesaid, there shall be payable as compensation in respect of that animal the sum of £2.

12. Notwithstanding anything to the contrary in these regulations, no compensation shall be payable in respect of any cattle which, having been condemned, dies before it may be destroyed in accordance with these regulations.

13. (1) Where any cattle is condemned as a clinical case of tuberculosis pursuant to section 7 (2) of the Stock Amendment Act 1958 and is forwarded for slaughter to a boiling down works, not being part of a slaughterhouse, the owner of that animal shall give notice in writing to the Government Veterinarian for the district of—

- (a) The name and address of the owner;
- (b) The number of animals forwarded to the boiling down works;
- (c) A description of any temporary brand placed on any animal so forwarded.

(2) Where any cattle is condemned pursuant to section 7 (2) of the Stock Amendment Act 1958 and is forwarded to a slaughterhouse for slaughter, the owner thereof shall, before the animal is received at the slaughterhouse, give notice in writing to the Supervising Meat Inspector at the slaughterhouse of—

- (a) The name and address of the owner;
- (b) The number of reactors forwarded to the slaughterhouse;
- (c) The number of clinical cases of tuberculosis forwarded to the slaughterhouse;
- (d) A description of any temporary brand placed on any animal so forwarded;
- (e) The date on which any animal so forwarded is expected to arrive at the slaughterhouse.

(3) Where any cattle is condemned pursuant to section 7 (2) of the Stock Amendment Act 1958 and is forwarded to a boiling down works or slaughterhouse for slaughter, the owner thereof shall, before the animal is removed to the boiling down works or slaughterhouse, as the case may be, place on the animal a temporary brand which shall consist of an arrow painted along the backbone and the initials of the owner painted on each rump.

(4) Where any cattle is condemned as a clinical case of tuberculosis and, in the opinion of the Inspector who condemned the animal, it is impracticable for the owner, whether by reason of his absence or otherwise, to arrange for the destruction of the animal or to comply with the provisions of this regulation, the Inspector may, at the expense of the owner, cause the animal to be forwarded to a boiling down works or slaughterhouse for slaughter, and may, in addition, do all such things with respect to the giving of notice and the placing on the animal of a temporary brand as are required to be done by this regulation.

14. Notwithstanding anything to the contrary in these regulations, where any person who, being the owner of any cattle which is condemned pursuant to section 7 (2) of the Stock Amendment Act 1958 and which is forwarded to a boiling down works or a slaughterhouse for slaughter, fails to comply with the requirements of regulation 13 of these regulations, he shall not be entitled to be paid any compensation on the destruction of that animal:

Provided that nothing in this regulation shall apply in any case where the destruction of the animal is effected by an Inspector acting under the provisions of subclause (4) of regulation 13 of these regulations.

15. Where any animal is subjected to a tuberculin test by a Tuberculin Testing Officer who is not an Inspector, the cost of the test shall be borne by the owner of that animal and shall be at such rate or rates as may from time to time be determined by the Minister of Agriculture.

16. No cattle shall be subjected to a tuberculin test if it would, if tested, be less than fifteen days old at the test date.

17. The Director-General may from time to time direct that any cattle which has been condemned pursuant to section 7 (2) of the Stock Amendment Act 1958 shall be branded with such mark or marks, and in such manner, as he considers necessary or desirable for the purpose of indicating that the animal is infected with tuberculosis.

18. No cattle shall be introduced from the North Island into the South Island, Chatham Islands, or Stewart Island, unless it is accompanied by a certificate wherein a Tuberculin Testing Officer certifies that on a date, being not more than thirty days before the date on which the cattle was removed from the North Island, it gave a negative reaction to a tuberculin test carried out on the cattle by a Tuberculin Testing Officer.

19. (1) Without restricting the operation of regulation 18 of these regulations, where any cattle more than fourteen days old is brought on to the premises of any owner whose whole herd has been subjected to a tuberculin test at which there were no reactors, the owner shall, within seven days of the date of the arrival of that animal on the premises, give written notice of that arrival to a Tuberculin Testing Officer:

Provided that this notice need not be given in any case where the animal has, within the period of three months preceding the date of its arrival on the premises, been tested with the tuberculin test and has given a negative reaction to that test.

(2) Notwithstanding anything to the contrary in these regulations, where any person who, being the owner of any cattle which is condemned pursuant to section 7 (2) of the Stock Amendment Act 1958 and to which this regulation applies, fails to comply with the requirements of this regulation, he shall not be entitled to be paid any compensation on the destruction of that animal.

T. J. SHERRARD,
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 make provision appropriate to the introduction of a tuberculin testing scheme aimed at the eradication of tuberculosis from factory supply dairy herds. They cover particularly the period within which infected animals must be destroyed, the compensation payable on their destruction, and the procedure for identifying and disposing of infected animals. They also introduce provisions designed to prevent the spread of tuberculosis by restricting the movement of untested cattle.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 December 1958.

These regulations are administered in the Department of Agriculture.