

Reprint
as at 1 July 2016



Biosecurity (National Bovine Tuberculosis Pest Management Plan) Order 1998 (SR 1998/179)

Order name: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

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.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry for Primary Industries.

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Order

1 Title and commencement

- (1) This order may be cited as the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Order 1998.
- (2) This order comes into force on 1 July 1998.

Clause 1(1): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

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 plan

breakdown means changing a herd's status from uninfected herd to infected herd

cattle means any animal of the family Bovidae, subfamily Bovinae

chief technical officer means a chief technical officer appointed under section 101(1) of the Act

common costs means the administrative costs of the plan; and includes costs of information, education, research and development, and advice and assistance in relation to bovine tuberculosis

Deer Industry New Zealand means the body established as Deer Industry New Zealand under regulation 4 of the Deer Industry New Zealand Regulations 2004

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

financial year means the year ending 30 June

herd means a group of cattle or deer, or cattle and deer that is—

- (a) managed as 1 unit; or
- (b) kept within the same enclosure or behind the same fence

herd of origin means the herd with which a cattle beast or a deer is, for the time being, grazing

identification system has the meaning given to it in the Biosecurity (Animal Identification Systems) Regulations 1999

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

person in charge, in relation to an animal, includes a person who has the animal in his or her possession or custody, or under his or her care, control, or supervision

plan means the National Bovine Tuberculosis Pest Management Plan made by this order

TBfree New Zealand means TBfree New Zealand Limited

test means a procedure to establish the presence or absence of bovine tuberculosis, carried out on—

- (a) any animal; or
- (b) any blood or serum sample taken from any animal; or
- (c) any tissue sample taken from any animal

tuberculosis vector risk area means an area classified by TBfree New Zealand (or, before 1 July 2013, by the Animal Health Board (Incorporated)) 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 TBfree New Zealand 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 or a specialist under the Veterinarians Act 2005.

- (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.

Clause 2(1) **authorised person**: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 2(1) **Board**: revoked, on 1 July 2013, by clause 4(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 2(1) **breakdown**: inserted, on 30 September 2004, by clause 3(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 2(1) **cattle**: amended, on 26 May 2011, by clause 4 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order (No 2) 2011 (SR 2011/151).

Clause 2(1) **common costs**: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 2(1) **Deer Industry New Zealand**: inserted, on 1 July 2016, by clause 4(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

Clause 2(1) **financial year**: inserted, on 1 July 2016, by clause 4(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

Clause 2(1) **herd**: substituted, on 30 September 2004, by clause 3(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 2(1) **herd of origin**: inserted, on 30 September 2004, by clause 3(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 2(1) **identification system**: inserted, on 1 July 2011, by clause 4 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2011 (SR 2011/150).

Clause 2(1) **person in charge**: inserted, on 30 September 2004, by clause 3(3) of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 2(1) **plan**: inserted, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 2(1) **strategy**: revoked, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 2(1) **TBfree New Zealand**: inserted, on 1 July 2013, by clause 4(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 2(1) **test**: inserted, on 30 September 2004, by clause 3(4) of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 2(1) **tuberculosis vector free area**: revoked, on 1 July 2016, by clause 4(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

Clause 2(1) **tuberculosis vector risk area**: amended, on 1 July 2013, by clause 4(4) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 2(1) **vector**: amended, on 1 July 2013, by clause 4(5) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 2(1) **veterinarian**: amended, on 22 December 2005, by section 105 of the Veterinarians Act 2005 (2005 No 126).

3 National Bovine Tuberculosis Pest Management Plan

This order makes the National Bovine Tuberculosis Pest Management Plan.

Clause 3 heading: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 3: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

4 Pest

The organism *Mycobacterium bovis*, the cause of the disease of bovine tuberculosis, is the pest to be managed in accordance with the plan.

Clause 4: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

5 Objectives of plan

- (1) The plan's primary objective is the eradication of *Mycobacterium bovis* (which causes bovine tuberculosis) from New Zealand by the end of the term of the plan, with the following key milestones:
 - (a) freedom from bovine tuberculosis in cattle and deer by 30 June 2026; and
 - (b) freedom from bovine tuberculosis in possums by 30 June 2040.
- (1A) For the purposes of subclause (1), **freedom from bovine tuberculosis** means that the statistical likelihood of bovine tuberculosis being present in the population of the species concerned is assessed by TBfree New Zealand as being no greater than 0.0001% throughout the preceding 12-month period.
- (2) The plan's secondary objective, to be achieved while achieving the primary objective, is to keep at the lowest possible level, and at no greater than 0.2% throughout the term of the plan, the national annual bovine tuberculosis infected herd period prevalence calculated as follows:
 - (a) add the number of infected herds at the start of a financial year to the number of infected herds coming to notice during the financial year; and
 - (b) divide the sum by the total number of herds; and
 - (c) express the quotient as a percentage.

Clause 5: substituted, on 1 July 2011, by clause 5 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2011 (SR 2011/150).

Clause 5 heading: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 5(1): replaced, on 1 July 2016, by clause 5(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

Clause 5(1A): inserted, on 1 July 2016, by clause 5(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

Clause 5(2): amended, on 1 July 2016, by clause 5(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

Clause 5(2): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

5A Principal measures to implement plan

The principal measures to be taken to implement the plan are—

- (a) the detection of bovine tuberculosis by testing herds and vectors for bovine tuberculosis;
- (b) the slaughter of domestic animals suspected of being infected with bovine tuberculosis;
- (c) the management of vector populations in tuberculosis vector risk areas and in buffer control zones associated with those areas;
- (d) the controls on the movement of cattle and deer.

Clause 5A: inserted, on 30 September 2004, by clause 5 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 5A heading: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 5A: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

6 Management agency

The management agency responsible for implementing the plan is TBfree New Zealand.

Clause 6: amended, on 1 July 2013, by clause 5 of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 6: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

7 Term of plan

The plan remains in force until 30 June 2055.

Clause 7: substituted, on 30 September 2004, by clause 6 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 7 heading: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 7: amended, on 1 July 2016, by clause 6 of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

Clause 7: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

8 Powers used to implement the plan

- (1) The powers conferred on an authorised person by sections 106, 109, 111, 113, 114, 118, 119, 121, 121A, 122, 123, and 130 of the Act may be used by an authorised person, appointed for the purposes of the plan, to implement the plan.
- (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 plan.
- (3) The power in section 114A of the Act may be used to implement the plan.

Clause 8 heading: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 8(1): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 8(1): amended, on 30 September 2004, by clause 7 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 8(2): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 8(3): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

9 Plan rules

Clauses 10 to 17A contain the plan rules.

Clause 9: substituted, on 30 September 2004, by clause 8 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 9 heading: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 9: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

10 Obligation to notify TBfree New Zealand of place where herd is kept

- (1) Every person who owns or is in charge of a herd must notify TBfree New Zealand or an authorised person of the place where the herd is, for the time being, kept.
- (2) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 10 heading: amended, on 1 July 2013, by clause 6(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 10(1): amended, on 1 July 2013, by clause 6(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 10(2): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

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 is an offence under section 154N(18) of the Act.

Clause 11(2): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

12 Identification of animals with bovine tuberculosis

- (1) If an animal has tested positive for bovine tuberculosis, or is to be moved from an infected herd, an ear tag or other identification may be applied to the animal.
- (2) Only an inspector, authorised person, or accredited person may remove, alter, or deface an ear tag or other identification applied in accordance with sub-clause (1), unless—
 - (a) an inspector or authorised person has given written permission for another person to do so; or
 - (b) an accredited person has given written confirmation that the animal has tested negative for bovine tuberculosis.
- (3) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 12: substituted, on 30 September 2004, by clause 9 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 12(3): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

12A Identification of cattle and deer for testing

(1) When directed to do so by an inspector or authorised person, the owner or person in charge of a herd must identify, in the manner directed, any member of that herd that is required to be tested.

(2) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 12A: inserted, on 30 September 2004, by clause 10 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 12A(2): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

12B Declarations

(1) A cattle beast or deer aged 30 days or more that is being moved must be accompanied throughout the movement by a declaration that complies with clause 12C.

(2) The owner of the animal to be moved, or any person acting with the authority of the owner, is responsible for the preparation of the declaration, and must—

(a) give the declaration to the person in charge of the animal during the movement; and

(b) inform the person in charge of the requirements of subclause (3).

(3) The person in charge must, during the period of his or her charge, ensure that the declaration is—

(a) immediately accessible at all times during the movement; and

(b) provided for inspection when requested by any person; and

(c) if the person in charge changes during the movement, given to the person to whom charge is transferred, together with instructions on the requirements of this subclause; and

(d) given to the person to whom the animal is being delivered on completion of the movement.

(4) If the movement involves more than 1 animal, a single declaration, identifying all the animals being moved, may be used.

(5) If the movement involves more than 1 animal, and the group of animals is divided or redivided during the movement, the person in charge at the time of the division or redivision must ensure that—

(a) the declaration is copied; and

(b) the requirements of subclause (3) are complied with in relation to any animals that the person remains in charge of; and

(c) the requirements of subclause (3)(c) are complied with in relation to the animals that are transferred to the charge of another person.

(6) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 12B: inserted, on 30 September 2004, by clause 10 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 12B(6): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

12C Form and content of declarations

- (1) A declaration required under clause 12B must—
- (a) be in a form approved by TBfree New Zealand (or, if the form of the declaration was approved before 1 July 2013, the Animal Health Board (Incorporated)); and
 - (b) be completed, signed, and dated by—
 - (i) the owner of the cattle beast or deer to which it relates; or
 - (ii) a person acting with the authority of the owner; and
 - (c) include—
 - (i) the name and address of the person completing, signing, and dating the form:
 - (ii) the herd identification number of the herd from which the animal is being moved as given to that herd in accordance with the identification system approved by the Director, Preparedness and Partnerships, on 22 June 2012 for the purposes of bovine tuberculosis control, marking the presence or absence in organisms of particular qualities, and meeting the certification requirements of overseas authorities and notified in the *Gazette* on 28 June 2012, at p 2074 (or any other identification system that is approved in its place):
 - (iii) the species or class of the animal (examples include hind, dairy cow, heifer, and beef bull):
 - (iv) information on whether the animal was born at the place or establishment from which it is being moved:
 - (v) if the animal was not born at the place or establishment from which it is being moved, information on whether the animal has been managed or kept at that place or establishment for 60 days or more:
 - (vi) if the animal was not born at the place or establishment from which it is being moved and has not been managed or kept at that place or establishment for 60 days or more, information on whether there is a declaration under clause 12B that relates to a movement of the animal in the previous 60 days:
 - (vii) the bovine tuberculosis status, if any, assigned by TBfree New Zealand (or, if the status was assigned before 1 July 2013, the Animal Health Board (Incorporated)) to the animal's herd of origin:

- (viii) information on whether the animal has been tested while at the place or establishment from which it is being moved:
 - (ix) the date of the latest test carried out on the animal:
 - (x) the date of the latest test carried out on the animal's herd of origin:
 - (xi) information on whether bovine tuberculosis was detected in any animal as a result of a test carried out under subparagraph (ix) or subparagraph (x):
 - (xii) information on whether the animal has ever been vaccinated against Johne's disease:
 - (xiii) information on whether the animal's herd of origin is subject to movement control under the Act:
 - (xiv) information on whether the animal is being moved from a place or establishment that is within a controlled area declared under section 131 of the Act:
 - (xv) if the animal is being moved from a place or establishment that is within a controlled area declared under section 131 of the Act, information on whether the animal has been tested during the 60 days before the movement.
- (2) Subclause (1)(c)(xv) does not apply if the animal is being moved directly to a place of slaughter.
- (3) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 12C: inserted, on 30 September 2004, by clause 10 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 12C(1)(a): amended, on 1 July 2013, by clause 7(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 12C(1)(c)(ii): replaced, on 1 July 2013, by clause 7(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 12C(1)(c)(ii): amended, on 1 July 2016, by clause 7 of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

Clause 12C(1)(c)(vii): amended, on 1 July 2013, by clause 7(3) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 12C(3): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

12D Retention of declarations

- (1) The owner of an animal to which the declaration required under clause 12B refers must retain a copy of the declaration that he or she completed for 6 months from the date of signing.
- (2) On completion of the movement, the person to whom the animal is delivered must retain the accompanying declaration, or a copy of the declaration, for—
- (a) 6 months from the date of receipt of the animal; or

- (b) the period, if greater than 6 months, during which the person is in charge of the animal.
- (3) A breach of this rule is an offence under section 154N(18) of the Act.
Clause 12D: inserted, on 30 September 2004, by clause 10 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).
Clause 12D(3): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

12E Sales

- (1) A person who offers a cattle beast or deer for sale must, immediately prior to or at the time of sale, clearly announce or display for a reasonable period at the place where the animal is being offered for sale—
 - (a) the bovine tuberculosis status of the animal; and
 - (b) the date of the animal's last bovine tuberculosis test; and
 - (c) whether that animal has been moved to the place of sale from a place or establishment that is within a controlled area declared under section 131 of the Act.
- (2) A person who offers a cattle beast or deer for sale must make any declaration required for that animal under clause 12B available for inspection by persons attending the place where the animal is being offered for sale.
- (3) A breach of this rule is an offence under section 154N(18) of the Act.
Clause 12E: inserted, on 30 September 2004, by clause 10 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).
Clause 12E(3): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

12F Meaning of movement

- (1) For the purposes of clauses 12B to 12D, **movement** means the relocation of an animal.
- (2) A movement—
 - (a) begins when the animal is removed from its herd of origin, or other place or establishment at which it is being kept; and
 - (b) ends when the animal is delivered to its final destination.
- (3) Despite subclauses (1) and (2), no declaration is required if the sole purpose of the movement is to relocate an animal from one part of a property to another part of the same property.
- (4) Subclause (3) does not apply if the movement—
 - (a) results in the animal changing its herd of origin; or
 - (b) involves the animal moving within or from a controlled area declared under section 131 of the Act.

Clause 12F: inserted, on 30 September 2004, by clause 10 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

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 a test, other than an approved test:
 - (b) vaccinate an animal against bovine tuberculosis:
 - (c) medicate an animal for bovine tuberculosis, either therapeutically or prophylactically:
 - (d) medicate or otherwise treat or vaccinate a cattle beast or deer for the purpose of enhancing, repressing, or altering an animal's response to bovine tuberculosis or to a test.
- (2) Only an inspector, authorised person, or accredited person may apply a test to a cattle beast or deer.
- (3) Subclause (2) does not apply to—
 - (a) a veterinarian acting in the ordinary course of his or her profession when diagnosing the cause of illness in an animal; or
 - (b) a person who is being taught veterinary science at undergraduate level, when acting under the supervision of an authorised person or an accredited person; or
 - (c) a person conducting a test on any blood, serum, or tissue in an approved diagnostic laboratory.
- (4) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 13: substituted, on 30 September 2004, by clause 11 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 13(4): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

14 Obligation of veterinarians and other persons to submit specimens for investigation

- (1) This clause applies to any person who—
 - (a) is a veterinarian:
 - (b) is in charge of an animal disease diagnostic laboratory:
 - (c) operates an animal product business within the meaning of the Animal Products Act 1999 where (under a risk management programme registered under Part 2 of that Act or a regulated control scheme imposed under Part 3 of that Act) mammals are slaughtered, dressed, or processed for human or animal consumption:
 - (d) operates deer slaughtering premises, a packing house, or a slaughterhouse:

- (e) operates premises required to be licensed under section 20 of the Meat Act 1981.
- (2) A person to whom this clause applies who, in the course of his or her business, suspects the presence of bovine tuberculosis in the carcass or viscera of a mammal must—
 - (a) collect affected tissue specimens from the carcass or viscera; and
 - (b) submit those specimens to an approved diagnostic laboratory in a manner that ensures the specimens are suitable for pathological and bacteriological investigation.
- (3) In this clause, the terms **deer slaughtering premises**, **packing house**, and **slaughterhouse** have the same meanings as in section 2(1) of the Meat Act 1981.
- (4) A breach of this rule is an offence under section 154N(18) of the Act.
Clause 14: substituted, on 30 September 2004, by clause 12 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).
Clause 14(4): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

14A Obligation of persons performing ante- and post-mortem examinations to submit specimens for investigation

- (1) This clause applies to any person who performs ante- or post-mortem examinations at—
 - (a) the premises of an animal product business within the meaning of the Animal Products Act 1999 where (under a risk management programme registered under Part 2 of that Act or a regulated control scheme imposed under Part 3 of that Act) mammals are slaughtered, dressed, or processed for human or animal consumption; or
 - (b) deer slaughtering premises, a packing house, or a slaughterhouse; or
 - (c) premises required to be licensed under section 20 of the Meat Act 1981.
- (2) A person to whom this clause applies who suspects the presence of bovine tuberculosis in the carcass or viscera of a mammal must—
 - (a) collect tissue specimens from the carcass or viscera; and
 - (b) submit those specimens, in a manner that ensures the specimens are suitable for pathological and bacteriological investigation, to—
 - (i) the person in charge of verifying compliance with ante- and post-mortem examination procedures at the premises; or
 - (ii) if the premises do not have such a verifier, to an approved diagnostic laboratory; and
 - (c) keep records of the specimens in a form approved by TBfree New Zealand (or, if the form of the records was approved before 1 July 2013, the Animal Health Board (Incorporated)).

(3) In this clause, the terms **deer slaughtering premises**, **packing house**, and **slaughterhouse** have the same meanings as in section 2(1) of the Meat Act 1981.

(4) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 14A: inserted, on 30 September 2004, by clause 13 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 14A(2)(c): amended, on 1 July 2013, by clause 8 of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 14A(4): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

14B Obligation of persons in charge of verifying compliance with ante- and post-mortem examination procedures

(1) A person in charge of verifying compliance with ante- and post-mortem examination procedures to whom specimens are submitted in accordance with clause 14A must—

(a) submit those specimens to an approved diagnostic laboratory in a manner that ensures the specimens are suitable for pathological and bacteriological investigation; and

(b) keep records of the specimens in a form approved by TBfree New Zealand (or, if the form of the records was approved before 1 July 2013, the Animal Health Board (Incorporated)).

(2) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 14B: inserted, on 30 September 2004, by clause 13 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 14B(1)(b): amended, on 1 July 2013, by clause 9 of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 14B(2): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

15 Obligation of laboratories to provide results

(1) If a tissue specimen is sent to a laboratory in accordance with clause 14, 14A, or 14B, the laboratory must provide TBfree New Zealand with the results of the investigation and the name of the person who collected the sample.

(2) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 15: substituted, on 30 September 2004, by clause 14 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 15(1): amended, on 1 July 2013, by clause 10 of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 15(2): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

15A Obligation of operator of commercial slaughter premises

(1) This clause applies to—

- (a) the operator of a risk management programme registered under Part 2 of the Animal Products Act 1999 under which cattle or deer are slaughtered:
 - (b) a person subject to the requirements of a regulated control scheme made under Part 3 of the Animal Products Act 1999 under which cattle or deer are slaughtered:
 - (c) a person listed as a homekill or recreational catch service provider under Part 6 of the Animal Products Act 1999 who slaughters cattle or deer (and a person whom section 20 of the Animal Products (Ancillary and Transitional Provisions) Act 1999 deems to be listed).
- (2) The operator must maintain systems that connect each cattle beast and deer's official animal identification and herd identification number with its carcass to at least the point of post-mortem inspection.
- (3) For each cattle beast and deer slaughtered, the operator must record and report—
 - (a) its official animal identification; and
 - (b) its herd identification number.
- (4) For each cattle beast and deer slaughtered in which a suspect bovine tuberculosis lesion is found at post-mortem inspection, the operator must record and report—
 - (a) its official animal identification; and
 - (b) its herd identification number; and
 - (c) the name and address of the person who supplied it for slaughter.
- (5) The operator must report under subclauses (3) and (4)—
 - (a) to TBfree New Zealand; and
 - (b) in the form required by TBfree New Zealand (or, if the form of the report was approved before 1 July 2013, the Animal Health Board (Incorporated)); and
 - (c) as soon as is practicable after the cattle beast or deer is slaughtered.
- (6) The operator must enable TBfree New Zealand to audit the operator's compliance with this rule and must assist TBfree New Zealand to do so when TBfree New Zealand requires.
- (7) In this rule,—

herd identification number means the number of the herd from which a cattle beast or deer is supplied for slaughter as given to the herd under an identification system

slaughter includes dressing and processing.
- (8) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 15A: inserted, on 1 February 2012, by clause 7 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2011 (SR 2011/150).

Clause 15A(5)(a): amended, on 1 July 2013, by clause 11(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 15A(5)(b): amended, on 1 July 2013, by clause 11(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 15A(6): amended, on 1 July 2013, by clause 11(3) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 15A(8): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

16 Obligation to supply information

- (1) Subclause (2) 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 3 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);
 - (j) an operator of a risk management programme registered under Part 2 of the Animal Products Act 1999;
 - (k) a person subject to the requirements of a regulated control scheme made under Part 3 of the Animal Products Act 1999;
 - (l) a person listed (or deemed by section 20 of the Animal Products (Ancillary and Transitional Provisions) Act 1999 to be listed) as a homekill or recreational catch service provider under Part 6 of the Animal Products Act 1999.
- (2) TBfree New Zealand, or an authorised person, may require any person to whom this clause applies to provide information held by that person, if TBfree New Zealand or authorised person reasonably believes that that information is necessary for monitoring—
- (a) the distribution of the pest; or
 - (b) changes in the composition of a herd; or
 - (c) the location of cattle or deer.
- (2A) Subclauses (2B) and (2C) apply to the operator of—

- (a) an identification system for cattle or deer; or
 - (b) a system for identifying cattle or deer established by or under an enactment other than the Biosecurity Act 1993.
- (2B) TBfree New Zealand may require the operator to provide it with information to enable it to monitor the distribution of bovine tuberculosis and the location and movement of cattle or deer.
- (2C) The operator must provide TBfree New Zealand with the information that TBfree New Zealand specifies.
- (3) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 16(1): amended, on 1 July 2011, by clause 8(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2011 (SR 2011/150).

Clause 16(1)(j): added, on 1 November 1999, by section 8(2) of the Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

Clause 16(1)(k): added, on 1 November 1999, by section 8(2) of the Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

Clause 16(1)(l): added, on 1 November 1999, by section 8(2) of the Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

Clause 16(2): substituted, on 30 September 2004, by clause 15 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 16(2): amended, on 1 July 2013, by clause 12(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 16(2): amended, on 1 July 2013, by clause 12(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 16(2A): inserted, on 1 July 2011, by clause 8(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2011 (SR 2011/150).

Clause 16(2B): inserted, on 1 July 2011, by clause 8(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2011 (SR 2011/150).

Clause 16(2B): amended, on 1 July 2013, by clause 12(3) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 16(2C): inserted, on 1 July 2011, by clause 8(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2011 (SR 2011/150).

Clause 16(2C): amended, on 1 July 2013, by clause 12(4) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 16(3): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

17 Obligation to report suspected presence of bovine tuberculosis to TBfree New Zealand

- (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 TBfree New Zealand or an authorised person.

- (2) The obligation in subclause (1) does not apply if that person has reasonable grounds to believe that TBfree New Zealand is aware of the possible presence of bovine tuberculosis in that animal.

- (3) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 17 heading: amended, on 1 July 2013, by clause 13(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 17(1): amended, on 1 July 2013, by clause 13(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 17(2): amended, on 1 July 2013, by clause 13(3) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 17(3): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

17A Release of pigs into wild state

- (1) No person may release a pig into a wild state.

- (2) This clause does not apply if the pig—

(a) is—

(i) a wild animal, as defined in section 2(1) of the Wild Animal Control Act 1977; and

(ii) released on land that is administered under any of the Acts listed in Schedule 1 of the Conservation Act 1987; or

(b) is released by TBfree New Zealand for research purposes.

- (3) A breach of this rule is an offence under section 154N(18) of the Act.

Clause 17A: inserted, on 30 September 2004, by clause 16 of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 17A(2)(b): amended, on 1 July 2013, by clause 14 of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 17A(3): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

18 Compensation

- (1) Compensation under section 100I of the Act and this plan is payable only in respect of any head of cattle or head of deer—

(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:

(c) slaughtered in any other situation where slaughter is the only permitted or practicable option for that animal as a direct result of the implementation of this plan.

- (2) The amount of compensation payable is to be a percentage of the uninfected value of the animal, with the percentage payable to be determined by TBfree New Zealand based on—
- (a) whether the animal has bovine tuberculosis; and
 - (b) if the animal has bovine tuberculosis, whether the animal is subject to a High Risk Infected Herd Management Plan agreed between TBfree New Zealand and the herd owner; and
 - (c) the capacity of TBfree New Zealand to pay compensation, determined based on the amount of money available for compensation and the expected number of compensation payments to be made in a financial year.
- (3) For the purposes of this clause, **uninfected value of the animal** means the fair market value of the animal, calculated as if the animal did not have bovine tuberculosis, on the date of the direction for slaughter (if a direction was given under the Act) or the date of slaughter (if no direction was given under the Act), as determined by—
- (a) DairyNZ Limited, if the animal is a beast raised for dairy farming; or
 - (b) Beef + Lamb New Zealand Limited, if the animal is a beast raised for beef; or
 - (c) Deer Industry New Zealand, if the animal is a deer.

Clause 18(1): amended, on 1 July 2016, by clause 8(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

Clause 18(1): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 18(1)(c): inserted, on 1 July 2016, by clause 8(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

Clause 18(2): replaced, on 1 July 2016, by clause 8(3) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

Clause 18(3): inserted, on 1 July 2016, by clause 8(3) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

19 Funding of plans

The implementation of the plan is to be funded by payments from the following sources:

- (a) subject to section 100L(5) of the Act, by a levy under section 100L(1) of the Act on all cattle beasts slaughtered where that cattle beast weighs more than 27 kilograms dressed weight;
- (b) by payments made by Dairy Insight Incorporated in accordance with the funding agreement, dated 24 November 2003, between the Animal Health Board (Incorporated) (which was replaced as the management agency by TBfree New Zealand on 1 July 2013) and Dairy Insight Incorporated (or any agreement that replaces that agreement):

- (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 payments made by Deer Industry New Zealand (established under the Deer Industry New Zealand Regulations 2004) in accordance with the funding agreement, dated 15 December 2003, between the Animal Health Board (Incorporated) (which was replaced as the management agency by TBfree New Zealand on 1 July 2013) and the Game Industry Board (which was replaced by Deer Industry New Zealand on 21 October 2004) (or any agreement that replaces that agreement):
- (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 100L(5) of the Act, by a levy under section 100L(1) of the Act on persons within a region.

Clause 19 heading: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 19: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 19(a): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Clause 19(b): substituted, on 30 September 2004, by clause 17(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271).

Clause 19(b): amended, on 1 July 2013, by clause 15(1) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 19(e): replaced, on 1 July 2013, by clause 15(2) of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203).

Clause 19(h): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

20 Application of funds

[Revoked]

Clause 20: revoked, on 1 July 2016, by clause 10 of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112).

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 plan.

Clause 21: amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Marie Shroff,

Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in the *Gazette*: 30 June 1998.

Reprints notes

1 *General*

This is a reprint of the Biosecurity (National Bovine Tuberculosis Pest Management Plan) Order 1998 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2016 (LI 2016/112)

Biosecurity (National Bovine Tuberculosis Pest Management Plan) Amendment Order 2013 (SR 2013/203)

Biosecurity Law Reform Act 2012 (2012 No 73): section 93

Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order (No 2) 2011 (SR 2011/151)

Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2011 (SR 2011/150)

Veterinarians Act 2005 (2005 No 126): section 105

Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004 (SR 2004/271)

Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94): section 8(2)