

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

Pursuant to section 88 of the Biosecurity Act 1993, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister of Agriculture after being satisfied of the matters set out in section 69 of the Biosecurity Act 1993, makes the following order.

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1 Title

- (1) This order is the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Amendment Order 2004.
- (2) In this order, the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Order 1998¹ is called “the principal order”.

2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

3 Interpretation

- (1) Clause 2(1) of the principal order is amended by inserting, after the definition of **Board**, the following definition:
“**breakdown** means changing a herd’s status from uninfected herd to infected herd”.

¹ SR 1998/179

(2) Clause 2(1) of the principal order is amended by revoking the definition of **herd**, and substituting the following definitions:

“**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”.

(3) Clause 2(1) of the principal order is amended by inserting, after the definition of **infected herd**, the following definition:

“**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”.

(4) Clause 2(1) of the principal order is amended by inserting, after the definition of **strategy**, the following definition:

“**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”.

4 New clause 5 substituted

The principal order is amended by revoking clause 5, and substituting the following clause:

“5 Objectives of strategy

“(1) The primary objective of the strategy is to reduce, by 30 June 2013, the tuberculosis annual period prevalence rate to 0.2% or less (no more than 2 infected herds to every 1000 uninfected herds).

“(2) The progress objectives of the strategy are to—

“(a) prevent, from 1 July 2004, the establishment of infected vector populations within tuberculosis vector free areas:

“(b) increase, by 30 June 2006, the area in which the annual period prevalence rate of infected herds is 0.2% or less (no more than 2 infected herds to every 1000 uninfected herds) to at least 226000 sq km:

“(c) reduce, by 30 June 2009, the mean annual number of infected vector-related breakdowns in tuberculosis vec-

tor risk areas to a rate of 1.2% or less (no more than 12 breakdowns to every 1000 uninfected herds).”

5 New clause 5A inserted

The principal order is amended by inserting, after clause 5, the following clause:

“5A Principal measures to implement strategy

The principal measures to be taken to implement the strategy 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.”

6 New clause 7 substituted

The principal order is amended by revoking clause 7, and substituting the following clause:

“7 Term of strategy

The strategy remains in force until 30 June 2013.”

7 Powers used to implement strategy

Clause 8(1) of the principal order is amended by inserting, after the expression “121,”, the expression “121A,”.

8 New clause 9 substituted

The principal order is amended by revoking clause 9, and substituting the following clause:

“9 Strategy rules

Clauses 10 to 17A contain the strategy rules.”.

9 New clause 12 substituted

The principal order is amended by revoking clause 12, and substituting the following clause:

“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 subclause (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, without reasonable excuse, is an offence under section 154(q) of the Act.”

10 New clauses 12A to 12F inserted

The principal order is amended by inserting, after clause 12, the following clauses:

“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, without reasonable excuse, is an offence under section 154(q) of the Act.

“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, without reasonable excuse, is an offence under section 154(q) of the Act.

“12C Form and content of declarations

- “(1) A declaration required under clause 12B must—
- “(a) be in a form approved by the Board; 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 an identification system approved under the Biosecurity (Animal Identification Systems) Regulations 1999:

- “(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 the Board 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, without reasonable excuse, is an offence under section 154(q) of the Act.

“**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, without reasonable excuse, is an offence under section 154(q) of the Act.

“**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, without reasonable excuse, is an offence under section 154(q) of the Act.

“**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.”

11 New clause 13 substituted

The principal order is amended by revoking clause 13, and substituting the following clause:

“**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, without reasonable excuse, is an offence under section 154(q) of the Act.”

12 New clause 14 substituted

The principal order is amended by revoking clause 14, and substituting the following clause:

“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, without reasonable excuse, is an offence under section 154(q) of the Act.”

13 New clauses 14A and 14B inserted

The principal order is amended by inserting, after clause 14, the following clauses:

“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 the Board.

“(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, without reasonable excuse, is an offence under section 154(q) of the Act.

“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 the Board.

“(2) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.”

14 New clause 15 substituted

The principal order is amended by revoking clause 15, and substituting the following clause:

“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 the Board with the results of the investigation and the name of the person who collected the sample.

“(2) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.”

15 Obligation to supply information

The principal order is amended by revoking clause 16(2), and substituting the following subclause:

“(2) The Board, or an authorised person, may require any person to whom this clause applies to provide information held by that person, if the Board 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.”

16 New clause 17A inserted

The principal order is amended by inserting, after clause 17, the following clause:

“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 the Board for research purposes.
- “(3) A breach of this rule, without reasonable excuse, is an offence under section 154(q) of the Act.”

17 Funding of strategies

- (1) The principal order is amended by revoking clause 19(b), and substituting the following paragraph:
 - “(b) by payments made by Dairy Insight Incorporated in accordance with the funding agreement, dated 24 November 2003, between the Board and Dairy Insight Incorporated (or any agreement that replaces that agreement):”.
- (2) The principal order is amended by revoking clause 19(e), and substituting the following paragraph:
 - “(e) by payments made by the Game Industry Board (established under the Game Industry Board Regulations 1985) in accordance with the funding agreement, dated 15 December 2003, between the Board and the Game Industry Board (or any agreement that replaces that agreement):”.

18 Application of funds

Clause 20 of the principal order is amended by omitting the expression “clause 18”, and substituting the expression “clause 19”.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on the 28th day after the date of its notification in the *Gazette*, amends the National Bovine Tuberculosis Pest Management Strategy by—

- substituting the definition of herd and inserting definitions of breakdown, herd of origin, movement, person in charge, and test (clauses 3 and clause 10):
- stating the revised objectives of the strategy and (in new clause 5A) the principal measures to be used to implement the strategy (clauses 4 and 5):
- extending the term of the strategy to 30 June 2013 (clause 6):
- amending existing strategy rules and inserting new strategy rules, including rules relating to the identification and testing of animals, the requirement for declarations where a cattle beast or deer is being moved, and limitations and prohibitions on the release of pigs into a wild state (clauses 9 to 16):
- making provision (in new clause 19(b) and (e)) for partial funding of the strategy through payments made by Dairy Insight Incorporated and the Game Industry Board (clause 17).

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 2 September 2004.
