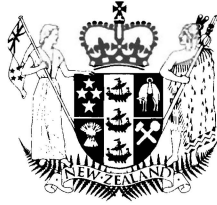


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BIOSECURITY (DEER AND OTHER TESTING COSTS) REGULATIONS 1998

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 18th day of December 1998

Present:

THE RIGHT HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to section 165 of the Biosecurity Act 1993, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

- 1. Title and commencement
- 2. Interpretation
- 3. Matters for which costs are recoverable
- 4. Assessment of costs
- 5. Person liable for costs

- 6. Waiver or refund of costs

SCHEDULE

Assessment of Costs

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Biosecurity (Deer and Other Testing Costs) Regulations 1998.

(2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“Act” means the Biosecurity Act 1993:

“Board” means the Animal Health Board (Incorporated):

“Bovine tuberculosis” means the disease caused by *Mycobacterium bovis*:

“Veterinarian” means a person registered as a veterinarian in accordance with the Veterinarians Act 1994.

(2) Any term or expression that is not defined in these regulations, but that is defined in the Act, has the meaning given to it by the Act.

3. Matters for which costs are recoverable—(1) Except as provided in subclause (2), the Board may recover the following costs:

(a) Costs relating to the testing of deer under section 121 (1) of the Act to ascertain the presence or absence of bovine tuberculosis, including the reading and interpretation of such testing;

(b) Costs relating to the taking of action under section 121 (4) of the Act after an inspector or authorised person has required an animal to be submitted for the purpose of applying a test to ascertain the presence or absence of bovine tuberculosis, and the owner or person in control of the animal, or the occupier of the place in which the animal is present, fails to comply with a direction given under section 121 (3) of the Act.

(2) Costs may be recovered under subclause (1) (a) only where the person who is liable to pay costs—

(a) Has been given an opportunity to arrange for the testing of the deer to ascertain the presence or absence of bovine tuberculosis; and

(b) Has failed to carry out the testing within the time notified by or on behalf of the Board.

4. Assessment of costs—The costs of testing deer for the presence or absence of bovine tuberculosis under section 121 (1) of the Act, or taking action under section 121 (4) of the Act, must be charged at the rates set out in the Schedule.

5. Person liable for costs—The person liable for costs is,—

(a) In the case of testing deer for the presence or absence of bovine tuberculosis under section 121 (1) of the Act, the owner or person in charge of the deer; or

(b) In the case of taking action after a failure to comply with a direction under section 121 (3) of the Act, the person who failed to comply with the direction.

6. Waiver or refund of costs—If the Board is satisfied that costs payable under these regulations exceed the actual costs incurred, it may waive (wholly or in part) the payment of any costs required by these regulations to be paid; and, where all or part of those costs have already been paid, the Board may refund to the person who paid the costs some or all of the amount paid, as the case may be.

Reg. 4

SCHEDULE
ASSESSMENT OF COSTS
Testing Costs

Item	Rate
Labour (where testing is carried out by an inspector or authorised person appointed under section 103 of the Act who is not a veterinarian)	\$45 per hour (including travel time)
Labour (where testing is carried out by an inspector or authorised person appointed under section 103 of the Act who is a veterinarian)	\$90 per hour (including travel time)
Use of vehicle	60c per km
Equipment hire and materials (including testing drugs)	Actual cost

Costs Incurred in Taking Action

Labour (where action is carried out by an inspector or authorised person appointed under section 103 of the Act who is not a veterinarian)	\$45 per hour (including travel time)
Labour (where action is carried out by an inspector or authorised person appointed under section 103 of the Act who is a veterinarian)	\$90 per hour (including travel time)
Labour (persons assisting an inspector or authorised person under section 106 of the Act)	\$30 per hour (including travel time)
Use of vehicle (other than hire vehicle)	60c per km
Aircraft, vehicle, or equipment hire	Actual cost
Materials	Actual cost

MARIE SHROFF,
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, which come into force on the 28th day after the date of their notification in the *Gazette*, provide for the recovery of costs relating to the testing of animals for bovine tuberculosis in accordance with the Biosecurity Act 1993 and the Biosecurity (National Bovine Tuberculosis Pest Management Strategy) Order 1998 made under that Act.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 22 December 1998.
These regulations are administered in the Ministry of Agriculture and Forestry.