

**Reprint
as at 12 October 2001**



**Biosecurity (Animal Identification
Systems) Regulations 1999**

(SR 1999/125)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 24th day of May 1999

Present:

His Excellency The Governor-General in Council

Pursuant to sections 50, 165(c), and 165(x) 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.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Agriculture and Forestry.

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Regulations

- 1 Title and commencement**
- (1) These regulations may be cited as the Biosecurity (Animal Identification Systems) Regulations 1999.
 - (2) These regulations come into force on 1 July 1999.
- 2 Interpretation**
- In these regulations, unless the context otherwise requires,—
- Animal Health Board identification system** means the Animal Health Board (AHB) Identification System approved by the chief technical officer on 3 October 1999 and notified in the *Gazette*, 1999, at page 3579 (or any other identification system that is approved in its place)
- cattle** means any member of the Bovidae family; and **cattle beast** has a corresponding meaning

herd means—

- (a) a group of cattle, or deer, or cattle and deer, that is managed as 1 unit;
- (b) a group of cattle, or deer, or cattle and deer, that is 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 device means a device that forms part of an identification system and is used for the purpose of identifying cattle or deer

identification system means any system approved under section 50(1) of the Biosecurity Act 1993 and notified in the *Gazette* in accordance with section 50(5) of that Act

supplier, in relation to an identification device, means a person authorised by the relevant system administrator to supply the device

system administrator, for an identification system, means the person specified in the *Gazette* notice under section 50 as the person administering the system.

Regulation 2 **Animal Health Board identification system**: inserted, on 24 August 2000, by regulation 3 of the Biosecurity (Animal Identification Systems) Amendment Regulations 2000 (SR 2000/136).

Regulation 2 **identification device**: inserted, on 24 August 2000, by regulation 3 of the Biosecurity (Animal Identification Systems) Amendment Regulations 2000 (SR 2000/136).

Regulation 2 **supplier**: inserted, on 24 August 2000, by regulation 3 of the Biosecurity (Animal Identification Systems) Amendment Regulations 2000 (SR 2000/136).

3 Requirement to use identification system for cattle for bovine tuberculosis control

- (1) Every person who owns or is in charge of a cattle beast aged 30 days or more must use an identification system, approved for the purpose of enabling the identification of cattle, to identify each cattle beast in the following circumstances:
 - (a) when the cattle beast is moved to a herd, a place of slaughter, or a place of show—
 - (i) from the herd of origin; or
 - (ii) from the place or establishment at which the cattle beast is being kept:

- (b) when the ownership of a herd of cattle is wholly or partially transferred, whether by sale, lease, gift, or other means and that herd is moved from the place or establishment at which it is kept.
- (2) The cattle beast must be identified in accordance with an identification system before it is moved in accordance with subclause (1).
- (3) This regulation does not apply to a cattle beast when moved from a transitional facility to a herd, or the place or establishment at which the cattle beast will be kept.
- (4) Until 1 July 2001, this regulation does not apply to a cattle beast born before 1 July 1999.
- (5) Until 1 July 2004, this regulation does not apply to a cattle beast if—
 - (a) the cattle beast was born before 1 July 1999; and
 - (b) the cattle beast is being moved directly to a place of slaughter from its herd of origin or from the place or establishment at which it is being kept.

Regulation 3(5): added, on 12 October 2001, by regulation 3 of the Biosecurity (Animal Identification Systems) Amendment Regulations 2001 (SR 2001/308).

4 Requirement to use identification system for deer for bovine tuberculosis control

- (1) Every person who owns or is in charge of a deer aged 30 days or more must use an identification system, approved for the purpose of enabling the identification of deer, to identify each deer in the following circumstances:
 - (a) when the deer is moved to a herd, a place of slaughter, or a place of show—
 - (i) from the herd of origin; or
 - (ii) from the place or establishment at which the deer is being kept:
 - (b) when the ownership of a herd of deer is wholly or partially transferred, whether by sale, lease, gift, or other means and that herd is moved from the place or establishment at which it is kept.
- (2) The deer must be identified in accordance with an identification system before it is moved in accordance with subclause (1).

- (3) This regulation does not apply to a deer when moved from a transitional facility to a herd, or the place or establishment at which the deer will be kept.
- (4) This regulation does not apply to a deer when that deer is moved to a hunting estate (as defined in the National Bovine Tuberculosis Pest Management Strategy operational plan in force on 1 July 1999).
- (5) Until 1 July 2001, this regulation does not apply to a deer born before 1 July 1999.
- (6) Until 1 July 2004, this regulation does not apply to a deer if—
 - (a) the deer was born before 1 July 1999; and
 - (b) the deer is being moved directly to a place of slaughter from its herd of origin or from the place or establishment at which it is being kept.

Regulation 4(6): added, on 12 October 2001, by regulation 4 of the Biosecurity (Animal Identification Systems) Amendment Regulations 2001 (SR 2001/308).

4A Charge payable on certain identification devices

- (1) A charge (of an amount set by regulation 4C or varied under regulation 4D) is payable, on every identification device that forms part of the Animal Health Board identification system, to the Animal Health Board (Incorporated).
- (2) The charge must be paid by suppliers of the identification devices and may be recovered by suppliers from purchasers as part of the purchase price of the devices.
- (3) The charge accrues at the time of sale of the devices by suppliers and is payable as required by the Animal Health Board (Incorporated).

Regulation 4A: inserted, on 24 August 2000, by regulation 4 of the Biosecurity (Animal Identification Systems) Amendment Regulations 2000 (SR 2000/136).

4B Waiver of charge

The Animal Health Board (Incorporated) may waive, in part or in full, the amount of the charge payable on the sale of 1 or more identification devices where, in the opinion of the Board, there are special circumstances that justify granting the waiver.

Regulation 4B: inserted, on 24 August 2000, by regulation 4 of the Biosecurity (Animal Identification Systems) Amendment Regulations 2000 (SR 2000/136).

4C Amount of charge

The amount of the charge payable on identification devices at the commencement of these regulations is 5 cents for each device, exclusive of any goods and services tax.

Regulation 4C: inserted, on 24 August 2000, by regulation 4 of the Biosecurity (Animal Identification Systems) Amendment Regulations 2000 (SR 2000/136).

4D Variation of amount of charge

The Animal Health Board (Incorporated) may vary the amount of the charge imposed on identification devices, subject to the following qualifications:

- (a) in no case may the charge on an identification device exceed 5 cents for each device, exclusive of any goods and services tax:
- (b) before varying the amount of the charge payable on an identification device, the Animal Health Board (Incorporated) must give reasonable notice to suppliers of—
 - (i) the amount of the proposed new charge; and
 - (ii) the date from which the new charge will be payable:
- (c) the amount of the new charge must be calculated on the basis of the estimated costs to the Animal Health Board (Incorporated) of 1 or more of the matters listed in regulation 4F.

Regulation 4D: inserted, on 24 August 2000, by regulation 4 of the Biosecurity (Animal Identification Systems) Amendment Regulations 2000 (SR 2000/136).

4E Matters in respect of which funds may be spent

Funds collected under regulation 4A may be applied by the Animal Health Board (Incorporated) only to meet the costs to the Board of 1 or more of the matters listed in regulation 4F.

Regulation 4E: inserted, on 24 August 2000, by regulation 4 of the Biosecurity (Animal Identification Systems) Amendment Regulations 2000 (SR 2000/136).

4F Basis and application of charge

The matters referred to in regulations 4D(c) and 4E are as follows:

- (a) administration of the Animal Health Board identification system:

- (b) administration of any national register of cattle or deer:
- (c) any matters relating to the authorisation of suppliers:
- (d) any matters relating to the approval of identification devices:
- (e) co-ordination of any national identification programme for cattle or deer.

Regulation 4F: inserted, on 24 August 2000, by regulation 4 of the Biosecurity (Animal Identification Systems) Amendment Regulations 2000 (SR 2000/136).

5 Wild Animal Control Act 1977

If the operation of section 9(1) of the Wild Animal Control Act 1977 gives the Crown the ownership of a deer, that ownership does not of itself make the Crown subject to any obligation under these regulations.

6 Suspension of approval of identification system

- (1) The Director-General may suspend the approval of an identification system—
 - (a) at the request of the system administrator; or
 - (b) if the identification system is not efficiently or effectively achieving any 1 or more of the purposes of section 50(2) of the Biosecurity Act 1993; or
 - (c) if 1 or more parts of the identification system are not being implemented by the system administrator.
- (2) An identification system may be suspended for an indefinite period or for a time fixed by the Director-General.

7 Use of suspended identification system

- (1) Unless subclause (2) or subclause (3) applies, no person may use an identification system if that system has been suspended in accordance with regulation 6.
- (2) A person who, at any time, owns or is in charge of an animal identified by an identification system at the date of suspension of that system, may continue to use that system for that animal.
- (3) A person who, at any time, owns or is in charge of a herd identified by an identification system at the date of suspension of that system, may use the system to identify any animal born into that herd or moved to that herd.

8 Revocation of approval of identification system

The Director-General may revoke the approval of an identification system—

- (a) at the request of the system administrator; or
- (b) if the identification system is not efficiently or effectively achieving any 1 or more of the purposes of section 50(2) of the Biosecurity Act 1993; or
- (c) if 1 or more parts of the identification system are not being implemented by the system administrator; or
- (d) if an identification system is being used by less than 5% of persons required to use an identification system; or
- (e) if a significant proportion of users are not complying with the identification system.

9 Procedure for suspension or revocation of identification system

- (1) Before suspending or revoking an identification system, the Director-General must—
 - (a) give the system administrator—
 - (i) written notice that the Director-General proposes to suspend or revoke the identification system; and
 - (ii) the reasons for the proposed suspension or revocation; and
 - (b) invite the system administrator to make written submissions on the proposal within 20 working days of receipt of the notice.
- (2) The Director-General must consider any submissions received from the system administrator before making a decision under this regulation.
- (3) If a decision to suspend or revoke an identification system is made by a person acting under a delegation from the Director-General, then the system administrator may request the Director-General to reconsider the decision, and the Director-General must do so.
- (4) If an identification system is suspended or revoked in accordance with this regulation, the suspension or revocation must be notified in the *Gazette*.

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- (5) Subclause (1), (2), and (3) do not apply if an identification system is suspended or revoked at the request of the system administrator.

10 Offence

A person commits an offence against these regulations who breaches regulation 3 or regulation 4.

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 27 May 1999.

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Notes**1 *General***

This is a reprint of the Biosecurity (Animal Identification Systems) Regulations 1999. The reprint incorporates all the amendments to the regulations as at 12 October 2001, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions,

see <http://www.pco.parliament.govt.nz/editorial-conventions/>
or Part 8 of the *Tables of New Zealand Acts and Ordinances
and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Biosecurity (Animal Identification Systems) Amendment Regulations 2001
(SR 2001/308)

Biosecurity (Animal Identification Systems) Amendment Regulations 2000
(SR 2000/136)
