



ANALYSIS

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1976, No. 52

An Act to amend the Animals Act 1967

[25 November 1976]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Animals Amendment Act 1976, and shall be read together with and deemed part of the Animals Act 1967 (hereinafter referred to as the principal Act).

(2) Except as provided in section 4 (3) of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent.

2. Control of importation of animals and prevention of introduction of disease—(1) Section 12 (h) of the principal Act is hereby amended by inserting, after the word "garbage" in both places where it occurs, the words " , rubbish, and packing material".

(2) Section 12 (m) of the principal Act is hereby amended by omitting the words "steam cleaning of vehicles", and substituting the words "disinfecting (by steam cleaning or otherwise as specified in the regulations) of vehicles, machinery, and equipment".

3. Disease control place—(1) Section 32 (4) of the principal Act is hereby amended by omitting the word “fourteen” in both places where it occurs, and substituting in each case the expression “60”.

(2) Notwithstanding subsection (1) of this section, where land has been declared to be a disease control place under section 32 of the principal Act before the day on which this section comes into force, the declaration shall remain in force for the period that it would have remained in force if subsection (1) of this section had not been enacted.

4. Control of tuberculosis and brucellosis—(1) Section 53 of the principal Act (as amended by section 6 of the Animals Amendment Act 1969 and section 9 of the Animals Amendment Act 1974) is hereby further amended—

- (a) By omitting from subsection (4) the words “manner and place of slaughter”, and substituting the words “time within which the slaughter must be carried out and the manner and place thereof”:
- (b) By omitting from subsection (5) the words “compensation amounting to the sum of sixteen dollars or such lesser sum as may be prescribed by regulations made under this Act in respect of any class or classes of cattle”, and substituting the words “such compensation as is prescribed by regulations made under this Act”:
- (c) By omitting from the first proviso to subsection (5) the word “months”, and substituting the word “weeks”:
- (d) By omitting from subsection (6) the words “compensation amounting to the sum of sixteen dollars”, and substituting the words “such compensation as is prescribed by regulations made under this Act”:
- (e) By omitting from the first proviso to subsection (6) the word “months”, and substituting the word “weeks”:
- (f) By repealing the second proviso to subsection (6).

(2) Section 53 (15) of the principal Act (as amended by section 6 (3) of the Animals Amendment Act 1969) is hereby further amended—

- (a) By repealing paragraph (a), and substituting the following paragraph:

“(a) Providing that any cattle that is to be tested pursuant to this section or that is infected with brucellosis or tuberculosis shall be identified as such; and specifying the

means of such identification or providing that the Director-General may prescribe such means; and providing for matters incidental thereto.”:

(b) By adding the following paragraph:

“(d) Prescribing the amount of compensation payable by the Crown under subsections (5) and (6) of this section and any conditions relating to payment thereof; and any such regulations—

“(i) May prescribe different amounts in respect of different classes of cattle and different circumstances; and

“(ii) May provide that any average values, prices, or weights of cattle referred to in the regulations in relation to compensation may be fixed from time to time by the Minister; and

“(iii) May provide that they shall come into force or shall be deemed to have come into force on a date to be specified therein, whether that date is before or after the date of the making of the regulations.”

(3) This section shall be deemed to have come into force on the 1st day of September 1976.

5. Movement controlled herds—The principal Act is hereby amended by inserting, after section 53, the following section:

“53A. (1) If the Director-General has cause to believe or suspect that any cattle is infected with tuberculosis or brucellosis, he may, by notice to the owner of the herd, declare any herd of which the cattle usually form part to be a movement controlled herd.

“(2) Every declaration under subsection (1) of this section shall remain in force for 6 months and may from time to time be renewed.

“(3) Any declaration under subsection (1) of this section may be revoked at any time by the Director-General by notice to the owner of the herd.

“(4) The Director-General may include in any notice declaring a herd to be a movement controlled herd a requirement that the owner of the herd ensure that such cattle in the herd as the Director-General specifies are, for the pur-

poses of identification, marked (in such reasonable manner as the Director-General specifies in the notice) while the declaration is in force.

“(5) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who, while a declaration under subsection (1) of this section is in force,—

“(a) Knowingly removes any animal from, or (being the owner of the herd) knowingly permits any animal to leave, the herd to which the declaration relates (whether or not the animal was in the herd at the time the declaration was made); or

“(b) Being the person to whom the notice under subsection (1) of this section was addressed, fails to comply with a requirement included in that notice pursuant to subsection (4) of this section—

without the written permission of the Director-General or otherwise than in accordance with such conditions as may be specified by the Director-General in the written instrument granting the permission.”

6. Owner to dip or dust sheep—The principal Act is hereby amended by repealing section 55, and substituting the following section:

“55. (1) Every owner of sheep shall ensure that all sheep owned by him on each day have been dipped or dusted at least once during the period of 12 months preceding that day.

“(2) Every owner of sheep who fails to comply with subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding 50 cents for every sheep owned by him that has not been so dipped or dusted.”

7. Notice to dip or treat sheep affected with lice or keds—(1) The principal Act is hereby amended by repealing section 57 (as amended by section 7 of the Animals Amendment Act 1969), and substituting the following section:

“57. (1) Any Inspector who is satisfied that any sheep in a flock is affected with lice or keds may, by notice to the owner of the flock, require the owner to—

“(a) Dip the flock; or

“(b) Treat the flock for the removal of the lice or keds, as the case may be, to the satisfaction of an Inspector—

not later than a date, and (where at the time of delivery of the notice the flock is not on land occupied by the person to whom the notice is addressed) at a place, specified in the notice:

“Provided that where an Inspector is satisfied that all or some of the sheep in that flock are intended and fit for slaughter he shall postpone the giving of the notice in respect of those sheep intended for slaughter for a period not exceeding 14 days.

“(2) Every person who fails to comply with any requirement specified in a notice to him under subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$200; and (where the failure was a failure to comply with a requirement to dip or treat the flock) if immediately after the date of that conviction the sheep are not treated to the satisfaction of an Inspector or dipped, as the case may be, that person commits a further offence and is liable on summary conviction to a further fine not exceeding \$200; and, if immediately after the date of the second conviction the sheep are not treated to the satisfaction of an Inspector or dipped, as the case may be, an Inspector may cause the sheep to be so treated or dipped, as the case may be, at the expense of that person, and to this end may take all steps necessary.

“(3) Where an Inspector incurs any expense in causing any sheep to be treated or dipped as aforesaid, the amount of that expense shall be recoverable as a debt due to the Crown from the person to whom the notice was addressed.”

(2) Section 7 of the Animals Amendment Act 1969 is hereby consequentially repealed.

8. Sheep affected with lice or keds may be quarantined—
The principal Act is hereby amended by repealing section 58, and substituting the following section:

“58. (1) Any Inspector who is satisfied that any sheep in a flock is infected with lice or keds may, by notice to the owner of the flock, declare the flock to be a quarantined flock.

“(2) Every notice under subsection (1) of this section shall specify—

“(a) The land on which the flock shall be quarantined, which shall be the land on which the flock is usually depastured or other suitable nearby land; and

“(b) Any reasonable conditions of quarantine that the Inspector considers necessary in the circumstances.

“(3) Every declaration of a flock as a quarantined flock shall remain in force until the flock is dipped to the satisfaction of an Inspector or until an Inspector revokes the declaration by notice to the owner of the flock.

“(4) The owner of a flock that has been declared to be a quarantined flock pursuant to subsection (1) of this section may appeal to the Chief Veterinary Officer against the declaration or any part thereof. The Chief Veterinary Officer may, by notice to the Inspector who issued the declaration and the owner, confirm, vary, or revoke the declaration.

“(5) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200 who, while a declaration under subsection (1) of this section is in force,—

“(a) Knowingly moves the flock to which the declaration relates or any part thereof from, or (being the owner of the flock) knowingly permits the flock or any part thereof to move from, the land specified pursuant to subsection (2) (a) of this section; or

“(b) Being the person to whom the notice under subsection (1) of this section was addressed, fails to comply with any conditions of quarantine specified in that notice pursuant to subsection (2) (b) of this section—

without the written permission of an Inspector or otherwise than in accordance with such conditions as may be specified by an Inspector in the written instrument granting the permission.”

9. Second Schedule diseases—The Second Schedule to the principal Act is hereby amended—

(a) By omitting the word “Mange”:

(b) By inserting, after the words “Heart water”, the words “Hydatids (as defined in the Hydatids Act 1968)”.