



ANALYSIS

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1980, No. 98

An Act to amend the Animals Act 1967

[21 January 1981

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—This Act may be cited as the Animals Amendment Act 1980, and shall be read together with and deemed part of the Animals Act 1967 (hereinafter referred to as the principal Act).

2. Compensation for animals slaughtered—(1) Section 44 of the principal Act is hereby amended by inserting, after the words “tuberculosis of cattle”, the words “and deer”.

(2) Section 47 of the principal Act is hereby amended—

(a) By repealing subsection (2):

(b) By inserting, in subsection (3) after the word “sheep,” the words “deer, goats,”.

3. New sections relating to tuberculosis in deer—(1) The cross-heading appearing before section 53 of the principal Act is hereby amended by adding the words “*in Cattle*”.

(2) The principal Act is hereby amended by inserting, after section 53A (as inserted by section 5 of the Animals Amendment Act 1976), the following cross-heading and sections:

“Control of Tuberculosis in Deer

“53B. Testing to be done by Tuberculin Testing Officer—

(1) For the purposes of sections 53C to 53H of this Act, all testing and inspection of deer shall be carried out by a Tuberculin Testing Officer or a Tuberculin Testing Technician.

“(2) Notwithstanding the provisions of sections 53C to 53H of this Act, the Director-General may, from time to time, determine that any tests required under those provisions need not be carried out.

“53C. Compulsory testing of certain deer—(1) Every owner of deer captured from the wild shall, within 14 days after the day of capture, notify an Inspector and, in such manner as may be required by the Director-General, submit the deer for tuberculosis testing.

“(2) No such deer shall, without the consent of the Director-General, be removed from the place where it was first kept in captivity pursuant to section 12 or section 12A of the Wild Animals Control Act 1977 until it has been tested for tuberculosis or unless it is being submitted for tuberculosis testing under subsection (1) of this section.

“(3) Every owner of deer which is to be sold or offered for sale or otherwise disposed of shall notify an Inspector of the proposed sale or disposition and, if the Director-General so requires, submit the deer for tuberculosis testing before any sale or disposition takes place.

“(4) Every owner of any deer which the Director-General believes or suspects is infected with tuberculosis shall, as often as and in such manner as he may be required so to do by the Director-General, submit the herd of which the infected deer usually forms part for tuberculosis testing.

“(5) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 who—

“(a) Fails to notify an Inspector as required under this section:

“(b) Fails to comply with any requirement of the Director-General under this section.

“53D. **Owner may request tuberculosis test**—Any owner of deer may require his deer to be tested for tuberculosis and, upon receiving such a request, the Director-General shall cause all the deer of that owner, as often and in such manner as the Director-General directs, to be so tested.

“53E. **Affected deer may be slaughtered**—(1) Where the Director-General is satisfied, whether by reason of a test or otherwise, that any deer is affected with tuberculosis, he may direct that the deer shall be slaughtered, and may specify the time within which the slaughter must be carried out and the manner and place thereof.

“(2) The costs of slaughtering the deer and disposing of the carcass shall be borne by the owner thereof at the time of slaughter.

“(3) Nothing in sections 44 to 48 of this Act shall apply in respect of any deer slaughtered or directed to be slaughtered pursuant to this section.

“(4) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 who fails to comply with any direction given under subsection (1) of this section.

“53F. **Offence to transfer or sell deer after direction to slaughter**—(1) Every person who sells or attempts to sell or offers for sale, or transfers to any other person otherwise than for immediate slaughter, any deer which the Director-General has directed shall be slaughtered pursuant to section 53E of this Act, commits an offence and is liable on summary conviction to a fine not exceeding \$2,000.

“(2) Nothing in subsection (1) of this section shall apply to the transfer of any deer—

“(a) To the personal representatives or trustees of any deceased person or to any person beneficially entitled to the deer under the will or intestacy of any deceased person:

“(b) From any trustee to another trustee or to any person entitled to the deer under any trust:

“(c) To any creditor having security over the deer, to any assignee in bankruptcy, or to any assignee for the benefit of any creditors of the owner of the deer.

“(3) Nothing in subsection (1) of this section shall apply to any sale of any deer to the Crown for experimental or research purposes or to any attempt or offer to sell any deer to the Crown for any such purposes.

“(4) Nothing in this section shall affect the validity of any sale or transfer of any deer.

“53G. **Compensation**—(1) Where any deer is directed to be slaughtered under section 53E of this Act, or has been so slaughtered, or dies before being so slaughtered, such compensation as may be prescribed by regulations made under this Act shall be paid by the Crown, out of money appropriated by Parliament for the purpose, to the owner of the animal when it is slaughtered or dies.

“(2) No sum shall be paid under subsection (1) of this section as compensation in respect of any deer that is less than 6 weeks old when it is directed by the Director-General to be slaughtered.

“(3) No sum shall be paid as compensation in respect of any deer if, before the deer is tested for tuberculosis, the owner of the deer agrees in writing with the Director-General that no compensation shall be payable in respect of the animal.

“(4) Unless the person to whom compensation would be payable under the provisions of this section has otherwise agreed, any deer which has been tested for tuberculosis and does not give a positive reaction to the test but, at any time between the date of the test and the date which the Director-General determines is the date on which the deer shall again be tested, is slaughtered or dies and is found to the satisfaction of the Director-General to be affected with tuberculosis, such compensation as may be prescribed by regulations made under this Act shall be paid by the Crown, out of money appropriated by Parliament for the purpose, to the owner of the deer at the time it was slaughtered or dies.

“(5) No sum shall be paid under subsection (4) of this section as compensation in respect of any deer that was less than 6 weeks old at the date when it was tested with the tuberculin test.

“53H. **Movement controlled herds of deer**—(1) If the Director-General has cause to believe or suspect that any deer is infected with tuberculosis he may, by notice to the owner of the herd, declare any herd of which the deer 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) Every such declaration 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 deer in the herd as the Director-General specifies are, for the purposes 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 \$2,000 who, while a declaration under subsection (1) of this section is in force—

“(a) Knowingly removes any deer from or (being the owner of the herd) knowingly permits any deer to leave, the herd to which the declaration relates (whether or not the deer 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 on 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 him in the written instrument granting the permission.

“(6) Where any deer has been removed from a movement controlled herd with the written permission of the Director-General under subsection (5) of this section, every person commits an offence who, without the further written consent of the Director-General or otherwise than in accordance with such conditions as the Director-General may think fit to impose, moves the deer from the place to which it has been taken in accordance with that permission, and is liable on summary conviction to a fine not exceeding \$2,000.

“53i. **Regulations relating to tuberculosis in deer**—
Regulations may be made under section 107 of this Act—

“(a) Providing that any deer that is to be tested for, or that is affected with, 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) Requiring the owner of deer to provide adequate facilities and assistance when any deer of that owner are being tested for tuberculosis:

“(c) Prescribing the amount of compensation payable by the Crown under section 53G of this Act; and specifying any conditions relating to the payment of compensation that may be required to be complied with.”

(3) The principal Act is hereby amended by inserting, as a cross-heading immediately before section 54, the words “*Tuberculosis in Swine*”.

(4) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

This Act is administered in the Ministry of Agriculture and Fisheries.
