



ANALYSIS

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1993, No. 96

An Act to facilitate the identification of animals, with the object of providing evidence of ownership of animals

[26 August 1993]

1. Short Title and commencement—(1) This Act may be cited as the Animal Identification Act 1993.

(2) Section 11 of this Act shall come into force on the 1st day of October 1993.

(3) Sections 2 to 9 of this Act shall come into force on the 1st day of January 1995.

(4) Section 10 of this Act shall come into force on the 1st day of July 1995.

(5) Except as provided in subsections (2) to (4) of this section, this Act shall come into force on the day on which it receives the Royal assent.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Authorised person” has the meaning given to that term by section 2 (1) of the Biosecurity Act 1993:

“Director-General” means the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:

“Inspector” has the meaning given to that term by section 2 (1) of the Biosecurity Act 1993:

“Occupier”,—

(a) In relation to any place physically occupied by any person, means that person; and

(b) In relation to any other place, means the owner of the place; and

(c) In relation to any place, includes any agent, employee, or other person, acting or apparently acting in the general management or control of the place:

“Registered identification” means any form of identification,—

(a) Used; or

(b) Intended to be used,—

pursuant to an identification system for the time being registered under section 3 of this Act.

Identification Systems

3. Registration of identification systems—(1) The Director-General may register an identification system which—

(a) Provides unique, clear, and lasting identification of animals of any kind or description, having regard to—

(i) The distribution of; and

(ii) Management practices relating to; and

(iii) Any other relevant characteristics of,—
animals of that kind or description; and

(b) Provides a satisfactory method for the regular and continuing updating of identifications within the system; and

(c) Does not create confusion with any other registered system.

(2) An application for registration, or amendment or renewal of registration of an identification system, shall be made in accordance with regulations made under this Act and shall be accompanied or supplemented by such information concerning the system as the Director-General may require.

(3) The Director-General shall consider every application for registration under this section; and, if satisfied that the application meets the criteria in subsection (1) of this section and has been made in accordance with the regulations, the Director-General shall register the system.

(4) The initial registration of a system shall remain in force for 5 years and may from time to time be renewed for similar terms by application made before the registration expires.

4. Register of identification systems—(1) The Director-General shall maintain a register of identification systems in such manner as the Director-General thinks suitable; but the register shall contain and be capable of readily disclosing an adequate and up to date description of each registered system.

(2) The register shall be available for public inspection and information during normal office hours on payment of a reasonable charge.

5. Monitoring identification systems—(1) The Director-General shall monitor the effectiveness and efficiency of identification systems registered under this Act.

(2) The Director-General may revoke a registration under this Act on the grounds that the system is ineffective or is being operated inefficiently; but before doing so the Director-General shall—

- (a) Give not less than 20 working days' notice to the holder of the registration of the proposed revocation and the reasons for it; and
- (b) As part of that notice, advise that the holder may make written representations to the Director-General concerning the proposed revocation; and
- (c) Consider any representations made by the holder of the registration.

6. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing the procedure for applications for registration under this Act, and for alteration, surrender, or renewal of registration:
- (b) Providing for and regulating the required content of identification systems, the manner of operation of identification systems, and enabling general and special conditions to be attached to the registration of such systems:
- (c) Prescribing the rights and obligations of registered holders of identification systems, with respect to the identification of animals in accordance with registered systems:

- (d) Providing for the recovery of the costs of the Director-General incurred in the establishment and maintenance of the register of identification systems and the performance of the Director-General's duties under this Act;
- (e) Prescribing offences in respect of the contravention of any regulations made under this Act or any lawful direction or requirement made under this Act or any such regulations, and providing for fines that may be imposed in respect of any such offences of an amount not exceeding \$1,000.

Offences Relating to Identification of Stock

7. Destruction of skins or removal of distinguishing identifications prohibited—(1) No person shall, unless that person has—

(a) Reasonable excuse; or

(b) The written permission of an inspector or authorised person,—

alter, deface, remove, or cause to be altered, defaced, or removed, a registered identification that has been used to identify an animal.

(2) No person shall use to identify an animal a registered identification that the person is not entitled to use.

(3) No person shall use a registered identification to identify an animal that the person—

(a) Is not entitled to identify; or

(b) Is not entitled to identify with that identification.

(4) No person shall use to identify an animal an identification (not being a registered identification) that the person knows is likely to be mistaken for or confused with a registered identification.

(5) A person who contravenes this section commits an offence, and is liable on conviction to a fine not exceeding \$5,000.

(6) A person who, in any proceeding under this section, is proved to have been in possession of any part of an animal from which any registered identification has been removed, or that is or was identified by a registered identification that has been defaced or destroyed, shall, in the absence of proof to the contrary by that person, be presumed to have removed, defaced, or destroyed the identification.

Cf. 1967, No. 50, s. 64

8. Inspection of skins and carcasses—(1) An inspector or authorised person may at any time inspect the skin or carcass of any slaughtered animal, wherever the animal was slaughtered and wherever the skin is found.

(2) On the request of an inspector or authorised person—

(a) The occupier of any place where—

(i) Animals are slaughtered; or

(ii) Any product derived from slaughtered animals is handled or stored,—

shall provide to the inspector or authorised person full particulars in writing as to the person from whom any animal was received for slaughter and as to the disposition of the skin or carcass or product; and

(b) The occupier or other person for the time being in charge of the premises on which any skin or carcass of any slaughtered animal or product derived from any slaughtered animal is found shall provide full particulars in writing as to the person from whom the skin or carcass or product was received or on whose account it is held; and

(c) Every person who, whether as principal or agent, buys or receives from any other person, or sells or delivers to any other person, any hides or skins or carcasses of any animal, shall provide full particulars in writing as to the transaction, together with certified copies of all accounts, records, and other documents relating to the transaction in the possession or under the control of that person.

(3) A person who contravenes subsection (2) of this section commits an offence, and is liable on conviction to a fine not exceeding \$1,000.

Cf. 1967, No. 50, s. 65

9. Recovery of stray stock—(1) On the application of an animal owner who believes on reasonable grounds that any stock owned by that person has strayed on to land occupied by any other person or is in the possession of any other person, an inspector or authorised person may by notice in writing require that other person, on a date specified in the notice,—

(a) To muster his or her stock of the kind to which the application relates; or

(b) If that person is not holding such stock on land in his or her occupation, to allow any stock whose identity is in question to be mustered in a yard or pen,—

for the purpose of identification and handing over of any stock belonging to the applicant.

(2) If an inspector or authorised person is unable for good reason to deal with an application under subsection (1) of this section without some delay and believes on reasonable grounds that any stock whose identity is in question may be removed from the land or otherwise disposed of in the meantime, the inspector or authorised person may, if requested to do so by the applicant, order the detention of the stock in such manner as the inspector or authorised person thinks appropriate until the application is dealt with or the expiration of 7 days, whichever happens first.

(3) Every person who refuses or fails to comply with a notice or order under this section commits an offence against this Act and is liable on conviction to a fine not exceeding \$1,000.

(4) An inspector or authorised person may, on the application of a person who has been given a notice under subsection (1) of this section, postpone the date fixed for the mustering of animals.

(5) A person to whom a notice or order is given under this section is entitled to recover from the owner who requested the notice or order—

(a) Any reasonable expenses incurred in mustering or delivering the stock concerned or in carrying out an order for detention; and

(b) Compensation for any unavoidable damage suffered in complying with the notice or order.

(6) Any occupier of land who believes on reasonable grounds that animals owned by another person have strayed onto the land may, by written notice to the other person, require the other person to remove such of the animals as in fact belong to the other person at the other person's expense.

(7) A party to a covenant established for 1 or more of the purposes specified in subparagraphs (ii) to (v) of section 57 (1) of the Biosecurity Act 1993 who believes there are present on the covenanted land animals likely to affect adversely the values being protected—

(a) May by written notice to the owner of the animals require the owner to remove or destroy the animals; and

(b) If the notice is not complied with, have the animals impounded at the cost of the owner.

Cf. 1967, No. 50, s. 61

10. Consequential revocations—The following orders are hereby revoked:

- (a) The Deer Branding Order 1976:
- (b) The Goat Branding Order 1977:
- (c) The Deer Branding Order 1976, Amendment No. 1:
- (d) The Animal Branding Fees Regulations 1985.

11. Transitional—(1) Notwithstanding section 167 (1) of the Biosecurity Act 1993, sections 64 to 66, 69 to 73, 75 to 78, 80 to 83, 91, 93, and 96 of the Animals Act 1967, and such other provisions of that Act as are necessary to enable the continued operation of those sections, shall continue in full effect until the close of the 30th day of June 1995.

(2) Where any brand or earmark is registered or enuring under Part V of the Animals Act 1967 immediately before the close of the 30th day of June 1995, there shall, until—

(a) It is revoked under section 5 (2) of this Act; or

(b) The close of the 30th day of June 1998,—

(whichever is the sooner) be deemed to be registered under this Act an identification system providing for the use of that brand or mark.

(3) Subject to subsection (4) of this section, at any time on or after the 1st day of January 1995, this Act shall apply to an application for the registration of an identification system made after the enactment of this Act and before that day as if this Act had been in force when the application was made; but if the system involves the use of a brand or mark then registered or enuring under Part V of the Animals Act 1967, the Director-General shall not register it unless satisfied that the applicant is the owner of that brand or mark.

(4) The registration of an identification system under this Act before the 1st day of July 1995 shall not have effect until that day.

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