

## HYDATIDS AMENDMENT BILL

### EXPLANATORY NOTE

THIS Bill makes the amendments to the Hydatids Act 1968 which are required as a result of the transfer to the Ministry of Agriculture and Fisheries of the assets and staff of the National Hydatids Council. The Council will continue to function with technical and administrative services provided by the Ministry.

*Clause 1* relates to the Short Title.

*Clause 2* inserts definitions of the terms "Director-General" and "Secretary" in section 2 of the principal Act, and amends the definition of the term "Field Advisory Officer".

*Clause 3* removes one of the general functions of the National Hydatids Council, namely, that of organising the provision of diagnostic services in respect of hydatids.

*Clause 4:* Section 13 of the principal Act provides for a sum of money to be paid to the National Hydatids Council each year out of money appropriated by Parliament. This clause repeals this section, and substitutes a new section 13 which provides that the expenses of the Council shall be paid from the Consolidated Revenue Account out of money appropriated by Parliament for the purpose.

*Clause 5: Subclause (1)* repeals sections 14 (Estimates of revenue and expenditure), 15 (Money to be banked), 16 (Special funds and reserves), 17A (Borrowing by National Hydatids Council), 18 (Unauthorised expenditure of Council), and 20 (Accounts) of the principal Act and makes a consequential repeal.

*Subclause (2)* is a saving provision, and provides that the Council shall keep records and accounts for the year ended 31 March 1975.

*Clause 6:* Section 17 of the principal Act provides that the National Hydatids Council may make grants for any purpose in connection with the control of hydatids. This clause amends this section to provide that, instead, the Minister of Agriculture and Fisheries may, on the recommendation of the Council, make such grants out of money appropriated by Parliament for the purpose.

*Clause 7* repeals section 21 of the principal Act which gives the National Hydatids Council express powers to employ its own officers and servants and to provide superannuation and death benefits for them. The clause substitutes

a new section 21 providing that there shall be appointed under the State Services Act 1962 as officers and employees of the Ministry of Agriculture and Fisheries a Secretary to the Council, Field Advisory Officers, and such other officers and employees as may be necessary to enable the Ministry to provide technical and administrative services to the Council and to enable the Council to carry out its functions, powers, and duties.

*Clause 8* makes a consequential amendment.

*Clause 9*: Section 28 of the principal Act empowers the National Hydatids Council to assume the functions, powers, and duties of an Hydatids Control Authority in certain circumstances. This clause amends this section to provide that the Council may either assume the functions, powers, and duties of the Hydatids Control Authority itself or request the Director-General of Agriculture and Fisheries to do so. The clause also adds a new subsection (1A) to section 28 empowering the Director-General to assume the functions, powers, and duties of an Hydatids Control Authority upon being requested to do so by the Council.

*Clause 10*: Section 30 (5) of the principal Act provides that where, because of a person's failure to comply with a notice or direction issued under the Act by an Hydatids Control Officer, the Officer incurs expenses which would not otherwise have been incurred, those expenses shall be recoverable from that person by the Hydatids Control Authority employing that Officer. This clause amends this section to provide that, in these circumstances, the amount recoverable shall be the greater of \$5 or the amount of the expenses.

*Clause 11* increases the maximum hydatids control fee that can be charged by an Hydatids Control Authority to \$10 per dog per annum. The present fee is \$5.

*Clause 12* makes consequential amendments to section 43 of the principal Act, which relates to offences.

*Clause 13: Subclause (1)* repeals section 45 of the principal Act and substitutes a new section. The new section is generally in the same terms as the old section except that it excludes the former requirements that the National Hydatids Council furnish to the Minister of Agriculture and Fisheries, with its annual report, a copy of its annual accounts and balance sheet and a report from the Audit Office thereon and that such annual accounts, balance sheet, and Audit Office report be laid before Parliament.

*Subclause (2)* is a saving provision and provides that the Council shall furnish to the Minister its accounts and balance sheet for the year ended 31 March 1975 and that such accounts and balance sheet shall be laid before Parliament.

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*Hon. Mr Moyle*

## HYDATIDS AMENDMENT

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### ANALYSIS

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1. Short Title	8. Appeal against decision of Council
2. Interpretation	9. Powers of Council in respect of Hydatids Control Authorities
3. Amendment of functions of Council	10. Recoverable expenses
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5. Financial provisions repealed	12. Offences
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### A BILL INTITULED

#### An Act to amend the Hydatids Act 1968

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, **5** as follows:

**1. Short Title**—This Act may be cited as the Hydatids Amendment Act 1975, and shall be read together with and deemed part of the Hydatids Act 1968\* (hereinafter referred to as the principal Act).

**10 2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Director-General’ means the Director-General of Agriculture and Fisheries appointed under the **15** State Services Act 1962:

\*1968, No. 144

Amendments: 1971, No. 64; 1972, No. 23; 1973, No. 67

“Secretary” means the person for the time being appointed in accordance with section 21 of this Act as Secretary to the Council.”.

(2) Section 2 of the principal Act is hereby further amended by omitting from the definition of the term “Field Advisory Officer” the words “by the Council under”, and substituting the words “in accordance with section 21 of”. 5

**3. Amendment of functions of Council**—Section 10 (1) (c) of the principal Act is hereby repealed.

**4. Expenses of Council**—(1) The principal Act is hereby amended by repealing section 13, and substituting the following section: 10

“13. There shall be paid from the Consolidated Revenue Account, out of money appropriated by Parliament for the purpose, such sums as the Minister from time to time approves for the purpose of defraying the expenses incurred by the Council in the exercise and performance of its functions, powers, and duties.” 15

(2) Section 3 of the Hydatids Amendment Act 1971 is hereby consequentially repealed. 20

**5. Financial provisions repealed**—(1) The following enactments are hereby repealed:

(a) Sections 14, 15, 16, 17A, 18, and 20 of the principal Act:

(b) The Hydatids Amendment Act 1973. 25

(2) Notwithstanding subsection (1) of this section, the Council shall keep records and accounts of all its financial transactions, assets, liabilities, and funds for the year ended the 31st day of March 1975 and have such records and accounts audited, in accordance with section 20 of the principal Act as if subsection (1) of this section had not been passed. 30

**6. Minister may make grants**—The principal Act is hereby amended by repealing section 17, and substituting the following section: 35

“17. (1) On the recommendation of the Council, the Minister may from time to time, out of money appropriated by Parliament for the purpose, make grants, advances, or other payments to any person for any purpose in connection with the control, prevention, or eradication of hydatids. 40

“(2) Without limiting the powers conferred on the Minister by subsection (1) of this section, where for any financial year any Hydatids Control Authority fixes, in respect of dogs owned by any specified class or classes of persons or kept  
5 solely for the purpose of any specified work, a hydatids control fee that is less than the fee fixed by the Authority in respect of other dogs, on the recommendation of the Council the Minister may at any time after the end of that year, make, out of money appropriated by Parliament for the purpose, a  
10 grant to the Hydatids Control Authority of such sum as the Minister thinks fit:

“Provided that no such grant shall exceed the difference between the total amount of hydatids control fees received in that year by the Authority in respect of dogs owned or so  
15 kept and the total amount of hydatids control fees that would have been received by it in respect of those dogs if paid at the rates fixed by the Authority in respect of other dogs.”

**7. Staff of Council**—(1) The principal Act is hereby amended by repealing section 21, and substituting the  
20 following section:

“21. There shall from time to time be appointed under the State Services Act 1962 as officers and employees of the Ministry of Agriculture and Fisheries a Secretary to the Council, such Field Advisory Officers as may be necessary,  
25 and such other officers and employees as may be necessary to enable the Ministry of Agriculture and Fisheries to provide technical and administrative services to the Council and to enable the Council to carry out and exercise its functions, powers, and duties.”

30 (2) Every Field Advisory Officer appointed or deemed to have been appointed under section 21 of the principal Act before the commencement of this Act and holding office at the commencement of this Act shall be deemed to have been  
35 appointed as a Field Advisory Officer in accordance with section 21 of the principal Act (as substituted by subsection (1) of this section).

**8. Appeal against decision of Council**—Section 26 of the principal Act is hereby amended by omitting from subsection (1) the words “of the Council” where they first  
40 appear.

**9. Powers of Council in respect of Hydatids Control Authorities**—(1) Section 28 of the principal Act is hereby amended—

- (a) By inserting in subsections (1), (2), and (3), after the word “assume” in each place where it appears, the words “, or request the Director-General to assume,”: 5
- (b) By omitting from subsection (4) the words “of the Council” where they secondly appear:
- (c) By inserting in subsection (6), after the word “Council” in each place where it appears, the words “, or the Director-General, as the case may be,”. 10

(2) Section 28 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection: 15

“(1A) Upon being requested to do so by the Council pursuant to subsection (1) of this section, the Director-General may assume in respect of any hydatids control district the functions, powers, and duties of the Hydatids Control Authority for the district.” 20

**10. Recoverable expenses**—Section 30 of the principal Act is hereby amended by omitting from subsection (5) the words “those expenses”, and substituting the words “the sum of \$5 or the amount of those expenses (whichever is the greater)”.

**11. Maximum hydatids control fee increased**—Section 32 of the principal Act is hereby amended by omitting from subsection (1) (as substituted by section 9 (1) of the Hydatids Amendment Act 1972) the expression “\$5”, and substituting the expression “\$10”. 25

**12. Offences**—Section 43 (3) of the principal Act is hereby amended by repealing paragraph (g), and substituting the following paragraph: 30

“(g) For the purposes of obtaining any payment, grant, financial assistance, or any other benefit under this Act, whether for himself or for any other person, makes any false statement to, or otherwise misleads or attempts to mislead, the Council or any member of the Council or any officer or employee of the Ministry of Agriculture and Fisheries or any Hydatids Control Authority or any officer of any such Authority.” 35 40

**13. Annual report to Minister**—(1) The principal Act is hereby amended by repealing section 45, and substituting the following section:

5 “45. (1) The Council shall, not later than the 30th day of June in every year, furnish to the Minister a report of its proceedings and operations for the preceding financial year.

“ (2) A copy of the report of the Council shall be laid before Parliament as soon as practicable after the date of the receipt thereof by the Minister.”

10 (2) Notwithstanding subsection (1) of this section, the Council shall furnish to the Minister its accounts and balance sheet for the year ended the 31st day of March 1975, and such accounts and balance sheet shall be laid before Parliament, in accordance with section 45 of the principal Act as if  
15 subsection (1) of this section had not been passed.