

HYDATIDS BILL

EXPLANATORY NOTE

THE general purpose of this Bill is to make better provision for the control, prevention, and eradication of hydatids. For this purpose, the following are the principal provisions of the Bill.

- (a) The establishment of a National Hydatids Council, the functions of which shall be to control, prevent, and eradicate hydatids, and which is to have all such powers as are reasonably necessary for that purpose.
- (b) Inspectors may be appointed by the Council, by local authorities, and by organisations approved by the Minister of Agriculture. The treatment of dogs is to be carried out by Inspectors so appointed, and their main functions will be to examine and treat dogs for hydatids and to see that satisfactory means for the disposal of raw diseased meat and raw offal are provided by owners and occupiers of land.
- (c) To meet the expense of controlling, preventing, and eradicating hydatids in its district or in the area under its control, a local authority or approved organisation may fix and collect hydatid-control fees to be paid annually by the owners of dogs in its district or area.

PART I

THE NATIONAL HYDATIDS COUNCIL

Clause 3 establishes the National Hydatids Council, whose members are to comprise—

- (a) Two officers of the Department of Agriculture:
- (b) One officer of the Department of Health:
- (c) Two nominees of the Federated Farmers of New Zealand Incorporated:
- (d) Two nominees of the New Zealand Counties Association Incorporated:
- (e) One nominee of the Municipal Association of New Zealand Incorporated:
- (f) One nominee of the New Zealand Kennel Club Incorporated:
- (g) One nominee of the New Zealand Federation of Young Farmers' Clubs Incorporated:
- (h) One nominee of the Hydatid Research Committee of the Medical Research Council:
- (i) Such other person or persons as are appointed to the Council.

Clause 4 provides that the members of the Council are to be appointed by the Governor-General on the recommendation of the Minister. The Government members are to hold office during the pleasure of the Governor-General, and the other members are to hold office for 3 years, except that in the case of the first appointed members they are to retire in rotation in accordance with *subclause (4)*.

Clause 5 provides that the Chairman and Deputy Chairman are to be appointed by the Minister. The first Chairman must be appointed from the officers of the Department of Agriculture on the Council.

Clause 6 provides for the appointment of deputies of members.

Clause 7 prescribes the manner in which extraordinary vacancies are to be filled.

Clause 8 prescribes the procedure for calling and holding meetings of the Council.

Clause 9 provides that the functions of the Council shall be to control, prevent, and eradicate hydatids. The Council is to have such powers as are reasonably necessary or expedient to enable it to carry out its functions, including power to devise and promote measures for the treatment, control, prevention, and eradication of hydatids, to organise diagnostic services, the dissemination of information, instructions, and advice, and to prescribe techniques and methods of treatment, control, prevention, and eradication of hydatids.

Clause 10 authorises the Council to delegate its powers to committees appointed by it (whether members of the Council or not), to local authorities, and to approved organisations.

Clause 11 prescribes the manner in which the Council may enter into contracts.

PART II

FINANCIAL PROVISIONS

Clause 12 provides for an annual grant to the Council of such amount, not exceeding £35,000, as the Minister approves. In respect of the period from the date of the passing of the Bill to 31 March 1960, a grant is to be made of such amount as the Minister considers necessary to meet the cost of establishing the Council and enabling it to exercise its functions during that period.

Clause 13 requires the Council to submit annually to the Minister an estimate of its revenue and expenditure for its next financial year. Capital expenditure in excess of £200 for any individual item may not be incurred by the Council, except with the consent of the Minister.

Clause 14 provides for the establishing of bank accounts by the Council, and requires money of the Council to be banked in such an account.

Clause 15 authorises the Council, with the consent of the Minister, to establish special funds and reserves.

Clause 16 authorises the Council to make grants for any purpose in connection with the control, prevention, or eradication of hydatids.

Clause 17 provides for payment of travelling expenses to members of the Council or of any committee of the Council.

Clause 18 requires the Council to keep proper accounts, which are to be audited by the Audit Office.

PART III

CONTROL, PREVENTION, AND ERADICATION OF HYDATIDS

Clause 19 authorises the Council to appoint Inspectors and other officers and servants and to pay them such salary and allowances as the Council, with the approval of the Minister, decides. The Council may, for the purpose of providing superannuation and retiring allowances for its servants, subsidise the National Provident Fund or any other fund or scheme established with the approval of the Minister of Finance.

Clause 20 authorises local authorities and approved organisations to appoint Inspectors and other officers and servants for the purposes of hydatid control, prevention, and eradication. No such appointment may be made until the plans of the local authority or organisation for hydatid control have been approved by the Council. If the local authority fails to carry out the approved plans to the satisfaction of the Council, the Council may require it to revoke the appointment of Inspectors made by it.

Clause 21 provides that, if a local authority or approved organisation does not appoint Inspectors or sufficient Inspectors for its district or area, or where the Council has required the local authority or organisation to revoke the appointment of Inspectors made by it, the Council may make the necessary appointments. The cost of employing Inspectors so appointed by the Council must be borne by the Hydatid Control Account of the local authority or organisation so far as the funds in the account are sufficient.

Clause 22 provides that no person may be appointed as an Inspector unless he possesses qualifications prescribed by the Council. The Council may issue certificates to qualified persons.

Clause 23 defines the powers of Inspectors. Every Inspector shall have power to—

- (a) Inspect, examine, and treat any dog for hydatids:
- (b) Require the owner of any dog to make it available for inspection, examination, or treatment:
- (c) Require the owner or occupier of any land or premises to provide a disposal unit or treatment unit for the disposal or treatment of raw diseased meat or raw offal:
- (d) Inspect any unit for the treatment or disposal of raw diseased meat or raw offal, and require the owner to make alterations thereto:
- (e) Enter upon any land, premises, conveyance, aircraft, or vessel for the purpose of exercising his powers, provided in the case of a dwelling-house he has the authority in writing of a Justice of the Peace:
- (f) Direct the owner of any dog to treat the dog for hydatids.

Any expenses incurred by an Inspector as the direct result of the failure of any person to comply with any notice or direction by an Inspector shall be recoverable from that person.

Clause 24 gives to owners and occupiers a right to appeal to the Council against any requirement of an Inspector to provide a disposal unit or treatment unit or to alter any disposal unit or treatment unit. The Council may confirm the requirement or revoke it or modify it, and the decision of the Council will be final.

Clause 25 provides that a local authority or an approved organisation may, by resolution advertised in a newspaper circulating in its district or area, fix the yearly hydatid-control fee payable in respect of dogs in its district or area. The fee is not to exceed £1, and the total fees payable by any person who is the owner of five or more dogs are not to exceed £5. In the case of a dog which attains the age of 6 months after July in each year, half fees only are payable.

Clause 26 provides that where a local authority or an approved organisation does not fix the hydatid-control fee for its district or area the Council may fix the fee within the limits specified in *clause 25*. Any hydatid-control fee received by the Council is to be used solely for the purpose of controlling, preventing, or eradicating hydatids in the district of the local authority or, as the case may be, in the area of the organisation.

Clause 27 provides that hydatid-control fees received by a local authority or an approved organisation are to be paid into a separate Hydatid Control Account and used solely for the purposes of controlling, preventing, and eradicating hydatids. Each local authority or approved organisation must submit to the Council not later than 30 June in each year a statement of its Hydatid Control Account for the preceding financial year. The Hydatid Control Account of every approved organisation must be duly audited to the satisfaction of the Council.

Clause 28 provides that where any person employed by a local authority or an approved organisation is employed partly for the purpose of doing work relating to the control and eradication of hydatids and partly on other work, the Council is to decide what portion of his salary and expenses may be charged to the Hydatid Control Account of the local authority or approved organisation.

Clause 29 provides that it shall not be necessary for any dog to be inspected and treated for hydatids by an Inspector if it has been treated for hydatids by a registered veterinary surgeon in a manner acceptable to the Council. The fact that a dog has been treated by a registered veterinary surgeon will not absolve the owner from liability to pay the annual hydatid-control fee to the local authority or approved organisation.

PART IV

MISCELLANEOUS PROVISIONS

Clause 30 provides that, with the consent of the Minister, the Council may declare any part of New Zealand to be a hydatid-free area or a hydatid-control area.

Clause 31 prohibits the making of bylaws by a local authority purporting to regulate or licence the keeping of dogs in its district on the basis that they have, or have not, been treated for hydatids.

Clause 32 defines the offences against the Bill. By *subclause (1)* it is an offence punishable by a maximum fine of £200, for any person wilfully to feed, or cause to be fed, to any dog any raw diseased meat (as defined in *clause 2*) or any raw offal. *Subclause (2)* defines several offences, punishable by a maximum fine of £50, such as, by any act or omission enabling any dog to obtain access to any raw diseased meat or to any raw offal, failing to comply with any requirement of an Inspector, obstructing or hindering an Inspector.

Clause 33 provides that the Council must make an annual report to the Minister, which report must be laid before Parliament.

Clause 34 provides for the making of regulations. The regulations may prohibit or restrict the introduction of dogs into any hydatid-free area or the temporary removal of dogs from such an area, and may prescribe the measures for hydatid control and eradication in a hydatid-control area, and they may prescribe the manner in which dogs that have been treated for hydatids are to be identified.

Clause 35 repeals those provision of the Dogs Registration Act 1955 that relate to the eradication of hydatids, and revokes the Dogs Registration (Prevention of Hydatid Disease) Regulations 1938 and their amendments.

Hon. Mr Skinner

HYDATIDS

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PART III

CONTROL, PREVENTION, AND ERADICATION OF HYDATIDS

Inspectors

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A BILL INTITULLED

An Act to make better provision for the control, prevention,
and eradication of hydatids

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

1. Short Title—This Act may be cited as the Hydatids Act
1959.

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

“Animal” means any sheep, cattle, goat, or pig; and
includes any other animal which the Minister from
time to time, by notice in the *Gazette*, declares to be
an animal for the purposes of this Act:

“Approved organisation” means an organisation approved 15
by the Minister for the purpose of controlling, pre-
venting, and eradicating hydatids in any specified
area:

“Council” means the National Hydatids Council estab-
lished under this Act:

“Diseased meat” means any meat derived from any
animal which dies or is slaughtered elsewhere than
in a slaughterhouse under the Meat Act 1939, and
which, at the time of its death or slaughter, is suffer-
ing from any of the diseases mentioned in the Second 25
Schedule to the Stock Act 1908, or from any disease
which the Minister from time to time, by notice in the
Gazette, declares to be a disease for the purposes of
this Act:

“Disposal unit” means any apparatus in which raw 30
diseased meat or raw offal may be entirely consumed
by fire or by such other method as the Minister
approves from time to time; and includes any place in
which raw diseased meat or raw offal may be buried
at such a depth as to render it inaccessible to dogs:

“Financial year” means a year ending with the thirty-first
day of March:

“Hydatids” means—

(a) Tapeworms of the genus *Echinococcus*, either
in the final or intermediate stage; or

(b) The tapeworm *Taenia Hydatigena*, either in
the final or intermediate stage; or

- (c) Any tapeworms which the Minister from time to time, by notice in the *Gazette*, declares to be hydatids for the purposes of this Act:
- 5 “Inspector” means any person appointed under this Act as an Inspector:
- “Local authority” means—
(a) A City Council, Borough Council, Town Council, or Road Board; or
10 (b) In relation to a county (except any part of the county that is included in a town district or road district), the County Council; or
 (c) In relation to any part of New Zealand that is not under the jurisdiction of any such local authority, the Minister:
- 15 “Minister” means the Minister of Agriculture:
“Notice”, in relation to the owner of any dog or to the owner or occupier of any land, means a notice in writing delivered personally to the owner or occupier, or by leaving the same at, or posting the same to, the usual or last known place of abode in New Zealand of the owner or occupier, or by affixing the notice to the dwellinghouse of the owner or occupier:
- 20 “Offal” means—
(a) In relation to sheep, goats, or pigs, the whole or any part of the contents of the chest, abdominal cavity, and pelvic cavity;
25 (b) In relation to cattle, the lungs, liver, or heart;
 (c) In relation to any animal, any such part as the Minister from time to time, by notice in the *Gazette*, declares to be offal for the purposes of this Act:
- 30 “Owner”, in relation to any dog, includes any person who keeps or harbours the dog, or has the dog in his care for the time being, or who occupies any land or premises on which the dog is usually kept or permitted to remain:
- 35 “Raw diseased meat” means any diseased meat which has not been heated to boiling point in a treatment unit together with an equal volume of water and maintained therein at that temperature for not less than one hour, or which has not otherwise been treated to the satisfaction of an Inspector:
- 40

“Raw offal” means any offal which has not been heated to boiling point in a treatment unit together with an equal volume of water and maintained therein at that temperature for not less than thirty minutes, or which has not otherwise been treated to the satisfaction of an Inspector: 5

“Treatment unit” means—

(a) In relation to diseased meat, any apparatus which is capable of being used for treating diseased meat by enabling the temperature thereof to be raised to boiling point and maintained at that temperature for not less than one hour: 10

(b) In relation to offal, any apparatus which is capable of being used for treating offal by enabling the temperature thereof to be raised to boiling point and maintained at that temperature for not less than thirty minutes, and which is capable of containing, at the same time, not less than all the offal of any animal together with an equal volume of water. 15

PART I

20

NATIONAL HYDATIDS COUNCIL

- 3. National Hydatids Council**—(1) There is hereby established a Council to be called the National Hydatids Council.
- (2) The Council shall consist of—
- (a) Two persons, being officers of the Department of Agriculture: 25
 - (b) One person, being an officer of the Department of Health:
 - (c) Two persons, to be nominated by Federated Farmers of New Zealand Incorporated: 30
 - (d) Two persons, to be nominated by the New Zealand Counties Association Incorporated:
 - (e) One person, to be nominated by the Municipal Association of New Zealand Incorporated:
 - (f) One person, to be nominated by the New Zealand Kennel Club Incorporated: 35
 - (g) One person, to be nominated by the New Zealand Federation of Young Farmers' Clubs Incorporated:
 - (h) One person, to be nominated by the Hydatid Research Committee of the Medical Research Council: 40
 - (i) Such other person or persons as may be appointed from time to time.
- (3) No member of the Council shall represent more than one organisation at the one time.

(4) The Council shall be a body corporate with perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, and of suing and being sued, and of doing and suffering all 5 such other acts and things as bodies corporate may lawfully do and suffer.

4. Appointment and terms of office of members—(1) The members of the Council shall be appointed by the Governor-General on the recommendation of the Minister.

10 (2) The members of the Council shall hold office—
(a) In the case of any member appointed under paragraph (a) or paragraph (b) of subsection two of section three of this Act, during the pleasure of the Governor-General:

15 (b) In the case of any other member, for a term of three years, subject to the provisions of subsection four of this section, and may be reappointed.

(3) Notwithstanding anything to the contrary in this Act, every member of the Council, unless he sooner vacates his 20 office otherwise than by effluxion of time, shall continue to hold office until his successor comes into office.

(4) With respect to the first members of the Council, other than the members appointed under paragraph (a) or paragraph (b) of subsection two of section three of this Act, the 25 following provisions shall apply:

30 (a) Three of those members shall retire at the expiration of two years from the date of their appointment, another three members shall retire at the expiration of three years from the date of their appointment, and the remaining members shall retire at the expiration of four years from the date of their appointment:

(b) The members so to retire in any year shall be determined by lot.

35 **5. Chairman and Deputy Chairman**—(1) The Minister may from time to time appoint any member of the Council to be the Chairman of the Council, to hold office as such during the pleasure of the Minister:

40 Provided that the first Chairman of the Council shall be appointed from the members under paragraph (a) of subsection two of section three of this Act.

(2) During any vacancy in the office of Chairman, or whenever the Chairman is unable to act, whether by reason of absence or otherwise, the Minister may appoint any member of the Council, or any deputy attending a meeting of the Council in the absence of a member, to exercise and perform all the powers and duties of the Chairman. 5

6. Deputies of members—(1) Where the Minister is satisfied that any member of the Council is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for that member during his incapacity, and any such deputy shall, while he acts as such, be deemed to be a member of the Council. 10

(2) In the case of a nominated member, every appointment of a deputy under subsection one of this section shall be made 15 only on the nomination of the body that nominated the member.

(3) No appointment of a deputy and no act done by him as such, and no act done by the Council while any deputy is acting as such, shall in any proceedings be questioned on the 20 ground that the occasion for his appointment had not arisen or had ceased.

7. Extraordinary vacancies—(1) Any member of the Council may at any time be removed from office by the Governor-General for disability, insolvency, neglect of duty, 25 or misconduct, or may at any time resign his office by writing addressed to the Minister.

(2) If any member of the Council dies, or resigns, or is removed from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was 30 originally made, and, in the case of a vacancy in the office of a nominated member, every person so appointed shall, subject to the provisions of this Act, hold office for the residue of the term for which his predecessor was appointed.

(3) The powers of the Council shall not be affected by any 35 vacancy in the membership thereof.

8. Meetings of Council—(1) The first meeting of the Council shall be held on a day to be appointed in that behalf by the Minister.

(2) Subsequent meetings of the Council shall be held at 40 such times and places as the Council or the Chairman appoints from time to time.

(3) The Chairman of the Council, or any five members thereof, may at any time call a meeting of the Council.

(4) At all meetings of the Council five members, of whom at least one shall be an officer of the Department of Agriculture, shall form a quorum.

(5) At any meeting of the Council the Chairman shall have a deliberative vote, and, in the case of an equality of the votes, shall also have a casting vote.

(6) All questions before the Council shall be decided by a majority of the valid votes recorded thereon.

9. Functions of Council—(1) The functions of the Council shall be to control, prevent, and eradicate hydatids.

(2) The Council shall have all such powers, rights, and privileges as may be reasonably necessary or expedient to enable it to carry out its functions, and, in particular, without limiting the generality of the powers of the Council, it may from time to time—

- (a) Devise and promote measures for the treatment, control, prevention, and eradication of hydatids;
- (b) Organise, with the consent of the Minister, the provision in New Zealand of such diagnostic services in respect of hydatids as the Council considers necessary or expedient;
- (c) Promote and organise, by such means as the Council thinks fit, the dissemination of information, instructions, and advice relating to the treatment, control, prevention, and eradication of hydatids;
- (d) Prescribe techniques and methods in respect of the treatment, control, prevention, and eradication of hydatids, and take all such measures as are reasonably necessary to ensure that such techniques and methods are employed by every Inspector appointed under this Act.

10. Delegation of Council's powers—(1) The Council may from time to time appoint a committee or committees consisting of two or more persons, whether members of the Council or not, and may from time to time delegate to any such committee any of its functions or powers under this Act.

(2) The Council may from time to time delegate to any local authority, or to any organisation approved for the purpose by the Minister, any of its functions or powers under this Act.

(3) Any delegation made under the foregoing provisions of this section may at any time be modified or revoked by the Council, and no such delegation shall prevent the performance of any function or the exercise of any power by the Council.

11. Contracts of Council—(1) The Council may enter into any contract for any purpose connected with the performance of its functions under this Act. 5

(2) Any contract which, if made between private persons, must be by deed shall, if made by the Council, be in writing under the seal of the Council. 10

(3) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Council, be either in writing under the seal of the Council or in writing signed by two members of the Council or by one member and one officer of the Council, acting in each case on behalf of and by direction of the Council. 15

(4) Any contract which, if made between private persons, may be made orally may be made in the manner specified in subsection two of this section as in the case of a deed, or in the manner specified in subsection three of this section as in the case of a contract required to be in writing, or may be made orally by or on behalf of the Council by the Chairman or by any two members of the Council or by one member and one officer of the Council, acting in each case by direction of the Council, but no oral contract shall be made involving the payment by the Council of a sum exceeding two hundred pounds. 20 25

(5) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Council shall be invalid by reason only that it was not made in the manner provided by this section, if it was made pursuant to a resolution of the Council or to give effect to a resolution of the Council in relation to contracts generally or in relation to that particular contract. 30 35

PART II

FINANCIAL PROVISIONS

12. Funds of the Council—In every financial year there shall be paid to the Council out of money appropriated by Parliament such sum, not exceeding thirty-five thousand pounds, as in the opinion of the Minister is necessary to defray the expenses of the Council in performing its functions and exercising its powers under this Act: 40

Provided that in respect of the period commencing on the date of the passing of this Act and ending with the thirty-first day of March, nineteen hundred and sixty, there shall be paid to the Council out of money appropriated by

- 5 Parliament such sum as the Minister thinks fit towards the cost of establishing the Council and enabling the Council to perform its functions and exercise its powers under this Act.

13. Estimates of revenue and expenditure—(1) Not later than the thirty-first day of January in every year, the Council
10 shall submit to the Minister an estimate of its revenue and expenditure for the financial year commencing on the first day of April in that year.

(2) Every such estimate shall be in such form as may from time to time be determined by the Minister, and shall
15 be supported by such statements as may be required by the Minister.

(3) The Minister may, in any way he thinks fit, alter or amend any such estimate, and his approval of the estimate shall be sufficient authority for the Council to receive revenue
20 and incur expenditure during the financial year to which the estimate relates.

(4) The Council shall not in any financial year incur expenditure exceeding the total net amount of expenditure set out in the estimate approved by the Minister under this
25 section in respect of that financial year.

(5) Except with the approval of the Minister, no capital expenditure exceeding two hundred pounds shall be incurred by the Council in respect of any individual item.

14. Money to be banked—(1) The Council may, at any
30 branch or branches of a bank approved by the Minister, establish in the name of the Council such accounts as it deems necessary or advisable for the performance of its functions and the exercise of its powers under this Act.

(2) No money shall be withdrawn from any such account
35 except by authority of the Council, and any cheque or other withdrawal notice shall be signed by such person or persons as the Council from time to time appoints for the purpose and countersigned either by a member or officer of the Council authorised from time to time by the Council to do so.

40 (3) All money belonging to the Council shall be paid into an account established under this section.

15. Special funds and reserves—(1) With the consent of the Minister, the Council may from time to time set aside in a separate bank account any money to form a fund or funds for any special purpose or as a reserve.

(2) The Council may from time to time apply the money so set aside to form any such fund only to the purpose for which the fund was established, and may invest in the manner specified in subsection three of this section any money so set aside and pay the proceeds of the investment into the fund. 5

(3) The Council may invest any part of any such fund in 10 manner following:

- (a) In New Zealand Government securities; or
- (b) On deposit in a National Savings Investment Account under the National Savings Act 1940; or
- (c) On deposit in any bank lawfully carrying on the 15 business of banking in New Zealand, or in the Post Office Savings Bank, or in any trustee savings bank; or
- (d) In the Common Fund of the Public Trust Office; or
- (e) On deposit in the National Provident Fund; or 20
- (f) In the debentures or stock of any local authority within the meaning of the Local Authorities Loans Act 1956 that are authorised investments for the investment of trust funds under section four of the Trustee Act 1956. 25

(4) Separate accounts shall be kept by the Council of all money paid or received by it in respect of any such fund.

16. Council may make grants—With the consent of the Minister, the Council may from time to time out of its funds make grants, advances, or other payments to any person for 30 any purpose in connection with the control, prevention, or eradication of hydatids.

17. Travelling expenses of Council and committee members—(1) The Council is hereby declared to be a Statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 35

(2) There shall be paid to the members of the Council, and to the members of any committee appointed by the Council, remuneration by way of fees or allowances, and travelling allowances and expenses, in accordance with the Fees and 40 Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly:

Provided that any money received pursuant to this section by any member of the Council or of any committee who is an employee of the Public Service shall be subject to the provisions of the Public Service Act 1912.

- 5 **18. Accounts**—(1) The Council shall keep full and correct accounts of all money received and expended by it, including a general account, an account for each fund established under section fifteen of this Act, and an account for any hydatid-control fees received by the Council under section twenty-six
10 of this Act.
 (2) The accounts shall be audited by the Audit Office, which for that purpose shall have all powers that it has under the Public Revenues Act 1953 in respect of public money and the audit of local authorities' accounts.
- 15 (3) The Council shall, as soon as possible after the end of any financial year, cause its accounts for that year to be balanced, and full and true statements and accounts of all the money received and expended by it in that year and of its assets and liabilities at the end of that year to be prepared
20 and submitted to the Audit Office.

PART III

CONTROL, PREVENTION, AND ERADICATION OF HYDATIDS *Inspectors*

- 19. Appointment of Inspectors and other staff by Council**—
25 (1) The Council may from time to time appoint such Inspectors and other officers and servants as it considers necessary for the efficient performance of its functions and exercise of its powers under this Act, and may, out of its funds, pay to such Inspectors, officers, and servants such salaries and
30 allowances as the Council, with the approval of the Minister, decides.
 (2) The Council may, out of its funds and for the purpose of providing superannuation or retiring allowances for any of its servants, subsidise the National Provident Fund or any
35 other fund or scheme established with the approval of the Minister of Finance.

- 20. Appointment of Inspectors and other staff by local authorities and approved organisations**—(1) Subject to the provisions of this section, any local authority and any

approved organisation may from time to time appoint such Inspectors and such other officers and servants as it considers necessary for the purposes of hydatid control, prevention, and eradication in its district or area.

(2) Before taking any action to appoint any Inspector under this section, every local authority or approved organisation shall prepare and submit for the approval of the Council its plans for the control, prevention, and eradication of hydatids in the district of the local authority or, as the case may be, in the area over which the organisation has, or is 10 to have, jurisdiction for the purposes of controlling, preventing, and eradicating hydatids. 5

(3) The Council may approve any such plans, subject to such conditions as it thinks fit to impose, and at any time after it has approved any such plans may require the local 15 authority or organisation, as the case may be, to modify them in such manner as the Council considers necessary or desirable.

(4) No appointment of an Inspector shall be made by any local authority or by any approved organisation unless and until its plans for the control, prevention, and eradication 20 of hydatids have been submitted to, and approved by, the Council in accordance with the foregoing provisions of this section.

(5) It shall be the duty of every local authority and of every approved organisation to carry out its plans for the 25 control, prevention, and eradication of hydatids as approved by the Council, and in accordance with any modification which the Council at any time requires to be made thereto.

(6) Every appointment of an Inspector under the provisions of this section shall be notified to the Council within fourteen 30 days of the date of the appointment.

(7) Any appointment of an Inspector under this section may at any time be revoked by the local authority or organisation which made the appointment, and shall, at the request of the Council, be so revoked where the Council is satisfied that 35 the local authority or organisation has failed to carry out the plans approved by the Council in respect of that local authority or organisation, or has failed to effect any modification required by the Council to be made thereto.

21. Appointment of Inspectors by Council in special cases— 40

(1) Where any local authority or approved organisation does not appoint any Inspector under section twenty of this Act, or at any time is employing such number of Inspectors as, in the opinion of the Council, is insufficient for the

purposes of controlling, preventing, and eradicating hydatids in its district or area, or where the appointment of any Inspector is revoked pursuant to subsection seven of that section, the Council may in respect of the district of the 5 local authority, or, as the case may be, of the area over which the organisation exercises jurisdiction, appoint such Inspectors as the Council considers necessary or desirable.

(2) The cost of employing any Inspectors appointed under subsection one of this section shall, to the extent to which the 10 funds in its Hydatid Control Account are sufficient for the purpose, be borne by the local authority or organisation, as the case may be, or be refunded to the Council by the local authority or organisation in any case where that cost is first paid by the Council.

15 **22. Qualifications of Inspectors**—(1) No person shall be eligible for appointment as an Inspector under this Act unless he possesses such qualifications as are from time to time prescribed in that behalf by the Council.

(2) Where the Council is satisfied that any person is eligible 20 for appointment as an Inspector under this Act, it may issue to him a certificate certifying that he possesses the qualifications prescribed in that behalf by the Council.

23. Powers of Inspectors—(1) Every Inspector shall have power—

- 25 (a) To inspect, examine, or treat any dog for hydatids:
 (b) To give notice requiring any owner to have any dog available at any specified place and at any specified time for the purpose of enabling the dog to be inspected, examined, or treated for hydatids:
30 (c) To give notice requiring the owner or occupier of any land or premises to provide thereon, to the satisfaction of the Inspector, a disposal unit or treatment unit where, in the opinion of the Inspector, the provision of a disposal unit or treatment unit is necessary or desirable:
35 (d) To inspect any disposal unit or treatment unit, and, by notice, require the owner thereof to make any such alteration thereto as the Inspector requires:
 (e) On producing, if so required, his warrant of appointment in the prescribed form, to enter at any time on any land, or on any premises, or into any conveyance or aircraft, or on to any vessel, for the purpose of exercising his powers under this section:

Provided that an Inspector shall not enter into any dwellinghouse, unless he is authorised in writing by a Justice in that behalf:

- (f) To direct the owner of any dog to treat the dog for hydatids and do such other acts or things in respect of the dog as the Inspector considers necessary or desirable for the control, prevention, and eradication of hydatids. 5

(2) Where, as a direct result of the failure of any person to comply with any notice or direction issued or given by an Inspector under this Act, the Inspector incurs expenses which, but for the failure of the person as aforesaid, would not otherwise have been incurred, those expenses shall be recoverable by the Inspector from that person as a debt. 10

(3) In exercising his powers under this section, an Inspector 15 shall not be liable for any loss or damage occasioned to the owner of any dog or other property by any act of the Inspector, unless the loss or damage is occasioned by his wilful neglect or default.

24. Appeal against requirement of Inspector—(1) Every 20 owner or occupier to whom any notice is given by an Inspector under paragraph (c) or paragraph (d) of subsection one of section twenty-three of this Act, may within fourteen days after the giving of the notice appeal in writing to the Council against the requirements of the Inspector on the ground that 25 those requirements are unreasonable.

(2) The Council shall either cancel the notice or confirm it, either absolutely or partially or subject to such conditions and modifications as it thinks fit.

(3) The decision of the Council shall be final. 30

(4) Upon the determination of any appeal, the Inspector whose requirements are the subject of the appeal, or any other Inspector, shall give to the appellant a further notice, which shall state the decision of the Council, and, if the effect of the decision is to confirm the requirements of the Inspector 35 partially or subject to conditions or modifications, shall set forth those requirements as so varied.

(5) As from the lodging of an appeal with the Council, and pending the giving of a further notice upon the determination of the appeal, the notice setting out the requirements 40 that are the subject of the appeal shall be suspended.

Hydatid-control Fees

25. Fixing of hydatid-control fee by local authorities and approved organisations—(1) Any local authority or approved organisation may from time to time, by resolution publicly notified in one or more newspapers circulating in the district of the local authority or, as the case may be, in the area over which the organisation has, or is to have, control, fix at such rate or rates as it thinks fit, not exceeding one pound, and in accordance with any system of classification of dogs it may adopt for the purpose, the hydatid-control fee payable in any year commencing on the first day of January in respect of every dog in that district or area, as the case may be:

Provided that the total hydatid-control fees payable in any year by any person who is the owner of five or more dogs shall not exceed five pounds.

(2) For the purposes of the proviso to subsection one of this section, the term “owner”, in relation to any dogs, means the person who satisfies the local authority or approved organisation, by statutory declaration or otherwise, that the property in the dogs is vested in him.

(3) The hydatid-control fee payable in respect of any dog which attains the age of six months at any time after the month of July in any year shall be half the prescribed fee.

(4) Where the hydatid-control fee for any year is paid in respect of any dog to a local authority, an approved organisation, or the Council, no further hydatid-control fee shall be payable in that year in respect of that dog, whether to the same or any other local authority or approved organisation or to the Council.

(5) Every hydatid-control fee payable under this section shall be paid by the owner of the dog to the local authority or to the organisation, as the case may be, which fixed the fee, in such manner and at such time as the local authority or organisation requires.

26. Fixing of hydatid-control fee by Council—(1) Where a local authority or approved organisation does not exercise its power to fix any hydatid-control fee under section twenty-five of this Act, the Council may fix the hydatid-control fee to be paid in respect of every dog in the district of the local authority or, as the case may be, in the area under the control of the organisation, and the provisions of that section, as far as they are applicable, and with the necessary modifications, shall apply with respect to every hydatid-control fee so fixed by the Council.

(2) Every hydatid-control fee fixed under this section and received by the Council shall be recorded in an account established under section fourteen of this Act, and shall be used solely for the purposes of controlling, preventing, and eradicating hydatids in the district of the local authority or, as the case may be, in the area under the control of the organisation. 5

27. Hydatid Control Account—(1) The hydatid-control fees received by a local authority shall be credited to a separate account to be called the Hydatid Control Account.

(2) The hydatid-control fees received by an approved 10 organisation shall be paid into an account to be established by the organisation and to be called the Hydatid Control Account.

(3) The funds in every Hydatid Control Account shall be used for the purposes of controlling, preventing, and eradicat- 15 ing hydatids in accordance with the plans of the local authority or approved organisation in that behalf approved by the Council, and for no other purpose.

(4) Every local authority or approved organisation shall submit to the Council, not later than the thirtieth day of 20 June following the immediately preceding financial year, a statement in a form approved by the Council of its Hydatid Control Account.

(5) The Hydatid Control Account of every approved organisation shall be duly audited to the satisfaction of the Council. 25

28. Salary of persons employed part time on control and eradication of hydatids—Where any person is employed by any local authority or approved organisation partly for the purpose of controlling, preventing, and eradicating hydatids and partly for the purpose of doing other work, there may 30 be charged against the Hydatid Control Account of the local authority or organisation, as the case may be, only such portion of his salary and expenses as the Council approves.

Treatment of Dogs by Veterinary Surgeons

29. Treatment of dogs by veterinary surgeons—(1) It shall 35 not be necessary for any dog to be inspected, examined, or treated for hydatids, or for any owner to comply with a notice given under paragraph (b) of section twenty-three of this Act, in any case where the owner produces to an Inspector 40 a certificate issued by a registered veterinary surgeon certifying

that the dog has been treated for hydatids in a manner acceptable to the Council and containing a statement setting out the results of the diagnostic test made on the purge of the dog at a testing station approved by the Council.

- 5 (2) Nothing in this section shall be deemed to exempt any owner from payment of the hydatid-control fee fixed under section twenty-five or, as the case may be, under section twenty-six of this Act.

PART IV

10 MISCELLANEOUS PROVISIONS

30. Hydatid-free areas and hydatid-control areas—The Council, with the approval of the Minister, may from time to time, by notice in the *Gazette*—

- 15 (a) Declare any specified part of New Zealand to be a hydatid-free area;
(b) Declare any specified part of New Zealand to be a hydatid-control area.

31. Bylaws as to keeping of dogs—Nothing in the Municipal Corporations Act 1954 or in the Counties Act 1956 shall be 20 deemed to authorise the making of any bylaw which purports to regulate or license the keeping of dogs within any borough or town district or county or road district on the basis that the dogs have, or have not, been treated for hydatids.

32. Offences—(1) Every person commits an offence, and 25 is liable on summary conviction to a fine not exceeding two hundred pounds, who wilfully feeds, or causes to be fed, to any dog any raw diseased meat or any raw offal.

- (2) Every person commits an offence, and is liable on summary conviction to a fine not exceeding fifty pounds, who—
30 (a) By any act or omission, enables any dog to obtain access to any raw diseased meat or to any raw offal; or
(b) Fails within one month to comply with any notice or requirement under section twenty-three of this Act or any notice under subsection four of section twenty-four of this Act; or
35 (c) Obstructs or hinders any Inspector in the exercise of his powers or in the performance of his duty, or fails or neglects to obey any lawful direction of an Inspector; or

- (d) Being a person appearing to be in charge of any dog or to be the occupier of any land on which any dog is, and having been requested by an Inspector to state the name or address of the owner of the dog, wilfully fails or refuses to do so, or wilfully states a false name or address in respect of the owner; or
- (e) For the purpose 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 the Council or to any officer of the Council, or otherwise misleads, or attempts to mislead, the Council or any officer of the Council.

33. Annual report to Minister—(1) The Council shall, not later than the thirtieth day of June in every year, furnish to the Minister a report of its proceedings and operations for the preceding financial year, together with a copy of its accounts for that year certified by the Audit Office.

(2) A copy of the report and of the accounts so certified shall be laid before Parliament within twenty-eight days after the date of the receipt thereof by the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

34. Regulations—(1) The Governor-General may, from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the general power hereinbefore contained, it is hereby declared that regulations may be made under this section for all or any of the following purposes:

- (a) Prohibiting or restricting, except with the approval of the Council and upon or subject to any condition it may think fit to impose, the introduction of dogs into a hydatid-free area, or the temporary removal of dogs from any such area;
 - (b) Prescribing the measures which may be taken by the Council for hydatid control, prevention, and eradication in any hydatid-control area;
 - (c) Prescribing the manner in which dogs that have been inspected, examined, or treated for hydatids shall be identified.
- (3) All regulations made under this section shall be laid before Parliament.

- 35. Repeals and revocations**—(1) The Dogs Registration Act 1955 is hereby amended—
(a) By repealing the definition of the term “approved remedy” in section two:
5 (b) By repealing Part II.
(2) The following regulations are hereby revoked:
(a) The Dogs Registration (Prevention of Hydatid Disease) Regulations 1938:
(b) The Dogs Registration (Prevention of Hydatid Disease) 10 Regulations 1938, Amendment No. 1:
(c) The Dogs Registration (Prevention of Hydatid Disease) Regulations 1938, Amendment No. 5.