

HYDATIDS BILL

EXPLANATORY NOTE

THIS Bill consolidates with amendments the Hydatids Act 1959 and the amendments of that Act.

The principal changes are—

- (a) Local authorities and approved organisations, instead of carrying out hydatids control functions under authority delegated to them by the National Hydatids Council, will be declared to be Hydatids Control Authorities having express powers with respect to the hydatids control districts under their control.
- (b) The National Hydatids Council will have wider powers to supervise and co-ordinate hydatids control programmes, to recommend the constitution, amalgamation, and dissolution of hydatids control districts, to approve or refuse to approve plans for control submitted by Hydatids Control Authorities, and to assume the functions of a Hydatid Control Authority which does not submit a suitable plan for approval or fails to carry out satisfactorily an approved plan.
- (c) The annual grant to the National Hydatids Council is to be increased to a maximum of \$120,000 from the present maximum of \$70,000.
- (d) The definition of hydatids has been extended to include *Taenia ovis*.
- (e) The maximum hydatids control fee is increased to \$4 for every dog, but the Authority must obtain the approval of the Council before fixing a fee exceeding \$2. The present maximum is \$2 per dog with a total maximum of \$10 for up to 10 dogs plus \$1 for every dog in excess of 10.
- (f) Provision is made for a re-dosing fee in respect of infected dogs.
- (g) Wider powers of entry on land are conferred on Hydatids Control Officers (at present known as Inspectors) where there are dogs known to have been infected.
- (h) The existing provisions prohibiting the feeding of raw diseased meat to dogs are omitted.
- (i) The existing provisions that the owner may be required to place a dog in a boarding kennel for treatment at his expense are omitted.

References to the existing legislation appear as footnotes to the clauses of the Bill, and a table follows this explanatory note indicating where the existing legislation may be found in the Bill (either in the same form or a modified form) and the provisions omitted.

Clause 1 relates to the Short Title and commencement. This Act is to come into force on 1 April 1969.

Clause 2 is the interpretation clause. The principal changes are the extension of the definition of “hydatids” to include *Taenia ovis*, and the omission of the definitions of “diseased meat” and “raw diseased meat”.

PART I

NATIONAL HYDATIDS COUNCIL

Clauses 3 to 8 re-enact without material change the existing provisions relating to the constitution of the National Hydatids Council, the appointment and term of office of members, the Chairman and Deputy Chairman, deputies of members, the filling of extraordinary vacancies, and the procedure at meetings of the Council. The procedure as to the appointment of deputies in *clause 6* has been amended, and the approval of the Minister will not be necessary in the case of members who are officers of a Government Department and in the case of nominated members.

Clause 9 defines the general objects of the Council to be the control, prevention, and eradication of hydatids. These are at present the general functions of the Council, but, in view of the direct powers conferred by the Bill on Hydatids Control Authorities, they are now expressed as objects and not functions.

Clause 10 defines the general functions and powers of the Council. Its functions, as set out in *paragraphs (a) to (d)*, are the same as its present particular powers, and *paragraphs (e) to (g)* are additional functions in relation to Hydatids Control Authorities established under the Bill.

Subclause (2) re-enacts the existing provision that the Council will have all such powers as are necessary for or incidental to the exercise of its functions.

Subclause (3) re-enacts the existing provision authorising the Council to insure its members against loss from personal accident arising out of and in the course of the exercise of their powers and duties as members.

Clause 11 re-enacts the existing provisions as to the power of the Council to delegate its powers, but omits the provisions for delegation to local authorities and approved organisations, as powers are conferred on them directly by the Bill.

Clause 12 replaces the existing provision as to contracts by the Council, and applies the Public Bodies Contracts Act 1959 to the Council.

Clause 13 increases from \$70,000 to \$120,000 the maximum amount that may be granted to the Council from money appropriated by Parliament to defray the expenses of the Council in performing its functions and exercising its powers.

Clause 14 re-enacts the existing provisions as to estimates of the revenue and expenditure of the Council, the only change being in *subclause (5)*, which increases from \$200 to \$1,000 the maximum amount of capital expenditure in respect of any one individual item that the Council may incur without the necessity of obtaining approval of the Minister.

Clauses 15 to 19 re-enact without material change the existing provisions relating to the banking of money by the Council, special funds and reserves, the making of grants by the Council, unauthorised expenditure, and the payment of travelling expenses and allowances to members of the Council and its committees.

- (d) *Subsection (6)* provides for the setting off of a loss incurred by one or more companies in the group against profits earned by other companies in the group, in cases where all the companies concerned consist wholly of the same shareholders.
- (e) *Subsection (7)* provides for "subvention payments" between companies. Such payments are explained in paragraph 424 on p. 177 of the Ross Committee Report. The subsection provides that a subvention payment will be assessable income derived by the payee company and deductible by the paying company as expenditure incurred in the production of assessable income, provided the following conditions are complied with:
- (i) The payment must have been made pursuant to an agreement between the companies providing for the bearing or sharing of general or particular losses.
 - (ii) The payment would not otherwise be taken into account in calculating the assessable income of either company.
 - (iii) Both companies are included in the same group of companies for the income year in respect of which the payment is made.
 - (iv) The payment must be made not later than 12 months after the end of the accounting year of the payee company.
 - (v) Both the payment and receipt of the subvention payment must be fully disclosed in the accounts of both companies.
- (f) By *subsection (8)* the Commissioner may make a joint assessment on all the companies in a group, and in such a case they will be jointly and severally liable.

The provisions of the new section 141 arise from recommendations in the Ross Committee Report. See chapters 24 and 25 of that report and the recommendations on pp. 172 and 179.

Clause 26 re-enacts in an amended form section 150A of the principal Act, which provides for a special rate of ordinary income tax in the case of overseas life insurance companies whose only life insurance business in New Zealand consists of the investment of funds. Under that section a special rate of ordinary income tax is payable in respect of interest derived from debentures issued to the company before 26 August 1966 the principal sum of which has been used for a development project within the meaning of section 86A (3).

The new section 150A includes amendments that are consequential on the provisions of section 2A of the principal Act (inserted by *clause 3* of this Bill) relating to the declaring of development projects.

The clause also adds a new provision, by way of a proviso, that the aggregate amount of ordinary income tax and social security income tax payable in respect of the interest derived in any year from such debentures is not to exceed 15 percent of the gross amount of that interest.

Clause 27: Section 152 of the principal Act makes special provision for the assessment of companies engaged in mining certain minerals, and section 153 makes special provision for the assessment of companies engaged in mining for petroleum. In each case, the liability of the company to tax depends upon the amount of dividends paid by the company.

This clause inserts a new section 152A in the principal Act providing for the taxation of the accumulated profits or income or reserves of such companies as if they were dividends.

The general effect of the new section 152A is that any amounts which, if they had been distributed as dividends, would have constituted taxable income of the company will be taxable if they have been accumulated for 6 years and are not at the end of that period held for the purpose of being expended on exploring or searching for or mining in New Zealand any minerals to which section 152 applies or petroleum.

Clause 28: Section 153 of the principal Act contains special provisions for the assessment of petroleum mining companies. In general, the taxable income of such a company is the amount of dividends paid to shareholders during the income year, but no tax is payable until the total dividends paid exceed the total amount of irrecoverable expenditure of the company.

Subsection (5) defines irrecoverable expenditure as the aggregate amount expended by the company in development work in New Zealand in relation to prospecting or mining for petroleum, reduced by the selling value of assets resulting from that expenditure. The assets do not include petroleum that has not been recovered from the earth.

This clause re-enacts subsection (5) in an amended form, and defines irrecoverable expenditure as the amount expended by the company in development work in New Zealand in relation to prospecting or mining for petroleum, reduced by—

- (a) The selling value of assets resulting from that expenditure (excluding petroleum not recovered from the earth).
- (b) The selling value of petroleum recovered from the earth and not sold or otherwise disposed of.
- (c) The consideration received from the sale or other disposal of petroleum to the extent that the consideration exceeds any expenditure or loss which would have been deducted from that consideration if the assessable income of the company had been calculated otherwise than under section 153.

Clause 29: Section 153A of the principal Act provides that a New Zealand company that holds shares in a New Zealand petroleum mining company and has made loans to the mining company is entitled, subject to certain limitations set out in the section, to deduct from its assessable income any amounts written off in the year from the loans.

This clause extends that section to New Zealand companies holding shares in other New Zealand companies engaged in exploring or searching for or mining any of the minerals referred to in section 152 of the principal Act.

This clause arises from a recommendation in the supplementary report of the Ross Committee. See p. 30 of that report.

Clause 30 replaces section 155 of the principal Act (relating to income derived by trustees) with new sections 155, 155A, 155B, 155C, and 155D.

The new *section 155* is an interpretation section defining the expression "specified trust" as a trust created on or after 19 July 1968, with the following exceptions:

- (a) A trust created by will or codicil, or an order of Court varying or modifying a will or codicil.
- (b) A trust arising as a result of an intestacy, or an order of Court varying or modifying, in the case of any estate, the law relating to the distribution of intestate estates.
- (c) A trust created by order of Court.

- (d) A trust created by any enactment.
- (e) Any other trust which is not carried on for the private pecuniary profit of any individual and whose funds are, in the opinion of the Commissioner, applied wholly or principally for benevolent, philanthropic, cultural, or public purposes in New Zealand.

Section 155A makes provision with respect to income derived by a beneficiary under a trust, commonly referred to as "beneficiary's income". This section substantially re-enacts the existing provisions relating to beneficiary's income, with the following new provisions:

- (a) *Subsection (3)* provides that where, pursuant to a discretion, a trustee has paid to or applied for the benefit of a beneficiary not later than 6 months after the end of the income year, any income, the beneficiary shall be deemed to have derived that income during the income year. This provision is subject to the proviso that if the income so paid or applied comes within the possession or control of the trustee of any trust which is not exempt from income tax and under which the beneficiary, if not an infant, has a beneficial interest the income is deemed not to have been paid or applied and the Commissioner may amend any assessments accordingly.
- (b) *Subsection (4)* which declares to be beneficiary's income any income of the trustee which is also income derived by an infant beneficiary having a vested interest in that income under the provisions of the trust and not by the exercise of any discretion by the trustee, will not apply in the case of a specified trust (defined in the new *section 155*, referred to above).

Section 155B is a new provision relating to income derived by the trustee of a specified trust (as so defined) which is not also income derived by a beneficiary, commonly referred to as trustee's income. The section provides—

- (a) The trustee will be liable for income tax on that income as if he were beneficially entitled thereto, except that the rate of tax shall be calculated by reference to that income alone. A special rate of tax in respect of income of a specified trust is fixed by *clause 31* of this Bill, referred to below.
- (b) The trustee will not be entitled to any deduction by way of special exemption either for ordinary income tax or social security income tax.

Section 155C provides for the payment of income tax on trustee's income in the case of trusts that are not specified trusts as defined in the new *section 155*. This section substantially re-enacts the existing law.

Section 155D makes provision for the aggregation of incomes of two or more separate trusts having the same, or substantially the same, beneficiaries or group or class of beneficiaries. In such cases, the income tax payable by the trustee of each separate trust in respect of trustee's income is to be calculated at the rate that would be payable in respect of an income equal to the total of the trustee's income of all the trusts.

The provisions of this clause arise from recommendations of the Ross Committee. See Chapter 46 on p. 270 of its report.

Clause 31 fixes a special basic rate of income tax in respect of trustee's income under a specified trust, as defined in the new *section 155* of the principal Act (substituted by *clause 30* of the Bill). The rate is 35 cents in the dollar or the rate payable in the case of an individual taxpayer, whichever is the higher.

This clause arises from a recommendation on p. 280 of the report of the Ross Committee.

Clause 32 provides for amendments and repeals that are consequential on the provisions of *clause 30*.

Clause 33: Section 161 (2) of the principal Act provides that where a Maori authority derives income in trust for 20 or fewer beneficiaries, the income is deemed to be derived by the Maori authority as trustee for those beneficiaries and also to be derived as beneficiary's income by those beneficiaries, and the Maori authority is assessable and liable for ordinary income tax thereon.

The effect of this clause is that the Maori authority is liable for tax as agent for those beneficiaries, and the provisions of the principal Act as to agents and principals will apply.

Clause 34 gives effect to a provision in the Budget that excess retention tax is to be abolished except in the case of private investment companies.

This clause defines the term "privately controlled investment company" for the purposes of Part VI_A of the principal Act (relating to excess retention tax), and makes other amendments to that Part in order to restrict it to such companies.

Clause 35: Section 203s of the principal Act declares that Part VII of that Act (relating to non-resident withholding tax) applies to certain income derived from New Zealand. Subsection (2) (g) of that section excludes from those provisions income derived otherwise than by way of a dividend by a non-resident investment company from investments or other assets that are development assets for the purposes of section 78B of the principal Act.

This clause re-enacts paragraph (g) in an amended form, and excludes from the operation of Part VII income derived by way of interest by a non-resident investment company from any development investments within the meaning of section 2A of the principal Act (inserted by *clause 3* of this Bill), and is consequential on the provisions of that section redefining the term "non-resident investment company".

Clause 36 re-enacts in an amended form section 203z of the principal Act, which provides that non-resident withholding income consisting of company dividends or cultural royalties is not to be included in the assessable income of the taxpayer, and that the tax thereon is, subject to any rebates allowable in respect thereof, to be determined exclusively and finally by the amount of the non-resident withholding tax thereon.

The new section 203z re-enacts the existing provisions as to company dividends and royalties, and extends that section so as to apply it to interest and investment society dividends where the person deriving the interest or investment society dividend and the person by whom it was paid were persons at arm's length with each other (as defined in the new section 3A of the principal Act inserted by *clause 5* of this Bill).

Subclauses (2) and (3) of this clause are consequential amendments to section 78E of the principal Act (rebates from tax payable by non-resident companies paying dividends to shareholders resident in New Zealand) and section 203zA of that Act (person deriving non-resident withholding income to pay non-resident withholding tax to Commissioner).

Clause 37: Section 223 of the principal Act requires the Commissioner to refund any tax paid in excess, but no refund may be made after the expiration of 6 years from the end of the year in which the assessment was made in cases where the assessment has not been altered) or after the expiration of 6 years after the end of the year in which the original assessment was made (in cases where the original assessment has been altered), unless in either case a written application for a refund is made by the taxpayer before the expiration of that period.

This clause extends the 6-year period in each case to 8 years.

Clause 38 re-enacts in an amended form section 31 (2) of the Income Tax Assessment Act 1957, relating to the recovery of tax deductions from employers. Under that subsection, in the event of the bankruptcy of the employer or an assignment for the benefit of his creditors or the liquidation of the employer, the amount of the deductions rank, without limitation in amount, in order of priority immediately after preferential claims for wages, and in priority to all other claims.

The new subsection re-enacts the existing law so far as it relates to the bankruptcy of an employer or an assignment for the benefit of his creditors, but alters the existing law in the case of the liquidation of a company that is an employer.

The new subsection provides that on the liquidation of the company or the appointment of a receiver or upon possession of property being taken on behalf of a debenture holder, the unpaid tax deductions will rank immediately after the debts referred to in section 308 (1) of the Companies Act 1955 (which gives preference to wages, workers' compensation, and other debts given priority under any other Act), but before floating charges.

Hon. Mr Talboys

HYDATIDS

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A BILL INTITULED

An Act to consolidate and amend the Hydatids Act 1959 and its amendments

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

1. Short Title and commencement—(1) This Act may be cited as the Hydatids Act 1968.

(2) This Act shall come into force on the first day of April nineteen hundred and sixty-nine. 10

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: 15

“Approved organisation” means an organisation approved by the Minister under section 24 of this Act:

“Council” means the National Hydatids Council established under this Act: 20

“Disposal unit” means any apparatus in which 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 offal may be buried at such a depth as to render it inaccessible to dogs: 25

“Field Advisory Officer” means any person appointed by the Council under this Act as a Field Advisory Officer: 30

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

“Hydatids” means—

(a) Tapeworms of the genus *Echinococcus*; and includes all stages of development from the egg, through the intermediate cystic stage to the mature worm: 35

(b) The tapeworm *Taenia hydatigena*; and includes all stages of development from the egg, through the intermediate cystic stage to the mature worm: 40

(c) The tapeworm *Taenia ovis*; and includes all stages of development from the egg, through the intermediate cystic stage to the mature worm:

5 (d) Any tapeworms which the Minister from time to time, by notice in the *Gazette*, declares to be hydatids for the purpose of this Act:

10 “Hydatids Control Authority” means the local authority or other organisation constituted under section 23 of this Act as the Hydatids Control Authority for a Hydatids Control District:

“Hydatids control district” means a district constituted under section 22 of the Act as a hydatids control district:

15 “Hydatids Control Officer” means any person appointed by a Hydatids Control Authority under this Act as a Hydatids Control Officer:

“Local authority” means any Borough Council, County Council, Town Council of an independent town district, or the Waiheke Road Board:

20 “Minister” means the Minister of Agriculture:

25 “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 notice at, or posting it 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:

“Offal” means—

30 (a) In relation to sheep, goats, or pigs, the whole or any part of the contents of the chest, abdominal cavity, and pelvic cavity:

(b) In relation to cattle, the lungs, liver, or heart:

35 (c) In relation to any animal, any part that the Minister from time to time, by notice in the *Gazette*, declares to be offal for the purposes of this Act:

40 “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:

45 “Raw offal” means any offal that has not been heated to a temperature of at least one hundred and sixty degrees Fahrenheit, or which has not otherwise been treated to the satisfaction of a Hydatids Control Officer. For the purposes of this definition, offal shall

be deemed not to have been heated to a temperature of one hundred and sixty degrees Fahrenheit, unless it has been heated throughout to that temperature:

“Treatment unit” means any apparatus which is capable of being used for treating offal, by enabling the temperature thereof to be raised, and which is capable of containing, at the same time, all the offal of any animal together with such quantity of water as is sufficient to enable the temperature of the offal to be raised throughout to a temperature of at least one hundred and sixty degrees Fahrenheit.

Cf. 1959, No. 93, s. 2; 1963, No. 32, ss. 2, 4 (2)–(4), 5, (2)

PART I

NATIONAL HYDATIDS COUNCIL

- 3. National Hydatids Council**—(1) There shall continue to be a Council known as the National Hydatids Council, which shall be the same Council as that constituted under the Hydatids Act 1959 and existing under the same name immediately before the commencement of this Act.
- (2) The Council shall consist of—
- (a) One person, being an officer of the Department of Agriculture:
 - (b) One person, being an officer of the Department of Health:
 - (c) One person, to be nominated by Federated Farmers of New Zealand Incorporated:
 - (d) One person, 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:
 - (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 of New Zealand:
 - (i) One person, to be nominated by the New Zealand Veterinary Association Incorporated:
 - (j) 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 such other acts and things as bodies corporate may lawfully do and suffer.

(5) No member of the Council shall be personally liable for any act done or omitted by the Council or by any member thereof in good faith and in pursuance or intended pursuance of the powers and authority of the Council.

Cf. 1959, No. 93, s. 3

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.

(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 (2) of section 3 of this Act, during the pleasure of the Governor-General:

(b) In the case of any other member, for a term of three years, subject to the provisions of subsection (4) of this section, and may from time to time be reappointed.

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

(4) Notwithstanding anything in section 3 of this Act or in the foregoing provisions of this section, every member of the Council in office at the commencement of this Act, unless he sooner vacates office under section 7 of this Act, shall continue to hold office until his successor comes into office, but shall be eligible for appointment under this Act.

(5) The term of office of each member continued in office by subsection (4) of this section shall expire with the day on which it would have expired had this Act not been in force.

Cf. 1959, No. 93, s. 4

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.

(2) The Minister may from time to time appoint any member of the Council to be the Deputy Chairman of the Council, to hold office as such during the pleasure of the Minister. 5

(3) During any vacancy in the office of Chairman, or in the absence of the Chairman from any meeting of the Council, or in the event of the Chairman being incapacitated by illness or other cause from performing the duties of his office, the Deputy Chairman shall have and may exercise all the powers and functions of the Chairman. 10

Cf. 1959, No. 93, s. 5; 1961, No. 35, s. 2 15

6. Deputies of members—(1) In the absence from any meeting of the Council of a member appointed under paragraph (a) or paragraph (b) of subsection (2) of section 3 of this Act, he may authorise any other officer of the Department to which he belongs to attend the meeting in his stead. 20

(2) In the absence from any meeting of the Council of a nominated member, any other person nominated by the body that nominated the member and approved by the Council may attend the meeting in his stead.

(3) In the absence from any meeting of the Council of any member appointed under paragraph (j) of subsection (2) of section 3 of this Act, any other person approved by the Minister may attend the meeting in his stead. 25

(4) While any person is attending any meeting under this section, he shall be deemed for all purposes to be a member of the Council. 30

(5) 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 ground that the occasion for his appointment had not arisen or had ceased. 35

Cf. 1959, No. 93, s. 6; 1961, No. 35, s. 2

7. Extraordinary vacancies—(1) Any member of the Council may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Minister. 40

(2) If any member of the Council dies, or resigns, or is so removed from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made, and, in the case of a vacancy in the office of
5 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 vacancy in the membership thereof.

10 Cf. 1959, No. 93, s. 7

8. Meetings of Council—(1) Meetings of the Council shall be held at such times and places as the Council or the Chairman appoints from time to time.

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

(3) At all meetings of the Council five members, of whom at least one shall be the officer of the Department of Agriculture who is a member of the Council or his deputy, shall form a quorum.

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

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

25 Cf. 1959, No. 93, s. 8

9. Objects of Council—The general objects of the Council shall be to control, prevent, and eradicate hydatids.

Cf. 1959, No. 93, s. 9 (1)

10. Functions and powers of Council—(1) The general
30 functions of the Council shall be—

(a) To devise and promote measures for the treatment, control, prevention, and eradication of hydatids:

(b) To organise, with the consent of the Minister, the provision in New Zealand of such diagnostic services in
35 respect of hydatids as the Council considers necessary or expedient:

(c) To promote and organise, by such means as the Council thinks fit, the dissemination of information, instructions, and advice relating to the treatment, control,
40 prevention, and eradication of hydatids:

- (d) To 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 Hydatids Control Officer appointed under this Act: 5
- (e) To investigate, having regard to the objects for which the Council is established, the activities and efficiency of Hydatids Control Authorities:
- (f) To co-ordinate and generally to guide and supervise the activities of Hydatids Control Authorities: 10
- (g) To make recommendations to the Minister as to the constitution, union, alteration, or abolition of hydatids control districts and Hydatid Control Authorities. 15
- (2) The Council shall have all such powers as are necessary for or incidental to the performance of its functions.
- (3) The Council may enter into contracts of insurance insuring members of the Council against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members, and pay the premiums payable in respect of such contracts. 20

Cf. 1959, No. 93, s. 9 (2); 1961, No. 35, s. 3

11. 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. 25

(2) 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. 30

Cf. 1959, No. 93, s. 10

12. Contracts of Council—(1) The Council is hereby declared to be a public body for the purposes of the Public Bodies Contracts Act 1959. 35

(2) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in its appropriate alphabetical order the following item:

“The National Hydatids Council | 1968 No. 00—The 40
| Hydatids Act 1968”.

Cf. 1959, No. 93, s. 11

13. Funds of Council—In every financial year there shall be paid to the Council out of money appropriated by Parliament such sum, not exceeding one hundred and twenty thousand dollars, as in the opinion of the Minister is necessary to defray
5 the expenses of the Council in performing its functions and exercising its powers under this Act.

Cf. 1959, No. 63, s. 12

14. 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 be sup-
15 ported 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 and incur expenditure during the financial year to which the
20 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 section in respect of that financial year.

(5) Except with the approval of the Minister, no capital expenditure exceeding one thousand dollars shall be incurred
25 by the Council in respect of any individual item.

Cf. 1959, No. 63, s. 13

15. 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 considers 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.

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

Cf. 1959, No. 63, s. 14

16. 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 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 (3) 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 funds in the manner following: 10

(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 business of banking in New Zealand, or in the Post Office Savings Bank, or in any trustee savings bank, or in any private savings bank; or 15

(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 4 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.

Cf. 1959, No. 93, s. 15

17. Council may make grants—(1) 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 any purpose in connection with the control, prevention, or eradication of hydatids. 30

(2) Without limiting the powers conferred on the Council 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 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, the Council may at any time after the end of that year, make 40 a grant to the Hydatids Control Authority of such sum as the Council thinks fit, not exceeding the difference between the

total amount of hydatids control fees received in that year by the Authority in respect of dogs owned or so 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
5 by the Authority in respect of other dogs.

(3) A grant made by the Council pursuant to subsection (2) of this section may, in the Council's discretion, be made from money paid to the Council under section 13 of this Act or from money set aside under section 16 of this Act to form a
10 fund for the purpose of making such grants or as a reserve or from other money received by the Council from any person and set aside in a separate bank account pursuant to section 16 of this Act.

15 Cf. 1959, No. 93, s. 16; 1963, No. 32, s. 3; 1965, No. 115 s. 2 (1) (a)

18. Unauthorised expenditure of Council—In any financial year the Council may, for purposes not authorised by this Act or by any other Act, expend out of its funds any sum or sums not amounting in the whole to more than three hundred
20 dollars.

Cf. 1959, No. 93, s. 16A; 1961, No. 35, s. 4

19. 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.
25

(2) There shall be paid to the members of the Council, and to 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
30 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 State Services Act 1962.
35

Cf. 1959, No. 93, s. 17

20. Accounts—(1) The Council shall at all times keep full and correct records and accounts of all its financial transactions, assets, liabilities, and funds.

(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 public stores and the audit of local authorities' accounts. 5

(3) The Council shall, as soon as possible after the end of every financial year, cause its accounts for that year to be balanced, and full and true accounts of its funds, income, and expenditure for that year, with a balance sheet at the end of that year, to be prepared and submitted to the Audit Office. 10

Cf. 1959, No. 93, s. 18

21. Appointment of Field Advisory Officers and other staff by Council—(1) The Council may from time to time appoint such Field Advisory Officers and other officers and servants as it considers necessary for the efficient performance of its functions and exercise of its powers under the Act, and may out of its funds, pay to such Field Advisory Officers, other officers, and servants such salaries and allowances as the Council, with the approval of the Minister, decides. 15 20

(2) No person shall be eligible for appointment as a Field Advisory Officer unless he possesses at least the qualifications prescribed by the Council for Hydatids Control Officers.

(3) Every Inspector appointed by the Council under section 19 of the Hydatids Act 1959 and holding office at the commencement of this Act shall be deemed to have been appointed as a Field Advisory Officer under this Act. 25

(4) 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 other fund or scheme established with the approval of the Minister of Finance. 30

(5) On the death of any servant of the Council whose total length of service with the Council is not less than ten years, the Council may pay to his dependants or any of them by way of gratuity such amount as it thinks fit, not exceeding six months' pay at the rate payable to him at the time of his death. 35

Cf. 1959, No. 93, s. 19; 1961, No. 35, s. 5

PART II

HYDATIDS CONTROL DISTRICTS AND AUTHORITIES

5 **22. Constitution of hydatids control districts—**(1) The Governor-General may from time to time, by Order in Council, constitute and declare any part of New Zealand as a hydatids control district under this Act, with such name and from such date as may be specified in the order.

10 (2) The Governor-General may from time to time, by Order in Council, declare any two or more hydatids control districts to be united and to form one district, with such name as he thinks fit.

(3) Every such united district shall be deemed to be a hydatids control district constituted under this Act, and the provisions of this Act shall apply thereto accordingly.

15 (4) The Governor-General may from time to time, by Order in Council, alter and re-define the boundaries of any hydatids control district by the inclusion therein or the exclusion therefrom of any area, and may in like manner abolish any hydatids control district.

20 (5) Every Order in Council under this section shall be made on the recommendation of the Minister after consultation with the Council.

25 (6) The districts of all local authorities and approved organisations in respect of which the Council has approved plans for the control, prevention, and eradication of hydatids under section 20 of the Hydatids Act 1959 shall be deemed hydatids control districts as if they had been constituted by Order in Council under this section.

30 **23. Hydatids Control Authorities—**(1) For every hydatids control district there shall be a Hydatids Control Authority, to be specified in the Order in Council constituting the district or in a subsequent Order in Council.

(2) The Hydatids Control Authority for a hydatids control district may be—

35 (a) Where the hydatids control district comprises the district of one local authority, that local authority; or

(b) Where the hydatids control district comprises the districts or parts of the districts of two or more local authorities—

40 (i) Such one of those local authorities as is agreed upon by all those local authorities; or

(ii) A joint committee appointed by all those local authorities under section 68 of the Municipal Corporations Act 1954 or section 76 of the Counties Act 1956, as the case may require; or

(c) An approved organisation. 5

(3) Where the district or area under the jurisdiction, for the purposes of the Hydatids Act 1959, of a local authority, a joint committee, or an approved organisation is constituted as a hydatids control district by subsection (6) of section 22 of this Act, that local authority, joint committee, or approved organisation, as the case may be, shall be the Hydatids Control Authority for that hydatids control district as if it had been appointed the Hydatids Control Authority thereof by an Order in Council under this section. 10

Cf. 1959, No. 93, ss. 19A, 19B; 1961, No. 35, s. 6 (1); 15
1963, No. 32, s. 4 (1)

24. Approved organisations—(1) The Minister may from time to time, by notice in the *Gazette*, declare any organisation or committee specified in the notice and having the number of members specified in the notice to be an approved organisation for the purposes of this Act for the purposes of controlling, 20
eradicating, and preventing hydatids in the area specified in the notice, being an area that is not under the jurisdiction of any local authority, or, where in the opinion of the Minister special circumstances exist, any other area. Any declaration 25
by the Minister under this subsection may at any time be in like manner amended or revoked.

(2) The Pelorus Sound Hydatid Committee, the Manawatu District Hydatids Committee, the Thames-Coromandel Hydatid Eradication Committee, and the Bush Hydatids Control (Pahiatua) Organisation shall be deemed to be approved organisations as if they had been declared as such by the Minister under subsection (1) of this section. 30

(3) The provisions of sections 92, 93, 94, 100, 101, 136, 137, 140, 141, 146, and 165 of the Counties Act 1956 and of any 35
regulations made pursuant to section 150 of that Act, as far as they are applicable and with the necessary modifications, shall apply with respect to every approved organisation as if it were a County Council and as if the members thereof were Councilors. 40

(4) Every approved organisation shall be deemed to be a local authority for the purposes of section 6 of the Finance Act (No. 2) 1941, the National Provident Fund Act 1950, Part XII of the Public Revenues Act 1953, and section 20 of the Local Authorities Loans Act 1956.

Cf. 1959, No. 93, s. 19c; 1963, No. 32, s. 5 (1)

25. Approval of plan for hydatids control district—

(1) Every Hydatids Control Authority shall prepare and submit for the approval of the Council its plan for the control, prevention, and eradication of hydatids in the hydatids control district under its jurisdiction.

(2) Every plan submitted under subsection (1) of this section shall be considered by the Council, which may approve the plan, subject to such conditions as it thinks fit to impose.

(3) The Council may in its discretion refuse to approve a plan submitted under subsection (1) of this section if it is of the opinion that the plan is not suitable or adequate for the purpose of the hydatids control district.

(4) At any time after the Council has approved a plan under subsection (2) of this section, it may require the Hydatids Control Authority to modify the plan in such manner as the Council considers necessary or desirable.

(5) It shall be the duty of every Hydatids Control Authority to carry out its plan for the 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 plan of a local authority or a joint committee or an approved organisation approved by the Council under section 20 of the Hydatids Act 1959 and in force at the commencement of this Act shall be deemed to be an approved plan for the hydatids control district constituted by subsection (6) of section 22 of this Act of which the local authority, joint committee, or organisation is the Hydatids Control Authority.

Cf. 1959, No. 93, s. 20 (2)-(5)

26. Appointment of Hydatids Control Officers and other staff by Hydatids Control Authorities—

(1) Subject to this section, every Hydatids Control Authority shall appoint such Hydatids Control Officers and other officers and servants as it considers necessary to carry out the plan approved for its district for the control, prevention, and eradication of hydatids.

(2) No appointment of a Hydatids Control Officer shall be made by any Hydatids Control Authority without prior consultation with the Council.

(3) No appointment of a Hydatids Control Officer shall be made by any Hydatids Control Authority unless and until a plan has been approved for the district.

(4) Every Inspector appointed by a local authority or approved organisation under section 20 of the Hydatids Act 1959 and holding office at the commencement of this Act shall be deemed to have been appointed as a Hydatids Control Officer by the appropriate Hydatids Control Authority for the district as constituted under this Act.

Cf. 1959, No. 93, s. 20 (1), (2), (6), (7)

27. Powers of Council in respect of Hydatids Control Authorities—(1) Subject to this Act, the Council may at any time, pursuant to a resolution of the Council, assume in respect of any hydatids control district the functions, powers, and duties of the Hydatids Control Authority for the district if—

(a) Within such time as the Council may allow, the Hydatids Control Authority has not submitted for the approval of the Council in accordance with section 25 of this Act a plan which in the opinion of the Council is suitable and adequate for the purpose; or

(b) The Hydatids Control Authority, having been granted approval of a plan, fails to carry out the plan to the satisfaction of the Council.

(2) Before passing a resolution to assume the functions, powers, and duties of a Hydatids Control Authority under this section, the Council shall give notice in writing to the Authority, to each constituent local authority concerned, and to the local authorities' association or associations of which the local authority or constituent local authorities having jurisdiction in the hydatids control district concerned are members, of its intention to assume those functions, powers, and duties.

(3) The Hydatids Control Authority and organisations to which notice has been given pursuant to subsection (2) of this section may make representations to the Council, within such time as the Council may allow, and the Council shall have regard to these representations in deciding whether to assume the functions, powers, and duties of the Hydatids Control Authority concerned.

(4) Notice in writing of any resolution of the Council under this section shall be given by the Council to the Hydatids Control Authority, and the Authority may, within one month after the giving of the notice, appeal to a Magistrate's Court against the decision of the Council. Pending the decision of the Court on the appeal, the resolution of the Council shall be deemed to be suspended and, if the appeal is allowed, shall have no effect.

(5) The decision of the Court on any appeal under this section shall be final and conclusive.

(6) In respect of the exercise by the Council of any function, power, or duty under this section, the provisions of this Act shall apply as if the Council were the Hydatids Control Authority for the district.

Cf. 1959, No. 93, s. 21

PART III

QUALIFICATIONS, APPOINTMENT, AND DUTIES OF HYDATIDS CONTROL OFFICERS

10

28. Qualifications of Hydatids Control Officers—(1) No person shall be eligible for appointment as a Hydatids Control Officer under this Act, unless he possesses such qualifications as are from time to time fixed in that behalf by the Council and has obtained from the Council a certificate that he is competent to perform the duties of a Hydatids Control Officer.

15

(2) Every certificate issued to an Inspector under section 22 of the Hydatids Act 1959 and in force at the commencement of this Act shall have effect for the purposes of this Act as if it were a certificate issued under this section.

20

(3) The Council may, by resolution, revoke any certificate issued or having effect under this section if it is satisfied that the person to whom the certificate was issued has not carried out his duties in accordance with the plan approved for the hydatids control district in which he is employed.

25

(4) Notice in writing of any resolution of the Council under subsection (3) of this section shall be given by the Council to the Hydatids Control Officer, who may, within one month after the giving of the notice, appeal to a Magistrate's Court against the decision of the Council. Pending the decision of the Court on the appeal, the resolution of the Council shall be deemed to be suspended and, if the appeal is allowed, shall have no effect.

30

(5) The decision of the Court on any appeal under this section shall be final and conclusive.

35

(6) A Hydatids Control Authority may not employ or continue to employ as a Hydatids Control Officer a person whose certificate has been revoked by the Council under subsection (3) of this section.

40

Cf. 1959, No. 93, s. 22

29. Powers of Hydatids Control Officers—(1) Every Hydatids Control Officer shall have power—

- (a) To inspect, examine, or treat any dog of six months of age or over for hydatids:
 Provided that at the request of the owner he may inspect, examine, or treat for hydatids any dog of three months of age or over but under six months of age: 5
- (b) To give notice requiring any owner to have any dog or dogs available at any specified place and at any specified time for the purpose of enabling the dog or dogs to be inspected, examined, or treated for hydatids: 10
- (c) To give notice requiring the owner or occupier of any land or premises to provide thereon, to the satisfaction of the Hydatids Control Officer, a disposal unit or treatment unit where, in the opinion of the Hydatids Control Officer, the provision of a disposal unit or treatment unit is necessary or desirable: 15
- (d) To inspect any disposal unit or treatment unit, and, by notice, require the owner thereof to make any such alteration thereto as the Hydatids Control Officer requires: 20
- (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 subsection: 25
 Provided that a Hydatids Control Officer shall not enter into any dwellinghouse, unless he is authorised in writing by a Justice in that behalf who shall not grant such an authority unless he is satisfied that the Hydatids Control Officer has reasonable grounds for requiring entry into the dwellinghouse: 30
- (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 Hydatids Control Officer considers necessary or desirable for the control, prevention, and eradication of hydatids. 35
- (2) Every Hydatids Control Officer may—
- (a) On producing, if so required, his warrant of appointment, enter at any time of the day, between the hours of sunrise and sunset— 40

(i) On any land in the occupation of any person who is the owner of a dog that on the last examination by a Hydatids Control Officer or by an Inspector under the Hydatids Act 1959 has been found to be infected with hydatids; or

(ii) With the authority in writing in that behalf by the Chairman or Deputy Chairman of the Hydatids Control Authority in whose district the land is situated, on any land specified in that authority, for the purpose of ascertaining whether or not the carcass of any animal is left to lie about in the open or whether or not there is on the land any raw offal that is accessible to dogs; and

(b) If he finds on that land the carcass of any animal left to lie about in the open or any raw offal that is accessible to dogs, give notice to the owner or occupier of the land requiring him to dispose of that carcass or offal within twenty-four hours, either by causing it to be entirely consumed by fire or to be buried to such a depth that it will be inaccessible to dogs; and

(c) If the owner or occupier of the land fails so to dispose of the carcass or offal within that time, dispose of the carcass in such a manner as the Hydatids Control Officer thinks fit.

(3) Any Hydatids Control Officer entering on any land or premises in the course of and for the purpose of exercising his powers under subsection (1) or subsection (2) of this section may also take such action as may be necessary to ascertain that the hydatids control fee has been paid on all dogs held on the land or premises.

(4) Where, as a direct result of the failure of any person to comply with any notice or direction issued or given by a Hydatids Control Officer under this Act, the officer incurs expenses which, but for the failure of the person as aforesaid, would not otherwise have been incurred, those expenses shall be recoverable from that person as a debt by the Hydatids Control Authority by which the officer was appointed.

(5) In exercising his powers under this section, a Hydatids Control Officer shall not be liable for any loss or damage occasioned to the owner of any dog or other property by any act of the officer, unless the loss or damage is occasioned by his wilful neglect or default.

(6) A Field Advisory Officer—

(a) In addition to the powers or functions that may be conferred on Hydatids Control Officers by this section, shall have all such other powers or functions as the Council considers necessary or expedient for the carrying out of the general functions of the Council; and 5

(b) May exercise his powers within such areas and districts as the Council determines, after consultation with the Hydatids Control Authorities concerned. 10

(7) A Hydatids Control Officer shall exercise his powers only within the hydatids control district of the Hydatids Control Authority by which he was appointed, except where, with the approval of the Council, two or more Hydatids Control Authorities have entered into an agreement whereby the services of a Hydatids Control Officer appointed by one authority are made available in the districts of the other Authorities. 15

Cf. 1959, No. 93, s. 23; 1963, No. 32, ss. 6, 7

30. Appeal against requirement of Hydatids Control Officer

(1) Every owner or occupier to whom any notice is given by a Hydatids Control Officer under paragraph (c) or paragraph (d) of subsection (1) of section 29 of this Act may, within fourteen days after the giving of the notice, appeal in writing to the Council against the requirements of the Hydatids Control Officer on the ground that those requirements are unreasonable. The appellant shall at the same time send a copy of the notice of appeal to the Hydatids Control Authority by which the Hydatids Control Officer was appointed. 25

(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. 30

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

(4) Upon the determination of any appeal, the Hydatids Control Officer whose requirements are the subject of the appeal, or any other Hydatids Control Officer, 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 Hydatids Control Officer partially or subject to conditions or modifications, shall set forth those requirements as so varied. 35 40

(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 that are the subject of the appeal shall be suspended. 45

Cf. 1959, No. 93, s. 24; 1963, No. 32, s. 8

PART IV

MISCELLANEOUS PROVISIONS

31. Fixing of hydatids control fees and charges—(1) Any Hydatids Control Authority may from time to time, by resolution publicly notified in one or more newspapers circulating in the hydatids control district, fix, at such rate or rates as it thinks fit, the following fees and charges:

5 (a) A hydatids control fee, not exceeding four dollars per dog per annum, payable in any financial year in respect of every dog in the district of six months of age or over:

10 (b) A charge, in addition to the hydatids control fee, for the further treatment of a dog which has been treated for hydatids and the purged material from which has been found on examination to contain hydatids, the charge not to exceed five dollars for the treatment of each dog treated.

15 (2) Notwithstanding anything in subsection (1) of this section, a Hydatids Control Authority shall not fix a hydatids control fee exceeding two dollars per dog per annum without the prior approval of the Council. In considering any application for its approval, the Council shall have regard to the incidence of hydatids in the hydatids control district and such other matters as it considers relevant.

20 (3) Any resolution under subsection (1) of this section may—

25 (a) Fix different fees in respect of different classes of dogs in accordance with such a system of classification as the Hydatids Control Authority may adopt for the purpose:

30 (b) Fix different fees in respect of dogs owned by any specified class or classes of persons or kept solely for the purpose of any specified work.

35 (4) Any resolution under subsection (1) of this section may, in any case where the districts of two or more local authorities are included in the hydatids control district, fix different fees in respect of dogs kept in different districts, having regard to the incidence of hydatids in the several districts.

40 (5) The hydatids control fee payable in respect of any dog which attains the age of six months at any time after the month of October in any financial year shall be half the prescribed fee.

(6) The hydatids control fee shall be paid by the owner at the office of the Hydatids Control Authority, or to any local authority appointed by the Hydatids Control Authority to receive such fees, in such manner and at such times as the Hydatids Control Authority may determine. 5

(7) For the purposes of subsection (6) of this section, the term "owner", in relation to any dog, means the person who satisfies the Hydatids Control Authority, or the local authority appointed under that subsection, by statutory declaration or otherwise, that the property in the dog is vested in him. 10

(8) Where the hydatids control fee for any year is paid in respect of any dog to a Hydatids Control Authority, no further hydatids control fee, not being a charge under paragraph (b) of subsection (1) of this section, shall be payable in that year in respect of that dog, whether to the same or 15 any other Hydatids Control Authority.

(9) Any Hydatids Control Authority, in its discretion, may in any special case refund to the owner of the dog the whole or such part as it thinks fit of any hydatids control fee or charge for treatment paid by him in respect of the dog to the Hydatids Control Authority. 20

Cf. 1959, No. 93, s. 25; 1963, No. 32, ss. 9, 10; 1965, No. 115, s. 2 (1) (b), (c)

32. Hydatids Control Account—(1) The hydatids control fees received by a Hydatids Control Authority other than an approved organisation shall be credited to a separate account to be called the Hydatids Control Account. 25

(2) The hydatids control fees received by an approved organisation shall be paid into an account to be established by the organisation and to be called the Hydatids Control Account: 30

Provided that, where any local authority is a member of an approved organisation, the hydatids control fees or any of them may, by agreement between the local authority and the approved organisation, instead of being dealt with as aforesaid be paid into the general bank account of the local authority, and shall be credited to a separate account to be called the Hydatids Control Account. 35

(3) The hydatids control fees received by a local authority other than a Hydatids Control Authority shall be remitted to the Authority on whose behalf the fees were collected in such manner and at such times as the Authority requires. 40

(4) The funds received by every Hydatids Control Authority shall be used for the purposes of controlling, preventing, and eradicating hydatids in accordance with the plans of the Authority in that behalf approved by Council, and for no other purpose.

(5) Every Hydatids Control Authority other than an approved organisation shall submit to the Council, not later than the thirtieth day of June following the close of the immediately preceding financial year, a statement in a form approved by the Council of its Hydatids Control Account for that financial year.

(6) Every approved organisation shall submit to the Council, not later than the thirtieth day of June following the close of the immediately preceding financial year, a statement in a form approved by the Council of its financial transactions for that financial year.

Cf. 1959, No. 93, s. 27; 1960, No. 65, s. 2 (2); 1961, No. 35, s. 7

33. 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 be charged against the expenses of the Hydatids Control Account of the local authority or approved organisation only such portion of his salary and expenses as the Council approves.

Cf. 1959, No. 93, s. 28

34. Treatment of dogs by veterinary surgeons—(1) Where any owner is given a notice under paragraph (b) of subsection (1) of section 29 of this Act, he shall be deemed to comply with that notice if, at or before the time specified in the notice, he produces to the Hydatids Control Officer who gave the notice, or to any other Hydatids Control Officer present at the specified place at the specified time, a certificate in a form prescribed by regulations under this Act issued by a registered veterinary surgeon certifying that—

(a) Not earlier than one month before the time specified in the notice the dog had been treated for hydatids in a manner acceptable to the Council; or

(b) For reasons which are specified in the certificate, the dog will not be in a fit condition to be treated for hydatids for a period specified in the certificate, being a period not exceeding six months and expiring at a time later than that which is specified in the notice. 5

(2) Nothing in this section shall be deemed to exempt any owner of a dog from payment in respect of that dog of the hydatids control fee fixed under section 31 of this Act.

Cf. 1959, No. 93, s. 29; 1961, No. 35, s. 8 10

35. Exemption of dogs from treatment—(1) Notwithstanding the provisions of this Act, the Council may from time to time declare that any specified class or classes of dogs shall be exempted from the requirement to be inspected, examined, or treated for hydatids. 15

(2) Notice of any decision under subsection (1) shall be given by the Council to all Hydatids Control Authorities.

(3) Nothing in this section shall be deemed to exempt any owner of a dog from payment in respect of that dog of the hydatids control fee fixed under section 31 of this Act. 20

36. Local authorities may make grants or advances to approved organisations and guarantee repayment of loans—

(1) Any local authority may out of its general funds make grants of money or advances, upon such terms and conditions as it thinks fit, to any approved organisation for any purpose connected with the control, prevention, or eradication of hydatids. 25

(2) Any local authority may guarantee the repayment of any money borrowed by an approved organisation for any purpose connected with the control, prevention, or eradication of hydatids, and the repayment of interest on any money so borrowed. 30

(3) Where any local authority becomes liable to make any payment under any such guarantee, it may make the payment out of its general funds. 35

Cf. 1959, No. 93, s. 29H; 1961, No. 35, s. 9

37. Disposal of assets on abolition of Hydatids Control Authority—Where any local authority or joint committee ceases to be the Hydatids Control Authority for any hydatids control district, whether by reason of the union of its district
5 with any other district or districts or the abolition of its district or otherwise howsoever, all money in its Hydatids Control Account and all assets owned by it in its capacity as such an Authority shall, after payment of its liabilities in that capacity,
10 be disposed of in such manner as the Minister, on the recommendation of the Council, directs.

38. Dissolution or winding up of approved organisation—Where any approved organisation is dissolved or wound up, then, except where provision for the disposal of its assets is made by any other Act, the assets of the organisation after
15 payment of its liabilities shall be disposed of in such manner as may be agreed upon among the members of the organisation or, failing such agreement, as the Minister, on the recommendation of the Council, directs.

Cf. 1959, No. 93, s. 291; 1961, No. 35, s. 9

39. Hydatids-free areas—The Council, with the approval of the Minister, may from time to time, by notice in the *Gazette*, declare any specified part of New Zealand to be a hydatids-free area.

Cf. 1959, No. 93, s. 30

40. Bylaws as to keeping of dogs—Nothing in the Municipal Corporations Act 1954 or in the Counties Act 1956 or in the Health Act 1956 shall be deemed to authorise the making of any bylaw which purports to regulate or licence the keeping of dogs within the district of any local authority on the basis
30 that the dogs have, or have not, been treated for hydatids.

Cf. 1959, No. 93, s. 31

41. Authentication of notices—A notice given by any Hydatids Control Officer for the purposes of this Act shall be sufficiently authenticated if it bears the name of the officer
35 giving the notice.

42. Offences—(1) Every person commits an offence, and is liable on summary conviction to a fine not exceeding four hundred dollars, who wilfully feeds, or causes to be fed, to any dog any raw offal.

(2) Every person commits an offence, and is liable on summary conviction to a fine not exceeding two hundred dollars, who, by himself, his servant, or agent, without just cause or excuse—

- (a) Knowingly leaves the carcass of any animal to lie about in the open; or
- (b) By any act or omission enables any dog to obtain access to any raw offal.

(3) Every person commits an offence, and is liable on summary conviction to a fine not exceeding one hundred dollars, who—

- (a) Fails to comply with any notice given under paragraph (b) of subsection (1) or under subsection (2) of section 29 of this Act; or
- (b) Fails within one month to comply with paragraph (c) or paragraph (d) or paragraph (f) of subsection (1) of section 29 of this Act or any notice under subsection (4) of section 30 of this Act; or
- (c) Has in his following or keep any dog in respect of which any hydatids control fee or treatment charge payable has not been paid; or
- (d) Without the prior approval of the Council, at any time before the sample is dispatched to a testing station for diagnostic tests adds any hydatids to, or removes any hydatids from, any faecal sample obtained from any dog that has been treated for hydatids by any Hydatids Control Officer or registered veterinary surgeon; or
- (e) Obstructs or hinders any Hydatids Control Officer in the exercise of his powers or in the performance of his duty, or fails or neglects to obey any lawful direction of any Hydatids Control Officer; or
- (f) 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 a Hydatids Control Officer 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

(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 the Council or to any officer of the Council or to any Hydatids Control Authority or to any officer of any such Authority, or otherwise misleads or attempts to mislead the Council or any officer of the Council or any Hydatids Control Authority or any officer of any such Authority.

10 Cf. 1959, No. 93, s. 32; 1963, No. 32, s. 11(1)

43. Proceedings against dog owners in default—(1) Where an owner of any dog is convicted of an offence against paragraph (a) of subsection (3) of section 42 of this Act, the Court, whether or not it imposes any penalty in respect of the offence, may make an order requiring the owner to present the dog for inspection, examination, and treatment for hydatids at a time and place specified in the order.

15 (2) Where the owner makes default in complying with an order under subsection (1) of this section, the Hydatids Control Authority may take possession of the dog for the purpose of inspecting, examining, or treating the dog for hydatids and retain possession of the dog for so long as may be necessary for that purpose. For the purposes of this subsection, a Hydatids Control Officer may exercise the power of entry on land or premises conferred by section 29 of this Act.

20 (3) Where an owner of any dog is convicted of an offence against paragraph (c) of subsection (3) of section 42 of this Act, the Court, whether or not it imposes any penalty in respect of the offence, may make an order that if the fee or charge is not paid within a time specified in the order—

30 (a) The Hydatids Control Authority may take possession of the dog and retain it until the fee or charge is paid, and, if the fee or charge is not paid within fourteen days after the Authority has taken possession of the dog, may cause the dog to be sold or destroyed; or

35 (b) The Hydatids Control Authority may cause the dog to be destroyed.

(4) The proceeds of the sale of any dog sold by any Hydatids Control Authority pursuant to an order made under subsection (3) of this section shall be applied first in reimbursing the Authority for the expenses of the sale and any expenses incurred by the Authority in respect of the sustenance of the dog while in its possession, and any surplus shall be paid to the owner of the dog.

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44. 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 annual accounts and balance sheet, with the report of the Audit Office thereon. 5

(2) A copy of the report of the Council and of the annual accounts and balance sheet, with the report of the Audit Office thereon, 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. 10

Cf. 1959, No. 93, s. 33

45. Regulations—(1) The Governor-General may, from time to time, by Order in Council, make regulations providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof. 15

(2) Without limiting the general powers hereinbefore contained, it is hereby declared that regulations may be made under this section for all or any of the following purposes: 20

- (a) Prohibiting or restricting the introduction of dogs into a hydatids-free area or into any specified hydatids control district: 25
- (b) Prescribing the measures which may be taken by the Council for hydatids control, prevention, and eradication in any hydatids control district:
- (c) Prescribing the manner in which dogs that have been inspected, examined, or treated for hydatids shall be identified: 30
- (d) Prescribing the cases in which evidence shall be produced that dogs have been inspected, examined, or treated for hydatids, and the form of the certificate as to the inspection, examination, or treatment of dogs for hydatids: 35
- (e) Prohibiting, restricting, or regulating the sale, custody, handling, and use of any anthelmintic:
- (f) Requiring notification to be given of the movement of dogs between hydatids control districts, and prescribing the form of notifications: 40

(g) Prescribing fines not exceeding forty dollars for offences against any such regulations.

Cf. 1959, No. 93, s. 34; 1961, No. 35, s. 11; 1963, No. 32, s. 12

5 **46. Repeals, consequential amendment, and savings—**

(1) The following enactments are hereby repealed:

(a) The Hydatids Act 1959:

(b) The Hydatids Amendment Act 1961:

(c) The Hydatids Amendment Act 1963:

10 (d) The Hydatids Amendment Act 1965.

(2) Section 9A of the Dogs Registration Act 1955 (as inserted by section 2 of the Dogs Registration Amendment Act 1961) is hereby amended by omitting from subsection (1) the words “the functions, powers, and duties conferred or
15 imposed by the Hydatids Act 1959 for the control, prevention, and eradication of hydatids”, and substituting the words “is also a Hydatids Control Authority under the Hydatids Act 1968”.

20 (3) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal by this Act of the Hydatids Amendment Act 1963 shall not affect the amendment made by subsection (3) of section 5 of that Act to the Public Bodies Contracts Act 1959.