

## ANIMALS AMENDMENT BILL

### EXPLANATORY NOTE

THIS Bill amends the Animals Act 1967.

*Clause 1* relates to the Short Title and commencement. Except for clause 4, the Bill is to come into force on the day on which it receives the Governor-General's assent. Clause 4 relates to the control of tuberculosis and brucellosis and is deemed to have come into force on 1 September 1976.

*Clause 2: Subclause (1)* amends section 12 (h) of the principal Act (which empowers the Governor-General to make regulations for the purpose of regulating the duties of masters of ships and aircraft in relation to any animals, and in relation to the disposal or storage of garbage aboard ships and aircraft, etc.). The effect of the amendment is to empower the making of regulations relating to the disposal or storage of "rubbish and packing material" as well as of garbage (which in this context may mean only animal offal).

*Subclause (2)* amends section 12 (m) of the principal Act (which at present empowers the Governor-General to make regulations requiring the installation and maintenance of equipment for steam cleaning vehicles brought into New Zealand). The effect of the amendment is to empower the making of regulations requiring the installation and maintenance of equipment for disinfecting (by steam cleaning or otherwise) vehicles, machinery, and equipment brought into New Zealand.

*Clause 3: Subclause (1)* amends section 32 of the principal Act (which relates to the declaration of disease control places). The effect of the amendment is to increase the period during which such a declaration remains in force to 60 days. The present period is 14 days.

*Subclause (2)* is a savings provision which provides that where land has been declared to be a disease control place before this clause comes into force, the declaration shall remain in force for the period specified in the present section.

*Clause 4* amends section 53 of the principal Act (which relates to the control of tuberculosis and brucellosis in cattle).

*Subclause (1) (a)* amends subsection (4) to provide that, when the Director-General directs that cattle be slaughtered, he may direct the time within which the slaughter must be carried out.

*Subclause (1) (b)* amends subsection (5) to provide that, where an animal has been slaughtered, such compensation as is prescribed by regulations shall be paid. The present subsection provides that the compensation payable shall be \$16 or such lesser sum as is prescribed by regulations.

*Subclause (1) (c)* amends subsection (5) to provide that compensation shall not be paid in respect of any animal that is less than 6 weeks old. The present subsection provides that compensation shall not be paid in respect of any animal that is less than 6 months old.

*Subclause (1) (d)* amends subsection (6) to provide that, in the circumstances specified in this subsection, such compensation as is prescribed by regulations shall be paid. At present the subsection provides that compensation of \$16 shall be paid.

*Subclauses (1) (e) and (1) (f)* amend subsection (6) to provide that compensation shall not be paid in respect of any animal that is less than 6 weeks old. At present the subsection provides that compensation shall not be paid in respect of any animal that is less than 6 months old and, where the animal is less than 12 months old, the amount of compensation payable shall be reduced by one half.

*Subclause (2)* amends section 53 (15) (which provides that regulations may be made for certain specified purposes). The effect of the amendment is that regulations may be made providing for the identification of cattle to be tested under section 53 and prescribing the means of such identification; and prescribing the amount of compensation payable under section 53 and any conditions relating to payment thereof. The amendment also provides for the backdating of regulations relating to compensation.

*Subclause (3)* provides that this clause shall be deemed to have come into force on 1 September 1976.

*Clause 5* inserts a new section 53A in the principal Act. The new section provides—

- (a) That if the Director-General has cause to believe that any cattle in a herd is affected with tuberculosis or brucellosis he may, by notice to the owner of the herd, declare the herd to be a movement controlled herd;
- (b) That every such declaration shall remain in force for 6 months, and may be renewed or revoked by the Director-General;
- (c) That the Director-General may require that, for the purposes of identification, the herd be marked (in such manner as the Director-General specifies) while the declaration is in force;
- (d) That every person commits an offence and is liable to a fine not exceeding \$1,000 who, without the written permission of the Director-General,—
  - (i) Knowingly removes any animal from, or (being the owner of the herd) permits any animal to leave, a movement controlled herd; or
  - (ii) Fails to comply with a requirement specified in the notice.

*Clause 6* substitutes a new section 55 in the principal Act (which requires the owner to dip or dust sheep). The section has been re-written to make it clear that every owner of sheep must ensure that all sheep owned by him are dipped or dusted at least once every 12 months. The maximum fine payable under the section has been increased from 20 cents per sheep to 50 cents per sheep.

*Clause 7* substitutes a new section 57 in the principal Act (which provides that an Inspector may require that sheep affected with lice or keds be dipped or treated). The new section is in similar terms to the present section except that—

- (a) Under the new section an Inspector may require that sheep affected with lice or keds be dipped (at present an Inspector can only require that such sheep be treated):
- (b) The new section provides that, where the sheep are not on land occupied by the owner of the sheep, the Inspector may specify the place at which the dipping or treatment shall be carried out:
- (c) The maximum fines payable under the section have been increased from \$100 to \$200.

*Clause 8* repeals section 58 of the principal Act (which provides that a person commits an offence if any sheep of his that are affected with lice are found in a public yard and he knows that the sheep are so affected) and inserts a new section 58 (which provides that sheep affected with lice or keds may be quarantined). The new section provides—

- (a) That any Inspector who is satisfied that any sheep in a flock is affected with lice or keds may, by notice to the owner thereof, declare the flock to be a quarantined flock:
- (b) That every such notice shall specify the land on which the flock shall be quarantined (which shall be the land on which the flock is usually depastured or other suitable nearby land) and any reasonable conditions of quarantine that the Inspector considers necessary:
- (c) That every such declaration shall remain in force until the flock is dipped or until an Inspector revokes it:
- (d) That the owner of a flock that has been declared to be a quarantined flock may appeal to the Chief Veterinary Officer against the declaration:
- (e) That every person commits an offence and is liable to a fine not exceeding \$200 who, without the written permission of an Inspector,—
  - (i) Knowingly moves any quarantined flock or part thereof from, or (being the owner thereof) knowingly permits the flock or part thereof to move from, the specified land; or
  - (ii) Fails to comply with any condition of the quarantine.

*Clause 9* amends the Second Schedule to the principal Act (which specifies the Second Schedule diseases) by omitting the word "mange" and by inserting the words "hydatids (as defined in the Hydatids Act 1968)".

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*Hon. Mr MacIntyre*

## ANIMALS AMENDMENT

### ANALYSIS

Title	5. Movement controlled herds
1. Short Title and commencement	6. Owner to dip or dust sheep
2. Control of importation of animals and prevention of introduction of disease	7. Notice to dip or treat sheep affected with lice or keds
3. Disease control place	8. Sheep affected with lice or keds may be quarantined
4. Control of tuberculosis and brucellosis	9. Second Schedule diseases

### A BILL INTITULED

#### An Act to amend the Animals Act 1967

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

1. **Short Title and commencement**—(1) This Act may be cited as the Animals Amendment Act 1976, and shall be read together with and deemed part of the Animals Act 1967\* (hereinafter referred to as the principal Act).
- 10 (2) Except as provided in section 4 (3) of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent.
2. **Control of importation of animals and prevention of introduction of disease**—(1) Section 12 (h) of the principal  
15 Act is hereby amended by inserting, after the word "garbage" in both places where it occurs, the words ", rubbish, and packing material".

\*1967, No. 50

Amendments: 1969, No. 50; 1974, No. 17

(2) Section 12 (m) of the principal Act is hereby amended by omitting the words "steam cleaning of vehicles", and substituting the words "disinfecting (by steam cleaning or otherwise as specified in the regulations) of vehicles, machinery, and equipment".

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**3. Disease control place**—(1) Section 32 (4) of the principal Act is hereby amended by omitting the word "fourteen" in both places where it occurs, and substituting in each case the expression "60".

(2) Notwithstanding subsection (1) of this section, where land has been declared to be a disease control place under section 32 of the principal Act before the day on which this section comes into force, the declaration shall remain in force for the period that it would have remained in force if subsection (1) of this section had not been enacted.

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**4. Control of tuberculosis and brucellosis**—(1) Section 53 of the principal Act (as amended by section 6 of the Animals Amendment Act 1969 and section 9 of the Animals Amendment Act 1974) is hereby further amended—

(a) By omitting from subsection (4) the words "manner and place of slaughter", and substituting the words "time within which the slaughter must be carried out and the manner and place thereof":

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(b) By omitting from subsection (5) the words "compensation amounting to the sum of sixteen dollars or such lesser sum as may be prescribed by regulations made under this Act in respect of any class or classes of cattle", and substituting the words "such compensation as is prescribed by regulations made under this Act":

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(c) By omitting from the first proviso to subsection (5) the word "months", and substituting the word "weeks":

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(d) By omitting from subsection (6) the words "compensation amounting to the sum of sixteen dollars", and substituting the words "such compensation as is prescribed by regulations made under this Act":

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(e) By omitting from the first proviso to subsection (6) the word "months", and substituting the word "weeks":

(f) By repealing the second proviso to subsection (6).

(2) Section 53 (15) of the principal Act (as amended by section 6 (3) of the Animals Amendment Act 1969) is hereby further amended—

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(a) By repealing paragraph (a), and substituting the following paragraph:

5           “(a) Providing that any cattle that is to be tested pursuant to this section or that is infected with brucellosis or tuberculosis shall be identified as such; and prescribing the means of such identification or providing that the Director-General may prescribe such means; and providing for matters incidental thereto:”:

10       (b) By adding the following paragraph:

15           “(d) Prescribing the amount of compensation payable by the Crown under subsections (5) and (6) of this section and any conditions relating to payment thereof; and any such regulations—

20           “(i) May prescribe different amounts in respect of different classes of cattle and different circumstances; and

25           “(ii) May provide that any average values, prices, or weights of cattle referred to in the regulations in relation to compensation may be fixed from time to time by the Minister; and

30           “(iii) May provide that they shall come into force or shall be deemed to have come into force on a date to be specified therein, whether that date is before or after the date of the making of the regulations.”

(3) This section shall be deemed to have come into force on the 1st day of September 1976.

35 **5. Movement controlled herds**—The principal Act is hereby amended by inserting, after section 53, the following section:

40       “53A. (1) If the Director-General has cause to believe or suspect that any cattle is affected with tuberculosis or brucellosis, he may, by notice to the owner of the herd, declare any herd of which the cattle usually forms part to be a movement controlled herd.

      “(2) Every declaration under subsection (1) of this section shall remain in force for 6 months, and may from time to time be renewed.

“(3) Any declaration under subsection (1) of this section may be revoked at any time by the Director-General by notice to the owner of the herd.

“(4) The Director-General may include in any notice declaring a herd to be a movement controlled herd a requirement that the owner of the herd ensure that such cattle in the herd as the Director-General specifies are, for the purposes of identification, marked (in such reasonable manner as the Director-General specifies in the notice) while the declaration is in force. 5 10

“(5) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who, while a declaration under subsection (1) of this section is in force,—

“(a) Knowingly removes any animal from, or (being the owner of the herd) knowingly permits any animal to leave, the herd to which the declaration relates (whether or not the animal was in the herd at the time the declaration was made); or 15

“(b) Being the person to whom the notice under subsection (1) of this section was addressed, fails to comply with a requirement included in that notice pursuant to subsection (4) of this section— 20

without the written permission of the Director-General or otherwise than in accordance with such conditions as may be specified by the Director-General in the written instrument granting the permission.” 25

**6. Owner to dip or dust sheep**—The principal Act is hereby amended by repealing section 55, and substituting the following section:

“55. (1) Every owner of sheep shall ensure that all sheep owned by him on each day have been dipped or dusted at least once during the period of 12 months preceding that day. 30

“(2) Every owner of sheep who fails to comply with subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding 50 cents for every sheep owned by him that has not been so dipped or dusted.” 35

**7. Notice to dip or treat sheep affected with lice or keds**—

(1) The principal Act is hereby amended by repealing section 57 (as amended by section 7 of the Animals Amendment Act 1969), and substituting the following section: 40

“57. (1) Any Inspector who is satisfied that any sheep in a flock is affected with lice or keds may, by notice to the owner of the flock, require the owner to—

“(a) Dip the flock; or

5 “(b) Treat the flock for the removal of the lice or keds, as the case may be, to the satisfaction of an Inspector—

not later than a date, and (where at the time of delivery of the notice the flock is not on land occupied by the person to whom the notice is addressed) at a place, specified in the notice:

10 “Provided that, if the Inspector is satisfied that all sheep in that flock are intended and fit for slaughter, he may postpone the giving of a notice for a period not exceeding 14 days.

15 “(2) Every person who fails to comply with any requirement specified in a notice to him under subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$200; and (where the failure was a failure to comply with a requirement to dip or treat the flock) if immediately after the date of that conviction the sheep are not treated to the satisfaction of an Inspector or dipped, as the case may be, that person commits a further offence and is liable on summary conviction to a further fine 20 not exceeding \$200; and, if immediately after the date of the second conviction the sheep are not treated to the satisfaction of an Inspector or dipped, as the case may be, an Inspector may cause the sheep to be so treated or dipped, as the case may be, at the expense of that person, and to this end may 25 take all steps necessary.

30 “(3) Where an Inspector incurs any expense in causing any sheep to be treated or dipped as aforesaid, the amount of that expense shall be recoverable as a debt due to the Crown from the person to whom the notice was addressed.”

35 (2) Section 7 of the Animals Amendment Act 1969 is hereby consequentially repealed.

**8. Sheep affected with lice or keds may be quarantined—**

The principal Act is hereby amended by repealing section 58, and substituting the following section:

40 “58. (1) Any Inspector who is satisfied that any sheep in a flock is affected with lice or keds may, by notice to the owner of the flock, declare the flock to be a quarantined flock.

“(2) Every notice under subsection (1) of this section shall specify—



“(a) The land on which the flock shall be quarantined, which shall be the land on which the flock is usually depastured or other suitable nearby land; and

“(b) Any reasonable conditions of quarantine that the Inspector considers necessary in the circumstances. 5

“(3) Every declaration of a flock as a quarantined flock shall remain in force until the flock is dipped to the satisfaction of an Inspector or until an Inspector revokes the declaration by notice to the owner of the flock. 10

“(4) The owner of a flock that has been declared to be a quarantined flock pursuant to subsection (1) of this section may appeal to the Chief Veterinary Officer against the declaration or any part thereof. The Chief Veterinary Officer may, by notice to the Inspector who issued the declaration 15 and the owner, confirm, vary, or revoke the declaration.

“(5) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200 who, while a declaration under subsection (1) of this section is in force,—

“(a) Knowingly moves the flock to which the declaration 20 relates or any part thereof from, or (being the owner of the flock) knowingly permits the flock or any part thereof to move from, the land specified pursuant to subsection (2) (a) of this section; or

“(b) Being the person to whom the notice under subsection (1) 25 of this section was addressed, fails to comply with any conditions of quarantine specified in that notice pursuant to subsection (2) (b) of this section—

without the written permission of an Inspector or otherwise 30 than in accordance with such conditions as may be specified by an Inspector in the written instrument granting the permission.”

**9. Second Schedule diseases**—The Second Schedule to the principal Act is hereby amended— 35

(a) By omitting the word “Mange”:

(b) By inserting, after the words “Heart water”, the words “Hydatids (as defined in the Hydatids Act 1968)”.