

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]
House of Representatives, 5 August 1991.

[Clauses 56 to 61 of, and the Schedule to this Bill were formerly clauses 56 to 61 of, and the Fifth Schedule to the Finance Bill (No. 2): 83-1]

Hon. Maurice McTigue

DOG CONTROL AND HYDATIDS AMENDMENT

ANALYSIS

Title	
1. Short Title	
56. National Hydatids Council dissolved	59. Objection to requirement of dog control officer
57. Functions of Director-General in relation to hydatids	60. Procedure
58. Recovery of certain costs associated with hydatids control	61. Savings Schedule

A BILL INTITULED

An Act to amend the Dog Control and Hydatids Act 1982

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title**—This Act may be cited as the Dog Control and Hydatids Amendment Act 1991, and shall be read together with and deemed part of the Dog Control and Hydatids Act 1982 (hereinafter referred to as the principal Act).

10 **56. National Hydatids Council dissolved**—(1) The National Hydatids Council established by section 3 (1) of the Hydatids Act 1959 and continued in existence by section 19 (1) of the principal Act is hereby dissolved.

15 (2) All rights, assets, liabilities, and debts that the said Council had immediately before the commencement of this Act shall be deemed to have become rights, assets, liabilities, and debts of the Minister.

(3) The principal Act is hereby consequentially amended—

(a) By repealing the definition in section 2 of the term “Council”; and

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(b) By repealing the heading “*National Hydatids Council*”, and sections 19, 21 to 28, 30, and 33.

57. Functions of Director-General in relation to hydatids—(1) Section 20 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection: 5

“(1) For the purposes of this Act, the Director-General shall have, as one of the general objects of the Director-General, the object of controlling, preventing, and eradicating hydatids.”

(2) Section 20 (2) of the principal Act is hereby amended by adding the following paragraphs: 10

“(h) To establish the qualifications required by dog control officers:

“(i) To examine people to establish whether or not they are competent to perform the duties of a dog control officer in relation to the control, prevention, and eradication of hydatids: 15

“(j) To give certificates that people are competent to perform those duties.”

(3) The said section 20 is hereby further amended by adding the following subsection: 20

“(4) The Director-General may—

“(a) Charge reasonable fees for examinations under subsection (2) (i) of this section or certificates under subsection (2) (j) of this section: 25

“(b) Refuse to examine a person or give a certificate unless the appropriate fee has been paid:

“(c) Remit or repay all or any part of a fee.”

(4) The principal Act is hereby consequentially amended in the manner indicated in the **Fifth** Schedule to this Act. 30

(5) Section 72 of the principal Act is hereby consequentially repealed.

58. Recovery of certain costs associated with hydatids control—Section 68 (2) of the principal Act is hereby amended by omitting the words “hydatids and the purged material from the dog has been found to contain”, and substituting the words “, and has been found to be infected with,”. 35

59. Objection to requirement of dog control officer—Section 71 (3) of the principal Act is hereby amended by omitting the words “the Council”, and substituting the words “a District Court”. 40

60. Procedure—(1) The principal Act is hereby amended by inserting, after section 71, the following section:

5 “71A. (1) Every appeal under section 71 (3) of this Act shall be brought, by originating application, not more than 28 days after the day on which the appellant receives notice of the requirements appealed against, or within such further period as the District Court may allow.

“ (2) In determining an appeal under section 71 (3) of this Act the District Court may—

10 “(a) Hear all evidence tendered and representations made by or on behalf of any party to the appeal, whether or not that evidence would be otherwise admissible in that Court; and

“ (b) Either—

15 “(i) Confirm, reverse, or modify the decision appealed against, and make such orders and give such directions to the dog control officer concerned as may be necessary to give effect to the Court’s decision; or

20 “(ii) Refer the matter back to the officer with directions to reconsider the whole or any specified part of the matter.

“ (3) An appeal under section 71 (3) of this Act shall be by way of rehearing.

25 “(4) Subject to this section, every such appeal shall be made and determined in accordance with the District Courts Act 1947 and the rules of Court made under that Act.

“ (5) The decision of the District Court shall be final.”

30 (2) Subsections (4) to (7) of section 71 of the principal Act are hereby consequentially repealed.

(3) Section 75 of the principal Act is hereby consequentially amended—

35 (a) By omitting from subsection (1) (b) the expression “or section 71 (6) or section 72 (4) of this Act”; and

(b) By omitting from subsection (2) (a) the expression “, or section 71 (6) or section 72 (4) of this Act”.

61. Savings—All—

40 (a) Qualifications fixed by the National Hydatids Council under section 9 (2) (a) of the principal Act; and

(b) Certificates given by the Council under section 9 (2) (b) of the principal Act; and

(c) Approvals (of plans for the control, prevention, and eradication of hydatids in a district) given by the Council under section 31 of the principal Act; and

(d) Decisions of the Council under section 69 (1) of the principal Act that a manner of dealing with dogs is acceptable; and

(e) Decisions of the Council under section 72 of the principal Act,—

shall continue in effect (until withdrawn or revoked under the principal Act, or spent) as if fixed, given, or made by the Director-General.

SCHEDULE

Section 57 (4)

CONSEQUENTIAL AMENDMENTS TO DOG CONTROL AND HYDATIDS ACT 1982

Provision	Amendment
<p>Section 9 (2) (a), section 9 (2) (b), section 9 (4) (wherever it occurs), section 9 (6) (where it secondly occurs), section 9 (7) (where it secondly occurs), section 9 (10) (where it secondly occurs), section 20 (2) (c), section 20 (3) (in both places where it occurs), section 29 (2), section 29 (4) (b), section 31 (wherever it occurs), section 32 (wherever it occurs), section 34 (1) (where it first, fourthly, fifthly, sixthly, and seventhly occurs), section 34 (2) (where it secondly occurs), section 34 (3) (where it first, secondly, and thirdly occurs), section 34 (4) (in both places where it occurs), section 69 (1) (a), section 73 (as amended by section 2 of the Dog Control and Hydatids Amendment Act 1982) (wherever it occurs), section 75 (3), section 78 (3), and section 80 (b). Section 9 (6)</p>	<p>By omitting the word "Council", and substituting the expression "Director-General".</p> <p>By omitting the words "Council may, by resolution," and substituting the words "Director-General may".</p>
<p>Section 9 (7), section 9 (8), section 9 (10), and section 10 (2) Section 20 (2)</p>	<p>By omitting the words "resolution of the Council", and substituting the words "decision of the Director-General".</p> <p>By omitting the words "The general functions of the Council shall be—", and substituting the words "For the purpose of attaining the general object described in subsection (1) of this section, the Director-General has the following general functions:".</p>
<p>Section 20 (2) (f)</p>	<p>By omitting the words "objects for which the Council is established", and substituting the words "general object specified in subsection (1) of this section".</p>

SCHEDULE—*continued*CONSEQUENTIAL AMENDMENTS TO DOG CONTROL AND HYDATIDS ACT
1982—*continued*

Provision	Amendment
Section 29 (1)	By omitting the words “a Secretary to the Council, such field advisory officers as may be necessary, and such other officers and employees as may be necessary to enable the Ministry of Agriculture and Fisheries to provide technical and administrative services to the Council and to enable the Council to exercise its functions, duties, and powers”, and substituting the words “such field advisory officers as may be necessary to enable the Director-General to exercise the Director-General’s functions, duties, and powers under this Act”.
Section 31 (2), section 31 (3), section 31 (4), and section 32 (1)	By omitting the word “it”, and substituting the words “the Director-General”.
Section 32 (1)	By omitting the word “its”, and substituting the word “the”.
Section 32 (4)	By omitting the words “Secretary of the”.
Section 34 (1), section 34 (2), section 34 (3), section 34 (5) (in each place where they occur), section 34 (6) (in each place where they occur), and section 34 (7)	By omitting the words “the Council”.
Section 79	By omitting the words “Council, acting with the approval of the Minister”, and substituting the expression “Director-General”.