

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 27 October 1960

Words struck out by the Committee of the Whole are shown in italics within bold round brackets or in roman enclosed in panel: words inserted are shown in roman underlined with a double rule, or with double rule down side.

Hon. Mr Skinner

STOCK AMENDMENT

ANALYSIS

Title	
1. Short Title	
2. Proclamation of stock disease emergency	
3. Possession of any organism causing disease	
	4. Tuberculin testing of town supply dairy cattle
	5. Tuberculin testing of other cattle
	6. Consignment notes for cattle and sheep

A BILL INTITULED

An Act to Amend the Stock Act 1908

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

1. Short Title—This Act may be cited as the Stock Amendment Act 1960, and shall be read together with and deemed part of the Stock Act 1908 (hereinafter referred to as the principal Act).

2. Proclamation of stock disease emergency—Section 17A of the principal Act, as inserted by section 5 of the Stock Amendment Act 1952, is hereby amended by revoking subsection (1), and substituting the following subsections:

“(1) For the purposes of this section the term ‘disease’ means—

“(a) Blue tongue, contagious bovine pleuro-pneumonia, Newcastle disease, rabies, rinderpest, sheep scab, and swine fever; and

“(b) Foot-and-mouth disease and every other vesicular disease affecting stock; and

“(c) Any other exotic disease affecting stock, whether or not the disease is a disease within the meaning of that term as it is defined in section 2 of this Act.

“(1A) If at any time it appears to the Governor-General that an outbreak of disease has occurred or is likely to occur in New Zealand or in any part or parts of New Zealand, the Governor-General may, by Proclamation approved in Executive Council, declare that a state of stock disease emergency exists throughout an area or areas comprising, according to the tenor of the Proclamation, the whole of New Zealand or such part or parts thereof as may be specified or defined in the Proclamation in that behalf.”

3. Possession of any organism causing disease—(1) The principal Act is hereby amended by repealing section 20, as substituted by subsection (1) of section 4 of the Stock Amendment Act 1959, and substituting the following section:

“20. (1) For the purposes of this section—

“‘Organism’ means any protozoan, fungus, bacterium, virus, or other organism or micro-organism which, if living, is capable of causing or transmitting any disease or, if dead, was so capable when living; and includes any culture, subculture, or other preparation of any such protozoan, fungus, bacterium, virus, organism, or micro-organism:

“‘Disease’ means any disease affecting stock, whether or not the disease is a disease within the meaning of that term as it is defined in section 2 of this Act.

“(2) No person shall, without the written permission of the Director-General of Agriculture, knowingly introduce any organism, or knowingly cause any organism to be introduced, into New Zealand.

“(3) Any person who is in possession of any organism shall—

“(a) Furnish in respect of the organism such particulars (including the potency thereof, the use being made of the same, and the manner in which it is being kept) as may from time to time be required by the Chief Inspector:

“(b) Comply with every requirement of any regulations that are made under this section and provide for the control of the keeping of organisms:

“(c) At the direction of any Inspector, destroy the organism, or cause it to be destroyed, or deliver it up to the Inspector for the purpose of being destroyed:

“Provided that no such direction shall be given without the approval of the Minister, who shall not give his approval unless he is satisfied that the destruction of the organism is necessary or desirable in the public interest.

“(4) The Governor-General may from time to time, by Order in Council, make regulations prohibiting or controlling the keeping of organisms, and prescribing the conditions under which organisms may be kept.

“(5) Every person commits an offence, and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred pounds or both, who—

“(a) Knowingly introduces, or knowingly causes to be introduced, into New Zealand, any organism in contravention of subsection (2) of this section; or

“(b) Knowingly has in his possession any organism introduced into New Zealand in contravention of subsection (2) of this section; or

“(c) Knowingly has in his possession any culture, sub-culture, or other preparation of any organism introduced into New Zealand in contravention of subsection (2) of this section.

“(6) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds who fails to comply with—

“(a) Any provision of any regulations made under subsection (4) of this section; or

“(b) Any of the provisions of subsection (3) of this section.”

(2) Subsection (1) of section 4 of the Stock Amendment Act 1959 is hereby consequentially repealed.

4. Tuberculin testing of town supply dairy cattle—(1) Section 35 of the Stock Amendment Act 1956 is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Each test shall be conducted by a Tuberculin Testing Officer or a Tuberculin Testing Technician.”

New

|| (1A) Section 35 of the Stock Amendment Act 1956 is hereby further amended by repealing subsections (4), (5), and (6), and substituting the following subsections:

“(4) Where any animal has been tested with the tuberculin test under or for the purposes of this section and has shown a positive reaction to the test, or where any Tuberculin Testing Officer, Tuberculin Testing Technician, or other Inspector is satisfied, otherwise than by reason of a tuberculin test, that any cattle referred to in subsection (1) of this section is affected with tuberculosis, the animal shall be condemned by a Tuberculin Testing Officer, Tuberculin Testing Technician, or other Inspector, as the case may be, and it shall be the duty of the owner thereof to cause the animal to be destroyed immediately in accordance with directions given at the time of condemnation by the Tuberculin Testing Officer, Tuberculin Testing Technician, or other Inspector, as the case may be.

“(5) Every animal so condemned shall be destroyed at the expense of its owner; and, when the animal has been so destroyed, the net amount received from the disposal of the carcass may be retained by the owner of the animal and there shall be paid by the Crown to the owner as compensation,—

“(a) In the case of an animal condemned as the result of a tuberculin test carried out under or for the purposes of this section, the sum of eight pounds:

“(b) In any other case, the sum of three pounds:

“Provided that no sum shall be so paid as compensation in respect of any animal that is less than one year old when it is condemned.

“(6) Nothing in sections 40 to 44 of the principal Act shall apply in respect of any animal condemned pursuant to this section.”

(2) Section 35 of the Stock Amendment Act 1956 is hereby further amended by inserting, after subsection (8), the following subsection:

“(8A) In this section—

“‘Tuberculin Testing Officer’ means an Inspector who is a registered veterinary surgeon, and any other registered veterinary surgeon appointed by the Minister to carry out tuberculin tests for the purposes of this section:

“‘Tuberculin Testing Technician’ means an Inspector who is appointed by the Minister as a Tuberculin Testing Technician, being an Inspector who is a full-time employee of the Department of Agriculture and is not a registered veterinary surgeon.”

New

(3) The Third Schedule to the Stock Amendment Act 1956 is hereby consequentially repealed.

(4) Subsections (1A) and (3) of this section shall be deemed to have come into force on the first day of September, nineteen hundred and sixty.

5. Tuberculin testing of other cattle—(1) Section 7 of the Stock Amendment Act 1958 is hereby amended by repealing subsection (1), and substituting the following subsection:

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“(1) The provisions of this section shall apply in every case where any cattle (other than cattle to which section 35 of the Stock Amendment Act 1956 applies) are tested or inspected by a Tuberculin Testing Officer or a Tuberculin Testing Technician.”

New

“(1) The provisions of this section shall apply in every case where cattle (other than cattle to which section 35 of the Stock Amendment Act 1956 applies) are—

- “(a) Tested or inspected by a Tuberculin Testing Officer or a Tuberculin Testing Technician; or
- “(b) Inspected by an Inspector who is neither a Tuberculin Testing Officer nor a Tuberculin Testing Technician.”

(2) Section 7 of the Stock Amendment Act 1958 is hereby further amended—

- (a) By inserting in subsection (2), after the words “Tuberculin Testing Officer”, the words “or a Tuberculin Testing Technician”.

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- (b) By omitting from subsection (2) the words “or to the satisfaction of any other Inspector”:
- (c) By omitting from subsection (3) the words “other Inspector”, and substituting the words “Tuberculin Testing Technician”.

New

- (b) By inserting, in subsection (3), after the words “Tuberculin Testing Officer”, the words “Tuberculin Testing Technician”:

- (d) By inserting in subsection (7), after the word “sells”, the words “or attempts to sell or offers for sale”.

(3) Section 7 of the Stock Amendment Act 1958 is hereby further amended by inserting in subsection (7), after the first proviso, the following proviso:

“Provided also that nothing in this subsection shall apply to any sale of any animal to the Crown for experimental or research purposes or to any attempt or offer to sell any animal to the Crown for any such purpose:”.

(4) Section 7 of the Stock Amendment Act 1958 is hereby further amended by inserting, after subsection (7), the following subsection:

“(7A) Every person who wilfully fails or neglects to carry out any directions given by a Tuberculin Testing Officer, *(or a Tuberculin Testing Technician pursuant to subsection (3))* Tuberculin Testing Technician, or other Inspector pursuant to subsection (3) of this section commits an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds”.

(5) Section 7 of the Stock Amendment Act 1958 is hereby further amended by inserting, after subsection (8), the following subsection:

“(8A) In this section—

“‘Tuberculin Testing Officer’ means an Inspector who is a registered veterinary surgeon, and any other registered veterinary surgeon appointed by the Minister to carry out tuberculin tests for the purposes of this section:

“‘Tuberculin Testing Technician’ means an Inspector who is appointed by the Minister as a Tuberculin Testing Technician, being an Inspector who is a full time employee of the Department of Agriculture and is not a registered veterinary surgeon.”

6. Consignment notes for cattle and sheep—(1) Section 9 of the Stock Amendment Act 1958 is hereby amended by omitting from subsection (1) the words “subsection eight”, and substituting the words “subsections (8) and (9)”.

(2) Section 9 of the Stock Amendment Act 1958 is hereby further amended by adding the following subsections:

“(9) The Chief Inspector of Stock may, on application made to him in that behalf and subject to such terms and conditions as he may think fit to impose, issue to any person, in a form provided for the purpose, a permit exempting that person from compliance (either generally or in any particular instance) with the provisions of subsection (1) of this section.

“(10) The provisions of subsection (5) of this section shall apply to every person to whom a permit is issued under subsection (9) of this section as if that person were the holder of a consignment note under this section.”