

## STOCK AMENDMENT BILL

### EXPLANATORY NOTE

THIS Act amends the Stock Act 1908.

*Clause 1* relates to the Short Title.

*Clause 2:* Section 19A of the principal Act, as inserted by section 6 of the Stock Amendment Act 1952, imposes restrictions on the importation into New Zealand of animals other than stock. With a view to extending the scope of the section, section 2 of the Stock Amendment Act 1955 substituted a reference to "cattle, sheep, horses, goats, dogs, and swine" for the reference to "stock" in subsection (1) (a) of the said section 19A. Consequential alterations in the references to "stock" in subsections (8), (10), and (11) were not made at the time. This clause makes these consequential alterations.

*Clause 3* makes it clear that any person may prosecute for an offence against the Stock Act 1908.

*Clauses 4 to 6:* Recent experience has shown that sections 21 to 23 of the Stock Amendment Act 1956 are defective in sheep-stealing cases where brands are wrongfully used or altered. The sections are being rewritten so as to remedy the defects and give effect to the spirit of the existing provisions.

*Clause 7:* Section 35 of the Stock Amendment Act 1956 makes provision for a scheme for the tuberculin testing of town supply dairy cattle and section 7 of the Stock Amendment Act 1958 makes provision for a scheme for the tuberculin testing of other cattle. The clause provides for the modification of the 1958 scheme and for the extension of the scheme as modified to all cattle. Under the scheme the Minister is empowered to declare any area to be one in which owners of cattle must submit their cattle for tuberculin testing. Outside these areas the tuberculin testing of cattle may be permitted on a voluntary basis within the limits of finance available. In both cases the time and manner of testing is to be at the discretion of the Director-General of Agriculture who is also empowered to order the slaughtering of any animal which he is satisfied is affected with tuberculosis, whether as the result of a tuberculin test or otherwise. Compensation at the rate of £8, or such lesser sum as may be prescribed by regulations, is payable on all animals so slaughtered.

*Hon. Mr Hayman*

## STOCK AMENDMENT

### ANALYSIS

Title	
1. Short Title	5. Wrongful removal of any portion of ear of cattle or sheep
2. Restriction on importation of mammals, etc.	6. Wrongful alteration of brand or approved mark
3. Persons entitled to prosecute	7. Tuberculin testing of cattle
4. Wrongful use of brands	

### A BILL INTITULED

#### An Act to amend the Stock Act 1908

5 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 1961, and shall be read together with and deemed part of the Stock Act 1908 (hereinafter referred to as the principal Act).

10 **2. Restriction on importation of mammals, etc.**—Section 19A of the principal Act (as inserted by section 6 of the Stock Amendment Act 1952) is hereby amended by omitting from subsections (8), (10), and (11) the word “stock”, wherever  
15 “cattle, sheep, horses, goats, dogs, and swine”.

**3. Persons entitled to prosecute**—Section 80 of the principal Act is hereby amended by omitting from subsection (1) the word “interested”.

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**4. Wrongful use of brands**—The Stock Amendment Act 1956 is hereby amended by repealing section 21, and substituting the following section:

“21. (1) Every person who marks any stock, other than a lamb under the age of two months, of which he is the owner with a brand that is not registered in his name, or with any mark which may be mistaken for or confused with any brand, commits an offence and is liable on summary conviction to a fine not exceeding ten shillings for every head of stock in respect of which the offence has been committed. 5 10

“(2) Except as provided by section 19 of this Act, every person who marks any stock of which he is not the owner with any brand, whether a brand which is registered in his name or otherwise, or with any mark which may be mistaken for or confused with any brand, commits an offence and is liable on summary conviction to a fine not exceeding two pounds for every head of stock in respect of which the offence has been committed.” 15

**5. Wrongful removal of any portion of ear of cattle or sheep**—The Stock Amendment Act 1956 is hereby further amended by repealing section 22, and substituting the following section: 20

“22. (1) Any person who, without just cause or excuse, removes any portion of the ear of any cattle or sheep, otherwise than by way of placing in the ear of the animal an earmark that is registered in his name or the age mark or the tag hole described in the First Schedule to this Act, commits an offence and is liable on summary conviction to a fine not exceeding ten pounds in respect of each head of cattle or sheep so treated: 25 30

“Provided that an owner of sheep may place a condemn or cull mark consisting of a cut not less than one and a half inches in length made with a knife in the ear of any sheep, the direction of the cut being from near the centre to the edge of the ear at or near the tip: 35

“Provided also that nothing in this section shall render it unlawful to place in the ear of any cattle or sheep any self-piercing eartag.

“(2) Any person who, for the purpose of placing in the ear of any cattle or sheep any earmark, or the age mark or the tag hole described in the First Schedule to this Act, employs any implement other than earmarker pliers, commits an offence and is liable on summary conviction to a fine not exceeding ten pounds in respect of each head of cattle or sheep so treated.” 40 45

6. **Wrongful alteration of brand or approved mark**—The Stock Amendment Act 1956 is hereby further amended by repealing section 23, and substituting the following section:

5 “23. (1) Every person who destroys or defaces, or who alters, whether by the addition of any component part or otherwise, the brand on any stock, or is party to the destruction, defacement, or alteration as aforesaid, commits an offence and is liable on conviction on indictment to a fine not exceeding one hundred pounds or to imprisonment for  
10 a term not exceeding two years or to both.

“ (2) Every person who destroys or defaces, or who alters, whether by the addition of any mark or otherwise, any age mark or tag hole in the ear of any sheep or cattle, or is party to the destruction, defacement, or alteration as aforesaid,  
15 commits an offence and is liable on conviction on indictment to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding two years or to both.

“ (3) Nothing in this section shall render it unlawful to place in the ear of any sheep an earmark pursuant to section  
20 18 of this Act or a condemn or cull mark pursuant to the first proviso to subsection (1) of section 22 of this Act or the age mark or the tag hole described in the First Schedule to this Act.”

7. **Tuberculin testing of cattle**—(1) Section 7 of the Stock  
25 Amendment Act 1958 is hereby amended by repealing subsections (1) to (3), and substituting the following subsections:

“ (1) The provisions of this section shall apply in every case where, for the purposes of this section, cattle are—

30 “ (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) Any owner of cattle may submit all his cattle for  
35 testing with the tuberculin test for the purposes of this section, and thereupon all the cattle of that owner shall, as often as and in such manner as may be required by the Director-General of Agriculture, be tested with the tuberculin test for the purposes of this section.

40 “ (2A) The Director-General of Agriculture may at any time determine that any cattle shall not be tested with the tuberculin test for the purposes of this section.

“(3) Where the Director-General of Agriculture is satisfied, whether by reason of a tuberculin test or otherwise, that any cattle to which this section applies is affected with tuberculosis, he may direct that the cattle shall be slaughtered and the manner and place of the slaughter. The cost of slaughtering the cattle shall be borne by the owner thereof at the time of slaughter.” 5

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

(a) By omitting from subsection (4) the words “so destroyed”, and substituting the word “slaughtered”: 10

(b) By omitting from paragraph (b) of subsection (4) the word “destroyed”, and substituting the word “slaughtered”:

(c) By omitting from the proviso to subsection (4) the words “one year old when it is condemned”, and substituting the words “six months old when it is directed by the Director-General of Agriculture to be slaughtered”: 15

(d) By omitting from subsection (5) the word “condemned”, and substituting the word “slaughtered”. 20

(3) Section 7 of the Stock Amendment Act 1958 is hereby further amended by repealing subsection (6), and substituting the following subsection:

“(6) Notwithstanding the provisions of subsection (2) of this section, the Minister may at any time, by notice in the *Gazette*, declare any area specified in the notice to be an area in which every owner of cattle shall, as often as and in such manner as he may be required so to do by the Director-General of Agriculture, submit the cattle for testing with the tuberculin test for the purposes of this section.” 25 30

(4) Section 7 of the Stock Amendment Act 1958 is hereby further amended by omitting from subsection (7) the words “has been condemned”, and substituting the words “the Director-General of Agriculture has directed shall be slaughtered”. 35

(5) Section 7 of the Stock Amendment Act 1958 is hereby further amended by repealing subsection (7A) (as inserted by subsection (4) of section 5 of the Stock Amendment Act 1960) and substituting the following subsection: 40

“(7A) Every person who fails or neglects to carry out any direction given by the Director-General of Agriculture pursuant to subsection (3) of this section, or who fails or neglects to comply with any requirement of the Director-General of  
5 Agriculture under subsection (2) or subsection (6) of this section, commits an offence and is liable on summary conviction to a fine not exceeding one hundred pounds.”

(6) The following enactments are hereby consequentially repealed:

- 10 (a) Section 35 of the Stock Amendment Act 1956:  
(b) Section 6 of the Stock Amendment Act 1959:  
(c) Subsections (1) and (4), and paragraphs (a) and (b) of subsection (2), of section 5 of the Stock Amendment Act 1960.