

1977/190



THE ANIMAL DISEASES PREVENTION (PORT AND AIRPORT FACILITIES) REGULATIONS 1977

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 26th day of July 1977

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Animals Act 1967, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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2. Interpretation</p> <p><i>Disposal of Refuse from Overseas Ships and Aircraft</i></p> <p>3. Restrictions on dumping of refuse
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6. Provision of amenities for incineration
7. Operation of incinerators
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10. Importation of vehicles, machinery, and equipment from specified countries</p> | <p>11. Certificates
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Animal Diseases Prevention (Port and Airport Facilities) Regulations 1977.

(2) These regulations shall come into force on the 1st day of August 1977.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“Act” means the Animals Act 1967:

“Airport” means an airport at which overseas aircraft customarily arrive in New Zealand:

“Authority” means—

(a) In relation to an airport, the airport authority for that airport under the Airport Authorities Act 1966; and

(b) In relation to a port, the Harbour Board for that port under the Harbours Act 1950:

“Container” means a container for the carriage of goods by land, sea, or air, being designed and used for the purposes of that method of carriage commonly known as the container trade:

“Overseas aircraft” or “aircraft” means any aircraft that arrives within the territorial limits of New Zealand, having commenced the flight of entry from a point outside those limits:

“Overseas ship” or “ship” means any ship that arrives within the territorial limits of New Zealand, having commenced the voyage of entry from a point outside those limits:

“Owner”, in relation to an overseas ship or overseas aircraft, includes every charterer of the ship or aircraft; and also includes every agent of the owner or charterer:

“Port” means any port for which there is a Harbour Board under the Harbours Act 1950:

“Refuse” means garbage, rubbish, or packing material.

(2) These regulations shall continue to apply to every overseas ship or overseas aircraft as long as it remains within the territorial limits of New Zealand.

Disposal of Refuse from Overseas Ships and Aircraft

3. Restrictions on dumping of refuse—No refuse shall be dumped or disposed of from an overseas ship or overseas aircraft within the territorial limits of New Zealand, except in accordance with these regulations.

4. Holding of refuse—No refuse on board an overseas ship or overseas aircraft within the territorial limits of New Zealand shall be held elsewhere than in receptacles that—

(a) Are approved for the purpose by the Director-General; and

(b) Are stored on board to the satisfaction of an Inspector.

5. Disposal of refuse—(1) An Inspector may at any time order the owner or master of an overseas ship or the owner or pilot in command of an overseas aircraft to dispose of any refuse that is on board the ship or aircraft within the territorial limits of New Zealand.

(2) No refuse shall be disposed of from an overseas ship or overseas aircraft within the territorial limits of New Zealand, except—

- (a) By incineration in facilities provided under regulation 6 of these regulations; or
- (b) By any other method approved by an Inspector.

6. Provision of amenities for incineration—(1) Every authority shall provide at its port or airport, to the satisfaction of the Director-General and on premises approved by him, the following facilities:

- (a) An incinerator for the disposal of refuse from overseas ships and overseas aircraft at the port or airport:
- (b) Sufficient receptacles of a suitable design, with securely latching lids, on board such ships for the storage of the refuse:
- (c) Means of conveyance of the refuse from such ships and aircraft to the incinerator:
- (d) The incidental equipment that is necessary to handle the refuse after it has left such ships and aircraft and before it is incinerated:
- (e) Protective clothing for the use of all persons who handle the refuse, or enter the premises in which the incinerator is situated in order to use it:
- (f) Storage facilities approved by an Inspector for the protective clothing referred to in paragraph (e) of this subclause; and separate storage facilities approved by an Inspector for other clothing so as to prevent its contamination by the protective clothing referred to in that paragraph:
- (g) Washing facilities, with hot and cold running water, for the use of the persons referred to in paragraph (e) of this subclause.

(2) Every authority shall fence, to the satisfaction of the Director-General, the premises in which its incinerator is situated and keep them free from weeds and vermin.

7. Operation of incinerators—(1) Every authority shall ensure that—

- (a) So far as it is necessary to do so to prevent the introduction of disease into New Zealand, all refuse from overseas ships and overseas aircraft at its port or airport is removed and conveyed to its incinerator (except as otherwise provided in regulation 5 (2) of these regulations);
- (b) So far as it is necessary to do so to prevent the introduction of disease into New Zealand, all other refuse that is in any area of its port or airport specified by an Inspector is removed and conveyed to its incinerator;
- (c) All refuse conveyed to its incinerator under paragraph (a) or paragraph (b) of this subclause is destroyed in a manner approved by the Director-General in the incinerator, within 24 hours after delivery to the incinerator, or within such longer period as the Director-General may in any case allow;
- (d) The premises in which the incinerator is situated, and all receptacles, vehicles, machinery, and equipment used in connection with the premises, are disinfected at the end of every day on which they are used and are in all other respects maintained in a clean and tidy condition to the satisfaction of an Inspector;

- (e) No liquid (other than a liquid that is disinfected by a method approved by an Inspector and then released into the sewage system) drains from the premises; and
 - (f) All protective clothing referred to in regulation 6 (1) (e) of these regulations is maintained in a clean condition to the satisfaction of an Inspector.
- (2) No person shall enter that part of the premises in which the incinerator or refuse or any equipment for the handling of the refuse is located unless he is wearing the protective clothing referred to in regulation 6 (1) (e) of these regulations.
- (3) Every person who wears protective clothing referred to in regulation 6 (1) (e) of these regulations shall remove that clothing after completing the work for which it is required, and leave it in the premises in which the incinerator is situated, in a place approved by an Inspector for the storage of such clothing until it has been cleaned.

8. Alternative facilities—The requirements referred to in regulation 6 (1) (b) and regulation 7 (1) (a) of these regulations shall not apply to refuse on board an overseas ship that is equipped with tanks for holding refuse that in the opinion of an Inspector are adequate for the purposes of these regulations to hold, without risk of the introduction of disease into New Zealand, all the refuse on board the ship, in any case where the refuse is held in those receptacles at all times while the ship is within the territorial limits of New Zealand, and is not disposed of until the ship is outside those limits.

Cleaning of Imported Vehicles, Machinery, and Equipment

9. Order by Inspector to disinfect imported vehicles, machinery, and equipment—Where, in the opinion of an Inspector, any vehicle, machinery, or other equipment brought into New Zealand has or may have come into contact, before being landed in New Zealand, with any animal, animal manure, animal product, or soil, he shall order the person by whom the vehicle, machinery, or other equipment is brought into New Zealand to have it disinfected in a manner approved by the Inspector so as to prevent the introduction of disease into New Zealand.

10. Importation of vehicles, machinery, and equipment from specified countries—Notwithstanding regulation 9 of these regulations, an Inspector shall not make an order under that regulation in respect of a vehicle where he is satisfied (by the production of a certificate approved by the Director-General or otherwise) that immediately before it was loaded in the last country of departure for transport to New Zealand, the vehicle was disinfected in that country in such a manner as to prevent the introduction of disease into New Zealand.

11. Certificates—For the purposes of regulation 10 of these regulations, the Director-General may from time to time approve the persons or classes of person who may give certificates, and the form of such certificates.

12. Provision of amenities for cleaning vehicles, machinery, and equipment—(1) Every authority shall provide at its port or airport, to the satisfaction of the Director-General and on premises approved by him,

facilities for the disinfection, so as to prevent the introduction of disease into New Zealand, of vehicles, machinery, and other equipment brought into New Zealand.

(2) The facilities shall include—

- (a) Adequate steam and vacuum cleaning equipment;
- (b) Sufficient electrical supply outlets;
- (c) A hoist or ramp that enables access to all parts of vehicles, machinery, and other equipment; and
- (d) Hot running water, detergent of a kind approved by the Director-General, and disinfectant, in sufficient quantities and suitable for the disinfection of vehicles, machinery, and other equipment, so as to prevent the introduction of disease into New Zealand.

13. Operation of cleaning facilities—In the operation of its cleaning facilities provided in accordance with regulation 12 of these regulations, every authority shall ensure that—

- (a) No liquid (other than a liquid that is disinfected by a method approved by an Inspector and then released into the sewage system) drains from the premises;
- (b) All solid dry matter that is removed from any vehicle, machinery, or other equipment during the process of disinfecting is collected and disposed of to the satisfaction of an Inspector; and
- (c) The facilities, the premises in which they are situated, and all equipment used in connection with the facilities, are maintained in a clean and tidy condition to the satisfaction of an Inspector.

Cleaning of Containers

14. Restrictions on importation of containers—No person shall bring a container into New Zealand, except at a port or airport having facilities for the time being approved by the Director-General under regulation 17 of these regulations.

15. Notice to Inspector of importation of contaminated containers—
(1) No person shall bring a container into New Zealand unless it is accompanied by a certificate signed by the owner of the container or his agent that the interior of the container is clean so as to prevent the introduction of disease into New Zealand.

(2) Where any container is brought into New Zealand that—

- (a) Is not accompanied by the certificate referred to in subclause (1) of this regulation; or
- (b) Is unclean on its exterior—

the operator by whom the container is landed at the port or airport at which it arrives in New Zealand shall immediately notify an Inspector of that fact.

(3) In this regulation, “operator” means the company or other person who is responsible for landing the container at the port or airport at which it arrives in New Zealand.

16. Order by Inspector to clean contaminated containers—Where in the opinion of an Inspector, any container brought into New Zealand is unclean either inside or outside, he shall order the person by whom the container is brought into New Zealand to have it cleaned forthwith in a manner approved by the Inspector so as to prevent the introduction of disease into New Zealand.

17. Approval of amenities for cleaning containers—The Director-General may approve any cleaning facilities for containers at a port or airport where he is satisfied that—

- (a) The facilities are located in a suitable place;
- (b) There is a sufficient supply of hot running water, and detergent of a kind approved by the Director-General, at the facilities for cleaning purposes;
- (c) There is proper provision at the facilities for drainage and the disposal of waste matter;
- (d) Proper measures are taken at the facilities for the prevention of contamination caused by their operation;
- (e) The facilities are adequately fenced; and
- (f) Such other measures (if any) are taken at the facilities as he reasonably considers to be necessary to prevent the introduction of disease into New Zealand.

Miscellaneous Provisions

18. Charges—An authority may impose reasonable charges for the use of any facilities and services provided by it under any of regulations 6, 7, 12, and 13 of these regulations, or approved under regulation 17 of these regulations, in order to recover the costs of providing such facilities and services, and may recover such charges as debts due to it by the persons using such facilities and services, in any Court of competent jurisdiction.

19. Exemptions—(1) The Director-General may from time to time, by notice in the *Gazette*, exempt an authority wholly or partly from any requirement of regulations 6, 7 (1), 12, and 13 of these regulations, on such conditions (if any) as he may specify in the notice, where he is satisfied that—

- (a) Because of the infrequent use of its port or airport by overseas ships or overseas aircraft; or
 - (b) By reason of accident or any other sufficient cause—
- it is impracticable for the authority to comply with that requirement.

(2) The Director-General may from time to time, by notice in the *Gazette*, exempt any class of overseas ship or overseas aircraft, from any requirement of regulations 3 to 8 (inclusive) of these regulations, on such conditions (if any) as he may specify in the notice, where he is satisfied that such exemption can be granted without risk of the introduction of disease into New Zealand by such ship or aircraft.

20. Offences—(1) Where any provision of any of regulations 3, 4, and 5 of these regulations is contravened or not complied with in respect of an overseas ship, the owner and the master of the ship each commit an offence against these regulations.

(2) Where any provision of any of regulations 3, 4, and 5 of these regulations is contravened or not complied with in respect of an overseas aircraft, the owner and the pilot in command of the aircraft each commit an offence against these regulations.

(3) Every authority that contravenes or fails to comply with any provision of any of regulations 6, 7 (1), 12, and 13 of these regulations commits an offence against these regulations.

(4) Every person who—

(a) Contravenes or fails to comply with any provision of any of regulations 3, 4, 5 (2), 7 (2), 7 (3), 14, and 15 of these regulations; or

(b) Contravenes or fails to comply with any order given to him by an Inspector under any of regulations 5 (1), 9, and 16 of these regulations; or

(c) Signs or gives for any purpose of these regulations any certificate the contents of which he knows to be untrue—
commits an offence against these regulations.

(5) Every owner or master of an overseas ship, or owner or pilot in command of an overseas aircraft, or authority, or other person, who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$1,000.

21. Revocations—The following regulations are hereby revoked:

(a) The Stock Importation Amending Regulations 1960*:

(b) The Animal Diseases Prevention (Port and Airport Facilities) Regulations 1966†.

P. G. MILLEN,
Clerk of the Executive Council.

*S.R. 1960/90
†S.R. 1966/166

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are intended to provide for the prevention of the introduction of animal disease into New Zealand from overseas ships and aircraft.

They replace the Stock Importation Amending Regulations 1960 and the Animal Diseases Prevention (Port and Airport Facilities) Regulations 1966; and deal with the following matters:

(a) The provision by harbour boards and international airport authorities of facilities for the disposal of refuse and the cleaning of vehicles, machinery, other equipment; and the approval of facilities at ports and airports at which containers may be brought into New Zealand:

(b) The disposal of refuse brought into New Zealand by ships and aircraft from abroad:

(c) The inspection, disinfection, and cleaning of vehicles, machinery, equipment, and containers brought into New Zealand, so as to prevent the introduction of animal disease into New Zealand.

The regulations will come into force on 1 August 1977.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 July 1977.

These regulations are administered in the Ministry of Agriculture and Fisheries.