



THE TOKELAU ANIMALS REGULATIONS 1991

—

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 21st day of January 1991

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Tokelau Act 1948, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

—

ANALYSIS

- | | | |
|---|----------|---|
| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Administrator may importation of animals 4. Publication of notices 5. Inspectors 6. Rights of entry and search 7. Powers of Inspectors | prohibit | <ol style="list-style-type: none"> 8. Destruction of animals, etc. 9. Compensation 10. Protection of Inspectors, etc. 11. Offences 12. Offences relating to treatment of animals 13. Revocation |
|---|----------|---|

—

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Tokelau Animals Regulations 1991.

(2) These regulations shall come into force on the 1st day of March 1991.

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

“Administrator” means the Administrator of Tokelau:

“Animal”—

(i) Means any living stage of any member of the animal kingdom; and

(ii) Includes mammals, birds, amphibians, fish, reptiles, insects, and any other multicellular organism that is not a plant or a fungus; but

(iii) Does not include human beings:

“Animal product” means any product that is wholly or partly derived from an animal or any part of an animal, or from the whole or any part of a carcass; and includes—

(i) Any part of an animal:

(ii) The whole or any part of a carcass:

(iii) The egg or semen of any animal:

(iv) Animal manure:

“Carcass” means the carcass or dead body of an animal:

“Contaminated material” means any material that has had direct or indirect contact or association with, or has been in the vicinity of, any animal, or animal product:

“Director of Agriculture” means the person holding the office of Director of Agriculture in the Tokelau Public Service:

“Import into Tokelau” includes to take or send from one island of Tokelau to another island of Tokelau; and “importation into Tokelau” has a corresponding meaning:

“Inspector” means any person designated as an Inspector under regulation 5 of these regulations; and includes the Director of Agriculture, a Puluenuku, or a constable.

(2) For the purposes of these regulations, the terms “animal product” and “contaminated material” do not include any animal product or contaminated material that has been shown to the satisfaction of the Director of Agriculture to be free from any disease and from carrying any disease.

3. Administrator may prohibit importation of animals—(1) For the purpose of preventing the introduction into Tokelau, or the spread within Tokelau, of any disease (whether of animals, humans, plants, or otherwise), or any animal that has noxious or undesirable characteristics or is likely to become a nuisance, the Administrator may from time to time, by notice published in accordance with regulation 4 of these regulations, prohibit or restrict the importation into Tokelau, either generally or from any specified region, country, or place of origin, of—

(i) All animals, or one or more kinds of animals:

(ii) All animal products, or one or more kinds of animal products:

(iii) All contaminated material, or contaminated material of one or more kinds.

(2) Without limiting the generality of subclause (1) of this regulation, any notice issued under that subclause may prescribe conditions for the importation into Tokelau of any animal, animal product, or contaminated material, including conditions specifying, either generally or in any particular case, any quarantine arrangements that are to apply in respect of any such importation.

4. Publication of notices—(1) A copy of every notice issued under regulation 3 of these regulations—

- (i) Shall, as soon as practicable after it is issued, be publicly notified at the Office for Tokelau Affairs at Apia in Western Samoa, and at the Administration Office of each village in Tokelau; and
- (ii) Shall be printed in Tokelauan and in English in the first available issue of *Te Vakai* published after the issuing of the notice.

(2) Every notice under regulation 3 of these regulations shall come into force on the date specified for that purpose in the notice, but no such notice shall come into force until a copy of that notice is publicly notified in accordance with subclause (1) (i) of this regulation.

(3) Any notice under regulation 3 of these regulations may be in like manner amended or revoked at any time.

5. Inspectors—(1) The Official Secretary may from time to time, for the purposes of these regulations, designate any member of the Tokelau Public Service as an Inspector, and may at any time revoke any such designation.

(2) The Official Secretary shall issue to every person designated as an Inspector under subclause (1) of this regulation an identification card identifying the holder as an Inspector.

(3) Every identification card shall be signed by the Official Secretary, and shall contain the full name of, and be signed by, the person to whom it is issued.

(4) Every person who ceases to hold office as an Inspector shall forthwith return to the Official Secretary the identification card issued under this regulation.

6. Rights of entry and search—(1) Subject to subclause (2) of this regulation, for the purposes of these regulations an Inspector may, at any time between sunrise and sunset, enter and search any dwellinghouse, building, aircraft, ship, premises, or place.

(2) Every Inspector shall, when entering any dwellinghouse, building, aircraft, ship, premises, or place, and at any other time when required to do so by the owner or occupier of that dwellinghouse, building, premises, or place, or by that person's representative, agent, or employee, or by the owner or person for the time being in charge of that aircraft or ship as the case may require,—

- (i) Inform such persons of the Inspector's name and official designation, the authority under which the Inspector is acting, and the power or powers that the Inspector is exercising; and
- (ii) At the request of any such person, produce the identification card issued to the Inspector under regulation 5 of these regulations, or evidence that the person is the Director of Agriculture or a constable or a Puluenuku, as the case may require.

7. Powers of Inspectors—Every Inspector may, for the purposes of these regulations, detain, open, inspect, examine, sample, submit for diagnostic examination, direct reshipment, direct removal to a quarantine area, remove for treatment, treat, quarantine, or disinfect any animal, animal product, contaminated material, package, packing material, article of luggage, or other thing, in such manner as the Inspector thinks fit.

8. Destruction of animals, etc.—An Inspector may, in accordance with any directions issued by the Director of Agriculture, destroy or otherwise dispose of—

- (i) Any animal, animal product, or contaminated material where the Inspector believes, on reasonable grounds, that the animal, animal product, or contaminated material has been imported into Tokelau in contravention of these regulations:
- (ii) Any diseased animal:
- (iii) Any material that has had direct or indirect contact or association with, or has been in the vicinity of, any diseased animal, unless that material has been freed from all diseases.

9. Compensation—Where any animal (not being an animal that has been imported into Tokelau in contravention of these regulations) is destroyed or disposed of by an Inspector pursuant to regulation 8 of these regulations, the Administrator shall—

- (i) Pay to the owner of the animal so destroyed or disposed of such compensation for the loss of that animal as the Administrator considers reasonable; and
- (ii) Refund to that owner any charges paid to the Tokelau Administration in respect of the transport or quarantine of that animal where such charges were incurred within the period of 10 days immediately preceding the date on which the animal was destroyed or disposed of.

10. Protection of Inspectors, etc.—No proceedings, civil or criminal, shall lie against any Inspector, or against the Administrator or any employee or agent of the Tokelau Administration, or against the Government of New Zealand or any of its employees or agents, in respect of anything done or omitted in the exercise or performance in good faith of any function, duty, or power under these regulations.

11. Offences—Every person commits an offence and is liable on conviction to a fine not exceeding \$150 who—

- (i) In contravention of any notice issued under regulation 3 of these regulations, imports into Tokelau any animal, animal product, or contaminated material; or
- (ii) Imports into Tokelau any animal, animal product, or contaminated material otherwise than in accordance with any condition under which that animal, animal product, or contaminated material may, under any notice issued under regulation 3 of these regulations, be imported into Tokelau; or
- (iii) Lands in Tokelau any animal, animal product, or contaminated material other than at a place and in a manner that is authorised by an Inspector; or
- (iv) Obstructs an Inspector in the performance of that Inspector's duties under these regulations.

12. Offences relating to treatment of animals—Every person commits an offence and is liable on conviction to a fine not exceeding \$150 who,—

- (i) By any act or omission, wilfully inflicts upon any animal any pain, suffering, or distress that, in its kind or degree, or in its object, or in the circumstances in which it is inflicted, is unreasonable or unnecessary; or
- (ii) Being the owner or person in charge of any animal, fails to supply the animal with proper or sufficient food, water, or shelter; or

- (iii) Being the owner or person in charge of any animal, without reasonable excuse neglects the animal so that it suffers unreasonable or unnecessary pain, suffering, or distress; or
- (iv) Conveys or carries any animal in such manner or position so that it suffers unreasonable or unnecessary pain, suffering, or distress; or
- (v) Uses wire for the purposes of tethering any animal; or
- (vi) For any period that is unreasonable in the circumstances, keeps any animal tied up or closely confined.

13. Revocation—The Ordinance of the Gilbert and Ellice Islands Colony entitled the Importation of Dogs Ordinance 1919* (No. 3 of 1919), together with any amendments to that ordinance, shall, after the commencement of these regulations, cease to have effect as part of the law of Tokelau.

MARIE SHROFF,
Clerk of the Executive Council.

**Western Pacific High Commission Gazette 1919, p 63*

EXPLANATORY NOTE

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

These regulations, which come into force on 1 March 1991, relate principally to the importation of animals and animal products into Tokelau.

The main effect of the regulations is to empower the Administrator to prohibit, either absolutely or subject to conditions, the importation into Tokelau of animals, animal products, and any material that has been in contact with animals.

Various powers are conferred on Inspectors to enforce the regulations, including powers of search and seizure, and the power to destroy diseased animals.

The regulations also create various offences relating to cruelty to animals.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 24 January 1991.

These regulations are administered in the Ministry of External Relations and Trade.