

1969/279



THE ZOOLOGICAL GARDENS REGULATIONS 1969

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 15th day of December 1969

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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Zoological Gardens Regulations 1969.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

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

“Approved” means approved by the Chief Veterinary Officer or by an Inspector authorised by him:

“Farm animals” means cattle, sheep, horses, domestic swine, goats, dogs, poultry within the meaning of the Poultry Act 1968, and other animals normally found on farms in New Zealand:

“Operator”, in relation to a circus or other zoological garden, means the owner, body corporate, trustees, or person in charge of the circus or other zoological garden, being in the case of a zoological garden registered under these regulations the owner, body corporate, trustees, or person whose name appears in the certificate of registration in respect thereof:

“Pet animal” means any cat, dog, canary, budgerigar, or fish, or any other animal of a kind which the Director-General, by notice in the *Gazette*, for the time being approves as pets for the purposes of these regulations; but does not include any monkey or any imported animal other than aviary birds from approved countries, imported fish, or a cat or dog imported from the United Kingdom or Australia:

“Zoological garden” means any zoological garden class A, and any zoological garden class B, within the meaning of the Animals Act 1967.

(2) Other terms and expressions defined in the Animals Act 1967 shall, when used in these regulations, have the meanings so defined unless the context otherwise requires.

3. Registration of zoological gardens—(1) Any body corporate, trustees, or other person keeping or intending to keep live animals for exhibition or entertainment at any place or premises to which the public have access and whether or not a charge is made for admission shall—

(a) Apply to the Director-General for registration of the place or premises as a zoological garden if it is not for the time being so registered:

(b) Apply to the Director-General before the 30th day of June in each year for re-registration of the place or premises as a zoological garden if it is for the time being so registered:

Provided that registration and an application for registration shall not be necessary in any of the cases specified in the Schedule to these regulations.

(2) Every application for registration or re-registration as a zoological garden shall be made on a form provided for the purpose by the Director-General and shall be accompanied by the prescribed fee and such other supporting documents as are required by these regulations.

(3) In any case where the Director-General considers that it is unnecessary to register a zoological garden class B, he may waive the registration thereof either unconditionally or subject to compliance with such conditions as the Director-General may specify.

(4) The registration of a zoological garden shall be evidenced by a certificate of registration issued by the Director-General or by an Inspector authorised by him.

4. Transfer of registration—The Director-General may, in his absolute discretion and on payment by the applicant of the prescribed fee, transfer the registration of a zoological garden from one operator to another. Each such transfer shall be subject to the issue of a new certificate of registration, and shall be subject to compliance with the conditions specified in the new certificate of registration.

5. Keeping of absolutely protected animals and noxious animals—

(1) Where any animal which it is proposed be kept in a zoological garden is—

(a) A member of a species that is absolutely or partially protected under the Wildlife Act 1953 or game for the purposes of that Act; or

(b) A noxious animal within the meaning of the Noxious Animals Act 1956—

the Director-General shall not issue a certificate of registration unless and until the operator has obtained every licence and permit required by those Acts for the keeping of the animal in captivity.

(2) Where animals subject to the provisions of subclause (1) of this regulation are the only animals being kept in captivity and the

operator holds the required permit for keeping the animals in captivity, the Director-General may waive the requirement of registration as a zoological garden class B.

6. Certificate as to compliance with bylaws—An application for registration of a zoological garden other than a travelling circus shall have attached to it a note in writing from the clerk of the city council, borough council, town council, county council, or road board in whose district the zoological garden is situated or is proposed to be situated stating that the setting up of the zoological garden is not contrary to any local bylaw or contrary to any Act enforceable in the district and that the numbers and kind of animals it is proposed to keep in the zoological gardens are approved by the council or board.

7. Certificate of registration as a zoological garden—(1) Every certificate of registration as a zoological garden shall be on the form provided for the purpose by the Director-General and, in addition to the requirements of these regulations, may include such additional conditions relating to the particular registration as the Director-General thinks fit.

(2) Every certificate of registration shall specify the numbers and kinds of animals which may be kept in the particular zoological garden:

Provided that no greater number shall be specified in relation to a zoological garden (other than a travelling circus) than any maximum number specified by the council or board in whose district the zoological garden is situated.

(3) Every certificate of registration as a zoological garden shall remain in force for such time as may be stated in the certificate or until it is revoked or surrendered, and it may from time to time be renewed.

8. Director-General may refuse to grant certificate of registration—If the Director-General is satisfied that the registration of a particular zoological garden would not be in the interests of public health or of the health and well being of the animals to be kept therein, he may refuse to grant a certificate of registration.

9. Variation of conditions relating to registration—The Director-General may at any time cancel an existing certificate of registration as a zoological garden and issue a new certificate incorporating amended conditions.

10. Cancellation or suspension of registration—The Director-General may cancel or suspend any certificate of registration, if—

- (a) The operator fails to comply with the provisions of these regulations, or any condition of the certificate of registration; or
- (b) The continued operation of the zoological garden presents a risk to public health or a risk of the spread of any disease within the meaning of the Animals Act 1967 or any other sickness affecting animals.

11. Consequences of failure to apply for registration and of cancellation, suspension, or refusal to grant registration—(1) In any case where default has been made in applying for the registration of a zoological

garden or where the registration of a zoological garden expires or is cancelled or suspended or refused—

- (a) The operator shall cause the zoological garden to be closed to the public and to all persons other than Inspectors, registered veterinary surgeons, the operator, his family, and his employees:
- (b) The Director-General may order the sale, slaughter, transfer, or other disposal of any or all of the animals in the zoological garden:
- (c) Any such sale, slaughter, transfer, or other disposal shall be at the expense of the operator, and any expense incurred by the Director-General shall be recoverable from the operator as a debt due to the Crown:
- (d) No compensation shall be payable to the operator or other person for any loss occasioned by the cancellation or suspension or refusal of registration or the sale, slaughter, transfer, or other disposal of any animal.

(2) When a certificate of registration has been cancelled or suspended in terms of paragraph (b) of regulation 10 hereof, the Director-General may direct that—

- (a) The operator shall employ a registered veterinary surgeon to inspect and treat any animals in the zoological garden:
- (b) The land, buildings, pens, cages, and other enclosures used for containing animals shall be subjected to such cleaning, disinfection, and other treatment as the Chief Veterinary Officer considers necessary to prevent the spread of disease.

12. Lifting of suspension—(1) When the defects or circumstances which gave rise to the suspension of a licence under regulation 10 hereof have been remedied or no longer exist, the Director-General shall notify the operator that the suspension has been terminated.

(2) On receipt of such a notification, the zoological garden may be reopened.

13. Registration to lapse in certain cases—When a registered zoological garden is no longer required to be registered under these regulations because—

- (a) The animals to which the registration certificate relates are no longer being kept for public exhibition; or
- (b) The premises are sold to another occupier without a transfer of the licence,—

the registration of the garden shall be deemed to have lapsed and the certificate of registration shall be deemed to have been cancelled.

14. General conditions applying to all zoological gardens including travelling circuses and theatres—(1) The land and premises used for a zoological garden and their contents and all animals therein shall be subject to the provisions of the Animals Act 1967 and any regulations made thereunder.

(2) All animals in a zoological garden shall be subject to such veterinary inspections and diagnostic tests as the Chief Veterinary Officer may from time to time require.

(3) The operator of a zoological garden shall have established within the zoological garden approved quarantine facilities for the segregation and treatment of sick animals.

(4) The operator of a zoological garden shall be responsible for the animals therein being kept at all times in approved pens, cages, or other enclosures properly designed to prevent their escape, and shall ensure that the pens, cages, or other enclosures are of a size, design, and construction that in the opinion of an Inspector are adequate for the health and well being of the animals.

(5) A zoological garden shall at all times be under the supervision of the operator or his agent, who shall ensure that:

(a) The pens, cages, and other enclosures containing animals and the premises generally are kept clean and sanitary to the satisfaction of an Inspector:

(b) The animals are adequately fed, watered, and otherwise competently managed to keep them in a healthy condition:

(c) The operator shall forthwith report any outbreak of a disease or sickness in an animal to a registered veterinary surgeon, and shall do all such things and follow such treatments as that veterinary surgeon may require or direct:

(d) The operator of a zoological garden shall forthwith report the escape therefrom of any animal to an Inspector and the Police, and shall take all possible steps to capture or destroy the animal.

(6) Where animals are slaughtered on a zoological garden as food for other animals kept therein—

(a) No part of the zoological garden and no facilities therein shall be used for slaughtering until it is approved:

(b) The area of the zoological garden set aside for the grazing or holding of animals until slaughter shall be a separate approved enclosure adequate to ensure that those animals are completely segregated from animals to which the certificate of registration relates:

(c) No animal obviously diseased or suspected of being diseased shall be slaughtered for food for other animals or be introduced into the zoological garden:

(d) The operator shall maintain a register setting out the numbers and kinds of animals held for slaughter, the dates on which they were introduced, the source from which they were obtained, and the date of slaughter:

(e) No carcass or part of any animal slaughtered within the zoological garden shall be removed from or permitted to be moved therefrom except for incineration or destruction in terms of an approval given by the Chief Veterinary Officer.

(7) No meat may be introduced into a zoological garden as food for animals unless it has been slaughtered in premises licensed, registered, or approved under the Meat Act 1964 or regulations thereunder, or registered under the Health Act 1956 for the purpose of the slaughtering of animals otherwise than for human consumption.

(8) Nothing in this regulation shall affect the provisions of the Health Act 1956.

15. Prohibition on entry of other animals—(1) The operator of a registered zoological garden shall ensure that no animal not being an animal of the kind and within the number specified in the certificate of registration, is permitted to enter the zoological garden.

(2) To prevent the accidental entry of any animal into a zoological garden the operator shall cause the premises to be enclosed by an approved perimeter fence and gates.

(3) The operator shall display prominently at all times a notice on all entrances to the zoological garden warning that dogs and other pet animals shall not be brought within the premises; and if he finds an animal on the premises other than those belonging to the zoological garden, he shall place it in an approved quarantine area, inform an Inspector immediately, and dispose of it as directed by an Inspector.

(4) It shall be an offence against these regulations for any person without the written authority of the Chief Veterinary Officer or an Inspector authorised by him to bring any animal into a zoological garden.

16. Requirements as to records—(1) The operator of a zoological garden shall keep and maintain a register setting out:

- (a) The numbers and kinds of animals on the premises;
- (b) Particulars of the origin and date of acquisition of each animal;
- (c) Particulars as to the death of any animal;
- (d) Copies of written approvals given by the Chief Veterinary Officer covering any animal sold or transferred temporarily or permanently from the zoological garden;
- (e) The report required under paragraph (i) of regulation 18 of these regulations.

(2) The register shall be open for inspection at all reasonable times by an Inspector who may take any copies or extracts therefrom as he thinks fit.

17. Prohibition on sale or transfer of animals—No animal that is being kept in a zoological garden may be sold or transferred therefrom, whether to another zoological garden or otherwise and either temporarily or permanently, without the written approval of the Chief Veterinary Officer or an Inspector authorised by him, who may in that approval specify such conditions governing the sale or transfer as he thinks fit:

Provided that, where a zoological garden holds animals that the operator no longer wishes to retain, they may not be sold or disposed of to any person in New Zealand other than the operator of a zoological garden class A or of an animal circus registered as a zoological garden class B.

18. Special conditions relating to zoological gardens class A—In addition to the general conditions relating to zoological gardens specified in these regulations, the following conditions shall apply to zoological gardens class A:

- (a) Every such garden shall be situated at or adjacent to a port at which overseas animals are permitted to be imported;
- (b) Every such garden shall be under the control of a body corporate or of trustees:

- (c) In addition to the requirements of subclause (3) of regulation 14 hereof, a part of the premises to which the public have no access shall be set aside as an approved quarantine area for the reception and isolation of imported animals:
- (d) The premises, yards, pens, cages, fittings, and other furnishings in the quarantine area shall not be used for quarantine purposes unless they are approved by the Chief Veterinary Officer or an Inspector authorised by him as being suitable for quarantine purposes:
- (e) Facilities shall be provided for the incineration of all manure and litter from the quarantine area and for otherwise disposing of all such material so that the Chief Veterinary Officer is satisfied that the spread of disease is prevented:
- (f) All drainage of animal urine and washings from pens, cages, and enclosures containing animals shall be in accordance with any requirements of the city council, borough council, town council, county council, or road board in whose district the zoological garden is situated, and as approved by the Chief Veterinary Officer, who shall not grant his approval until he is satisfied that the drainage is adequate to prevent the spread of disease within the meaning of the Animals Act 1967 and any other sickness affecting animals:
- (g) A high-pressure water supply shall be provided for cleaning purposes:
- (h) The operator shall comply with all directions which the Chief Veterinary Officer may from time to time give relating to the removal and treatment of manure, litter, and the carcasses of animals that have died.
- (i) The operator shall employ in an honorary capacity or otherwise a registered veterinary surgeon whose name shall be advised to the Chief Veterinary Officer and who shall be required to examine regularly all animals to ensure that they are free from disease, and shall endorse the register required to be kept by regulation 16 hereof with his name and the date of each examination, and record therein or append thereto copies of his reports, including diagnostic reports on sickness or death of any animal.

19. Special conditions relating to circuses—(1) No circus or animal theatre, whether permanently based in New Zealand or overseas, shall operate within New Zealand, unless it has been registered as a zoological garden class B.

(2) No circus shall be registered as a zoological garden class B, unless—

- (a) It is registered as a company or partnership under the relevant legislation in New Zealand or in the country in which the circus has its base:
- (b) The manager or principal officer is the holder of a showman's licence issued under the Agricultural and Pastoral Societies Act 1908:
- (c) The Chief Veterinary Officer is satisfied that it can comply with the requirements of these regulations:

- (d) The Chief Veterinary Officer or an Inspector authorised by him is satisfied that all cages, vehicles, fittings, and things used in connection with the circus are such as to provide for the secure and safe holding of animals from place to place, and prevent their contact with other than circus animals:
- (e) The operator executes a bond in the sum of \$200 in favour of the Director-General for the secure holding of all circus animals.

20. Importation of animals for zoological gardens class A—(1) No person shall import any animal into New Zealand for any zoological garden class A, until he has obtained a permit in writing from the Chief Veterinary Officer which may be subject to such conditions as the Chief Veterinary Officer may specify in the permit.

(2) Animals may be imported only from an approved zoological garden in an overseas country, and no animal from such a garden may be imported unless —

- (a) It has either been born in captivity in the approved zoological garden, or has been held captive there for the period specified for the time being or in a particular case by the Chief Veterinary Officer; and
- (b) It is accompanied by the certificates relating to health, specified for the time being by the Chief Veterinary Officer, signed by a veterinarian employed full time by the Government of the country from which the animal is to be imported.

(3) Nothing in this regulation shall prohibit the importation under permit pursuant to section 13 of the Animals Act 1967 and in accordance with general conditions applying for the time being of aviary bred birds from the Commonwealth of Australia.

(4) The Chief Veterinary Officer may in any case refuse to permit the importation for a zoological garden class A of a particular animal or class of animal from any country.

(5) On the arrival in New Zealand of any animal being imported under this regulation, it shall be held in the approved quarantine area in the zoological garden class A for the period specified in the permit.

(6) An application for a permit to import any animal under this regulation shall be in writing and shall incorporate the following particulars:

- (a) The number and kind of animals to be imported:
- (b) The name and address of the zoological garden from which the animal is to be imported:
- (c) A declaration by the operator of the approved overseas zoological garden that either the animal was born in captivity therein, or stating the period during which it has been held in captivity therein, and that in either case it will be held in the approved zoological garden until it is released for transit to New Zealand.
- (d) Details of the proposed method of transport to New Zealand and port of entry.

21. Importation of animals for zoological gardens class B—No zoological garden class B, other than a circus or animal theatre, shall import any overseas animal:

Provided that, where at the date of coming into force of these regulations any garden that becomes registered as a zoological garden class B holds any imported animal under any permit or licence already issued, that imported animal may be retained for its lifetime:

Provided also that the Chief Veterinary Officer may permit the importation for aquaria of fish subject to any conditions he thinks fit.

22. Importation of overseas animals for circuses—(1) Except as provided in subclause (3) of this regulation, permits to import animals for circuses and animal theatres may be issued only to circuses and animal theatres that are, or will following the importation be, based in New Zealand.

(2) Every such importation shall be subject to the restrictions and conditions applying to importations to zoological gardens class A, and shall be subject to the additional requirement that arrangements have been made and confirmed to the Chief Veterinary Officer by the operator of a nominated zoological garden class A that the animal on arrival in New Zealand will be held in the approved quarantine area in the zoological garden class A for the period specified in the permit before release to the operator of the circus or animal theatre.

(3) An overseas circus or animal theatre which intends to tour New Zealand may be permitted to import its full complement of animals where the Chief Veterinary Officer is satisfied that the animals can comply with the requirements of these regulations and any additional conditions which he thinks necessary to prevent the risk of animal disease in New Zealand.

23. Regulations relating to monkeys—(1) Notwithstanding the provisions of these regulations, any person who at the date of their coming into force holds a permit issued under the Monkeys Regulations 1961* to keep a male monkey in captivity may continue to hold the monkey for its lifetime but no further permit may be issued to any such person otherwise than as provided in this regulation.

(2) Permit to keep monkeys in captivity shall be issued only in the form of the certificate of registration for zoological garden class A and circuses and animal theatres registered as zoological gardens class B.

(3) Monkeys may be imported into New Zealand only by zoological gardens class A which may, subject to an approval under regulation 17 of these regulations, transfer to circuses and animal theatres male or neutered female monkeys which were born in captivity in zoological gardens class A or which if imported have been held in the zoological garden class A for not less than 9 months.

(4) No person shall keep any female monkey otherwise than in a zoological garden class A:

Provided that a neutered female monkey may be kept in a circus or animal theatre registered as a zoological garden class B.

24. Inspections—(1) Any Inspector may enter upon and carry out such inspections of a zoological garden and the animals held in captivity therein as may be thought necessary by the Chief Veterinary Officer in order to ensure that the provisions of the Animals Act 1967 and all regulations thereunder are being complied with.

(2) The operator of a zoological garden shall provide any holding or restraining facilities and assistance that may be necessary for the inspection of any animal when he is required to do so by an Inspector.

25. Fees on application for registration and annual renewal—(1) An application made to the Director-General for the registration or transfer of registration of a zoological garden shall be accompanied by an application fee of:

- (a) \$40 for a zoological garden class A:
- (b) \$10 for a zoological garden class B.

(2) The fee for annual re-registration, payable on the 30th day of June in each year, shall be:

- (a) \$20 for a zoological garden class A:
- (b) \$5 for a zoological garden class B.

(3) The Director-General may fix a lesser fee in respect of any zoological garden established by any charitable aid society as part of a programme of medical treatment for handicapped children.

26. Offences—(1) Every person commits an offence against these regulations who:

- (a) Fails to comply with or acts in contravention of any provision of these regulations or of any requirement or condition specified in any certificate of registration or permit issued under these regulations; or
- (b) Obstructs, or refuses to carry out any direction of, the Director-General, the Chief Veterinary Officer, or any Inspector acting under the authority of these regulations.

(2) Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$500.

27. Revocation—The Monkeys Regulations 1961* are hereby revoked.

SCHEDULE

Reg. 3 (1)

CASES WHERE REGISTRATION AS A ZOOLOGICAL GARDEN IS NOT REQUIRED

1. Where an approval has been given under regulation 17 of these regulations by the Chief Veterinary Officer, or (in the case of an animal to which the provisions of subclause (2) of regulation 5 of these regulations applies) a permit has been issued by the Director-General of Forests, to permit the public exhibition of an animal at other than its registered location for the purposes of entertainment or advertising a place or product.

2. Where the animal, being a male monkey, is held as a household pet under a permit that was issued under the Monkeys Regulations 1961.

3. Where the animals concerned are kept under a licence issued under the Deer Farming Regulations 1969†.

4. Where an aggregation of animals consists entirely of farm animals or pet animals or both, or the only animal is a farm animal or a pet animal.

*S.R. 1961/63
†S.R. 1969/71

5. Where an aggregation of animals takes place in connection with any exhibition, competition, or show under the auspices of any society incorporated under the Agricultural and Pastoral Societies Act 1908 or of any society or organisation approved for the purpose by the Director-General of Agriculture.

6. Where the animals are held for research in terms of a permit issued by the Minister, or for research or export purposes under a permit granted by the Director-General of Forests.

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations provide for the registration and control of zoological gardens.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 December 1969.

These regulations are administered in the Department of Agriculture.