

[AS REPORTED FROM THE LANDS AND AGRICULTURE
COMMITTEE]

House of Representatives, 15 October 1965

Words struck out by the Lands and Agriculture Committee are shown in italics within bold round brackets, words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 21 October 1965

Words inserted by the Committee of the Whole are shown in roman underlined with a triple rule.

Hon. Mr Talboys

STOCK AMENDMENT

ANALYSIS

Title	
1. Short Title and commencement	10. Regulations preventing the spread of disease
2. Interpretation	11. Establishment of road blocks in respect of infected place or infected area
3. Declaration of infected place and infected area	12. Emergency measures for prevention of introduction or spread of disease
4. Compensation in connection with outbreak of scrapie	13. Compensation for stock slaughtered on account of disease
5. Power of Inspector to kill stock	14. Change of ownership of brand
6. Compensation in respect of foot and mouth disease	15. Wrongful use of brands
7. Regulations for preventing introduction of disease	16. Minister may authorise marking of stock for special purposes
8. Restriction on importation of animals	17. Tuberculin testing of cattle
9. Control of arrivals from overseas	18. Cancellation of registered wool marks

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, 5 as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Stock Amendment Act 1965, and shall be read together with and deemed part of the Stock Act 1908* (hereinafter referred to as the principal Act).

*1957 Reprint, Vol. 15, p. 191

Amendments: 1958, No. 20; 1959, No. 53; 1960, No. 121; 1961, No. 118; 1962, No. 15; 1963, No. 67; 1964, No. 128

(2) Sections 2 to 13 of this Act shall come into force on the first day of March, nineteen hundred and sixty-six, and the remaining provisions of this Act shall come into force on its passing.

2. Interpretation—(1) Section 2 of the principal Act is hereby amended— 5

(a) By inserting in the definition of the term “animal”, after the words “includes the”, the words “egg or”;

(b) By adding to the definition of the term “imported stock” the words “or air”;

(c) By omitting from the separate definition of the term “place” the words “or vessel”, and substituting the words “airport, and vessel”;

(d) By adding to the definition of the term “vessel” the words “and includes an aircraft”. 15

(2) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “diseased stock”, and substituting the following definition:

“‘Diseased’, in relation to any stock or animal, means that the stock or animal is actually suffering from or affected with disease as hereinbefore defined.” 20

(3) Section 2 of the principal Act is hereby further amended by repealing the definitions of the terms “infected area”, “infected place”, and “infected stock”, and substituting the following definitions: 25

“‘Infected’, in relation to any stock or animal, means that the stock or animal is not known to be actually diseased but has had direct or indirect contact with any diseased animal or any place or thing which an Inspector suspects to be carrying or harbouring a disease.” 30

“‘Infected area’ means any area which the Chief Inspector has declared to be an infected area by notice publicly notified under subsection (4) of section 12 of this Act (as inserted by section 3 of the Stock amendment Act 1965) and not revoked under subsection (5) of the said section 12, being an area around and including an infected place. 35

“‘Infected place’ means any land which an Inspector has declared to be an infected place by a notice given under subsections (1) and (2) of section 12 of this Act (as inserted by section 3 of the Stock Amendment Act 1965) and not revoked under subsection (5) of the said section 12:

(4) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “land” and also the combined definition of the terms “land” and “place” (but not the separate definition of the term “place”), and substituting the following definition:

“‘Land’ means any land, run, station, farm, stable, building, paddock, highway, or other premises where stock are or have been kept or depastured, or over which stock are travelling or have travelled; and references to land extend to and include any water, harbour, wharf, airport, and vessel:”.

(5) Section 2 of the principal Act is hereby further amended by inserting, after the separate definition of the term “place”, the following definition:

“‘Public notice’, in relation to any act, matter, or thing, means a notice published in one or more newspapers circulating in the place or area to which the act, matter, or thing relates or refers or in which it arises; and ‘publicly notified’ has a corresponding meaning:”.

3. Declaration of infected place and infected area—(1) The principal Act is hereby amended by repealing sections 12, 12A, and 12B, and substituting the following section:

“12. (1) If an Inspector has cause to believe or suspect that any diseased or infected animal is or has been on any land, he may, by notice given in accordance with subsection (2) of this section, declare that land and such other land (if any) in the neighbourhood as he may specify to be an infected place.

“(2) Every notice under subsection (1) of this section shall be given—

“(a) By giving public notice thereof; and
“(b) By serving a copy of the notice on an occupier of each piece of land included in the infected place:

“Provided that a copy of the notice need not be served on an occupier of a piece of land if the Inspector giving the notice cannot reasonably ascertain an occupier of that piece who can be found quickly. 5

“(3) Where an Inspector so declares any land to be an infected place he shall forthwith notify the Chief Inspector of the declaration.

“(4) The Chief Inspector may, by public notice, declare any specified area within thirty miles, or within such greater distance as the Minister may approve, of an infected place (and including that infected place) to be an infected area. 10

“(5) Every declaration that any area or land is an infected area or an infected place shall remain in force until it is revoked by a notice that is publicly notified and,— 15

“(a) In the case of a declaration of an infected area, given by the Chief Inspector; or

“(b) In the case of a declaration of an infected place, given by an Inspector.

“(6) Upon an Inspector revoking any declaration of an infected place, he shall forthwith give notice of the revocation to an occupier of each piece of land included in the infected place, if such an occupier is known, either by advising the occupier personally or by sending advice of the revocation by post to the occupier at his usual or last known place of abode. 20 25

“(7) Every person commits an offence and is liable on summary conviction to a fine not exceeding five hundred pounds who—

“(a) Enters or leaves, or removes any animal or fodder or fittings of any kind whatsoever from, an infected place without the written permission of an Inspector or otherwise than in accordance with such conditions as may be specified by the Inspector in the written instrument granting the permission: 30 35

“(b) Moves any animal, fodder, fitting, or thing out of or into an infected area, or from one place within an infected area to another place within that infected area, without the written permission of an Inspector or otherwise than in accordance with such conditions as may be specified by the Inspector in the written instrument granting the permission. 40

“(8) All animals, fodder, fittings, and things that are removed or moved in contravention of subsection (7) of this section may be seized by any Inspector, and shall be forfeited and destroyed, sold, or otherwise disposed of as the Minister directs. Unless the Minister otherwise directs no compensation shall be paid to the owner of any animal, fodder, fitting, or thing destroyed under this subsection in any case where the owner is convicted of any offence under subsection (7) of this section by reason of his having moved or removed the animal, fodder, fitting, or thing in contravention of that subsection.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 24 of the principal Act:
- 15 (b) Section 4 of the Stock Amendment Act 1952:
- (c) Subsection (1) of section 2 of the Stock Amendment Act 1954:
- (d) Subsection (1) of section 3 of the Stock Amendment Act 1955:
- 20 (e) Section 33 of the Stock Amendment Act 1956:
- (f) Section 3 of the Stock Amendment Act 1959.

4. Compensation in connection with outbreak of scrapie—
Section 6 of the Finance Act 1954 is hereby amended—

- 25 (a) By inserting in paragraph (a) of subsection (2), after the word “stock” where it first appears, the words “suffering from or affected or infected with scrapie, being stock”:
- (b) By omitting from paragraph (a) of subsection (2) the words “under section twelve A of the Stock Act 1908 (as set out in section two of the Stock Amendment Act 1954)”:
- 30 (c) By inserting in paragraph (b) of subsection (2), after the word “stock” where it first appears, the words “suffering from or affected or infected with scrapie”:
- 35 (d) By omitting from paragraph (b) of subsection (2) the words “under the said section twelve A of the Stock Act 1908”:
- (e) By inserting in paragraph (c) of subsection (2), after the word “consequence” in each place where it appears, the words “because of scrapie”:
- 40 (f) By omitting from paragraph (c) of subsection (2) the expression “the said section twelve A”, and substituting the expression “section 12”:

- (g) By omitting from paragraph (a) of subsection (3) the words "under section twelve A of the Stock Act 1908", and substituting the words "because the stock are suffering from or affected or infected with scrapie".

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5. Power of Inspector to kill stock—Section 13 of the principal Act is hereby amended by omitting from subsection (1) the word "believes", and substituting the word "suspects".

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(2) Section 13 of the principal Act is hereby further amended by inserting after subsection (1) the following subsection:

"(1A) The powers conferred on an Inspector by subsection (1) of this section shall not be exercised in any case where he suspects the existence of foot and mouth disease until after he has consulted a registered veterinary surgeon."

6. Compensation in respect of foot and mouth disease—The principal Act (as amended by section 5 of the Stock Amendment Act 1952) is hereby further amended by inserting, after section 17A, the following section:

"17B. Where pursuant to regulations made under this Act any stock is seized and slaughtered as being affected or infected or suspected of being affected or infected with foot and mouth disease, there shall be payable to the owner of the slaughtered stock compensation *(not in excess of the fair market value thereof)* as fixed by the Minister and the Minister of Finance." equal to the fair market value thereof, such compensation to be ascertained in case of dispute by arbitration of two arbitrators, one to be appointed by an Inspector and one by the owner, with power to the two arbitrators to appoint an umpire; and the decision of the two arbitrators or umpire shall be final. For the purposes of any such arbitration this section shall be deemed to be a submission within the meaning of the Arbitration Act 1908, and the relevant provisions of that Act shall apply to any such arbitration."

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7. Regulations for preventing introduction of disease—

(1) Section 19 of the principal Act is hereby amended by omitting the word “stock” in each place where it appears except in paragraph (d), and substituting in each case the
5 word “animals”.

(2) Section 19 of the principal Act is hereby further amended by repealing paragraph (a), and substituting the following paragraph:

10 “(a) Prohibiting or restricting, either absolutely or subject to such conditions as may be specified in the regulations or in any licence or permit issued by the Minister, the importation or introduction of animals, or of one or more kinds of animals, into New Zealand, either generally or from such countries
15 or places and during such periods as may be necessary or expedient for the purpose of preventing the introduction into New Zealand of any disease affecting animals:”.

(3) Section 19 of the principal Act is hereby further
20 amended by repealing paragraph (c), and substituting the following paragraph:

25 “(c) Prohibiting or restricting, either absolutely or subject to such conditions as may be specified in the regulations or in any licence or permit issued by the Minister, the introduction into New Zealand of any animal manure, fodder, fittings, or articles of any kind which have or are reasonably believed
30 by an Inspector to have come into contact with any animal, and providing for the seizure, destruction, or sale of any such animal manure, fodder, fittings, and articles:”.

(4) Section 19 of the principal Act is hereby further
amended by repealing paragraph (f), and substituting the following paragraph:

35 “(f) Requiring certificates of health from the authorities of the country or place from which any animal is intended to be introduced; and providing for the issue or revocation of permits for animals to enter New Zealand; and specifying any conditions which
40 may be necessary for preventing the introduction of disease into New Zealand:”.

(5) Section 19 of the principal Act is hereby further amended by inserting, after paragraph (k), the following paragraph:

“(kk) Requiring the sealing of food lockers containing any meat that has come from any overseas country, or any meat that has been in the same locker as meat that has come from any overseas country, to the satisfaction of an Inspector on all vessels arriving in New Zealand from any overseas country:”.

(6) Section 19 of the principal Act is hereby further amended by repealing paragraph (n), and substituting the following paragraphs:

“(n) Requiring the installation and maintenance by Harbour Boards, Airport Authorities, and local authorities or any of them of suitable plant and equipment for the steam cleaning of vehicles introduced or imported into New Zealand from any overseas country:

“(o) Requiring the installation and maintenance by Harbour Boards, Airport Authorities, and local authorities or any of them of facilities for the incineration of all garbage, rubbish, and packing material landed in New Zealand from any overseas country:

“(p) Requiring the provision and maintenance by Harbour Boards, Airport Authorities, and local authorities or any of them of—

“(i) Suitable office accommodation, at such place or places as the Minister (after consultation with the Board or authority) may direct, for the exclusive use of Inspectors; and

“(ii) Suitable containers for use in conveying garbage, rubbish, and packing material to the place at which it is to be incinerated:

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“(pp) Authorising Harbour Boards, Airport Authorities, and local authorities to make reasonable charges for anything installed, provided, or maintained by them in accordance with regulations made under any of the provisions of paragraphs (n) to (p) of this section:

- “(q) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section or any requirement or direction made or given pursuant to any such regulation:
- 5 “(r) Generally for all or any purposes which may be necessary for preventing the introduction of disease into New Zealand.”

8. Restriction on importation of animals—Section 19A of the principal Act (as inserted by section 6 (1) of the Stock Amendment Act 1952) is hereby amended—

- 10 (a) By omitting the word “mammal” in each place where it appears, and substituting in each case the word “animal”:
- 15 (b) By inserting in subsection (5), after the word “permit”, the words “under this section or under any regulations made under section 19 of this Act”.

9. Control of arrivals from overseas—The principal Act is hereby amended by inserting, after section 20, the following section:

- 20 “20A. (1) No person arriving by any vessel from any overseas country shall leave that vessel, or any wharf or airport to which that vessel may come, without the permission of an Inspector.
- 25 “(2) No person shall remove or cause to be removed from any vessel arriving from any overseas country, or from any wharf or airport to which that vessel may come, any animal, baggage, goods, or thing, without the permission of an Inspector.
- 30 “(3) Every person who acts in contravention of this section commits an offence and is liable on summary conviction to a fine not exceeding five hundred pounds.”

10. Regulations for preventing the spread of disease—(1) Section 21 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraphs:

- 35 “(a) The seizure and slaughter of diseased or infected stock or other animals or of stock or other animals suspected of being diseased:
- 40 “(aa) Prescribing the powers and duties of Inspectors:”.
- (2) Section 21 of the principal Act is hereby further amended by repealing paragraph (c), and substituting the following paragraph:

“(c) Prohibiting or regulating the movement of animals and persons into, in, or out of an infected place or infected area:”.

(3) Section 21 of the principal Act is hereby further amended by repealing paragraph (f), and substituting the following paragraph: 5

“(f) Prescribing conditions governing the declaration by the Chief Inspector of any land to be an infected area:”.

(4) Section 21 of the principal Act is hereby further amended by repealing paragraph (k), and substituting the following paragraph: 10

“(k) Providing for the destruction or disposition of any fodder or fittings, and the carcass of any stock or other animals seized and slaughtered, in any infected place or infected area:”.

(5) Section 21 of the principal Act is hereby further amended by adding the following paragraphs:

“(s) Requiring Inspectors to carry out periodic inspections of all stock kept or depastured on any land within such distance of any port or airport as may be prescribed: 20

“(t) Requiring any Harbour Board, Airport Authority, or local authority in any case where any stock suffering from foot and mouth disease is found on any land within thirty miles of any port or airport under its control, to prohibit or restrict the use of such facilities maintained in connection with the port or airport as the Chief Inspector may specify, in such manner as the Chief Inspector may require: 30

“(u) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section or any requirement or direction made or given pursuant to any such regulations; and prescribing penalties not exceeding five hundred pounds in respect of any offences prescribed under this paragraph: 35

“(v) Generally for all or any such purposes as may be necessary for preventing the spread of disease.” 40

11. Establishment of road blocks in respect of infected place or infected area—The principal Act is hereby amended by inserting, after section 21, the following section:

“21A. (1) So long as any declaration of any land as an infected place or an infected area remains in force, the Chief Inspector shall have power, by notice in writing, to require any member of the Police or any traffic officer of the Transport Department or of a local authority to establish road blocks on, and to require any vehicle to stop on, any roads leading to and from the infected place or infected area; and any such member of the Police or traffic officer shall have the power, by force if necessary, to search any such vehicle and generally do such acts and things in respect of any such vehicle as the Chief Inspector in writing directs for the carrying out of the provisions of this Act.

“(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding five hundred pounds who resists or wilfully obstructs, or fails to comply with any direction of, a member of the Police or a traffic officer who is acting in performance of his duties under this section.”

12. Emergency measures for prevention of introduction or spread of disease—The principal Act is hereby further amended by inserting, after the said section 21A, the following section:

“21B. (1) Where the Governor-General has, by Proclamation approved in Executive Council under section 17A of this Act (as inserted by section 5 of the Stock Amendment Act 1952 and amended by section 2 of the Stock Amendment Act 1960), declared that a state of stock disease emergency exists throughout any area or areas, while that state of stock disease emergency continues, the Minister may, in the area or areas, take all such measures, and do all such acts and things, and give all such directions, and require all such acts and things to be done, as in the opinion of the Minister are necessary or desirable for the purpose of eradicating any disease or preventing or limiting the spread of any disease.

“(2) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding one month, or a fine not exceeding five hundred pounds, who—

“(a) Resists or wilfully obstructs any measure taken by the Minister under this section; or

“(b) Fails to comply with or acts in contravention of any direction or requirement of the Minister under this section.”

13. Compensation for stock slaughtered on account of disease—(1) Section 40 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection: 5

“(1) Where pursuant to the provisions of this Act or of any regulations made under this Act any stock is condemned and slaughtered as being diseased or infected or as being suspected of being diseased, and the carcass thereof is destroyed or otherwise disposed of, the owner of the stock shall be entitled to compensation in the cases, to the extent, and subject to the conditions hereafter provided in this Act.” 10

(2) Section 40 of the principal Act is hereby further amended by adding the following subsection: 15

“(3) Nothing in this section shall apply to any stock that is slaughtered as suffering from or affected or infected with scrapie or foot and mouth disease or tuberculosis.”

14. Change of ownership of brand—Section 10 of the Stock Amendment Act 1956 is hereby amended by inserting in subsection (1), after the words “on any person”, the words “other than a person beneficially entitled thereto”. 20

15. Wrongful use of brands—Section 21 of the Stock Amendment Act 1956 (as inserted by section 4 of the Stock Amendment Act 1961) is hereby amended by omitting from subsection (1) the words “other than a lamb under the age of two months”. 25

16. Minister may authorise marking of stock for special purposes—The Stock Amendment Act 1956 is hereby amended by inserting, after section 25, the following section: 30

“25A. Notwithstanding anything in this Act relating to the use of an unregistered brand on stock or the placing of any mark or marks on stock, the Director-General may at any time, by notice published in the *Gazette*, declare that, for the purpose of enabling any stock to be permanently identified for any purpose specified in the notice, the stock shall be marked by an Inspector or, as the case may be, by a registered veterinary surgeon, in accordance with such system of marking as may be prescribed by regulations made under this Act.” 35 40

17. Tuberculin testing of cattle—(1) Section 7 of the Stock Amendment Act 1958 is hereby amended—

- 5 (a) By omitting from subsection (4) (as amended by section 7 (2) (a) of the Stock Amendment Act 1961) the word “slaughtered” where it first appears, and substituting the words “slaughtered or dies before slaughter”;
- 10 (b) By omitting from paragraph (b) of subsection (4) (as amended by section 7 (2) (b) of the Stock Amendment Act 1961) the word “slaughtered”, and substituting the words “slaughtered or dies”;
- 15 (c) By omitting from subsection (4A) (as inserted by section 5 (2) of the Stock Amendment Act 1963) the words “within the period of six months immediately following the date of the test, is slaughtered and found”, and substituting the words “between the date of the test and the date which the Director-General determines is the date on which the animal shall again be subjected to the tuberculin test, is slaughtered or dies and is found”;
- 20 (d) By omitting from subsection (5) the words “section twenty-three or in”.

(2) The Stock Amendment Act 1961 is hereby consequentially amended by repealing paragraphs (a) and (b) 25 of subsection (2) of section 7.

18. Cancellation of registered wool marks—(1) Section 7 of the Stock Amendment Act 1963 is hereby amended by adding the following proviso:

30 “Provided that any person whose woolmark is cancelled pursuant to this section may, without payment, make application for registration of an earmark or firemark in substitution for the woolmark so cancelled.”

(2) Section 8 of the Stock Amendment Act 1956 is hereby consequentially amended by omitting from subsection (6) the 35 words “the provisions of subsection one of this section”, and substituting the words “any of the provisions of the principal Act and its amendments”.