

Hydatids Amendment Act 1963

Public Act 1963 No 32
Date of assent 18 October 1963

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An Act to amend the Hydatids Act 1959

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 Hydatids Amendment Act 1963, and shall be read together with and deemed part of the Hydatids Act 1959 (hereinafter referred to as the principal Act).

2 Interpretation

- (1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “raw offal”, and substituting the following definition:

“‘Raw offal’ means any offal that has not been heated to a temperature of at least one hundred and sixty degrees Fahrenheit, or which has not otherwise been treated to the satisfaction of an Inspector. For the purposes of this definition, offal shall be deemed not to have been heated to a temperature of one hundred and sixty degrees Fahrenheit, unless it has been heated throughout to that temperature.”

- (2) Section 2 of the principal Act is hereby further amended by repealing paragraph (b) of the definition of the term “treatment unit”, and substituting the following paragraph:

“(b) In relation to offal, any apparatus which is capable of being used for treating offal by enabling the temperature thereof to be raised, and which is capable of containing, at the same time, all the offal of any animal together with such quantity of water as is sufficient to enable the temperature of the offal to be raised throughout to a temperature of at least one hundred and sixty degrees Fahrenheit.”

3 Council may make grants

Section 16 of the principal Act is hereby amended by adding, as subsections (2) and (3), the following subsections:

“(2) Without limiting the powers conferred on the Council by subsection (1) of this section, where for any year commencing on the first day of January any local authority or approved organisation fixes in respect of dogs owned by any specified class or classes of persons or kept solely for the purpose of any specified work a hydatid-control fee that is less than the fee fixed by the local authority or approved organisation in respect of other dogs, the Council may, at any time after the end of that year, make a grant to the local authority or approved organisation of such sum as the Council thinks fit, not exceeding the difference between the total amount of hydatid-control fees received in that year by the local authority or approved organisation in respect of dogs so owned or so kept and the total amount of hydatid-control fees that would have been received by it in respect of those dogs if paid at the rates fixed by the local authority or approved organisation in respect of other dogs.

“(3) A grant made by the Council pursuant to subsection (2) of this section may, in the Council’s discretion, be made from money paid to the Council under section 12 of this Act or from money set aside under section 15 of this Act to form a fund for the purpose of making such grants or as a reserve or from other money received by the Council from any person and set aside in a separate bank account pursuant to the last-mentioned section.”

4 Joint action by local authorities

- (1) The principal Act is hereby further amended by inserting, after section 19a (as inserted by subsection (1) of section 6 of the Hydatids Amendment Act 1961), the following section:

“19b

- (1) Any two or more local authorities may unite pursuant to section 51 of the Municipal Corporations Act 1954 or section 31 of the Counties Act 1956, as the case may require, for the joint performance of hydatid control, prevention, and eradication in the area comprising the districts of the uniting local authorities.
- “(2) In any such case—
- “(a) The uniting local authorities shall appoint one of those local authorities to be the principal local authority, and that local authority shall keep the Hydatid Control Account, and, notwithstanding anything in subsection (5) of section 25 of this Act, shall be entitled to recover the hydatid-control fees payable in respect of dogs in the area comprising the districts of the uniting local authorities:
- “(b) The uniting local authorities may exercise all or any of their powers under this Act or under the Municipal Corporations Act 1954 or under the Counties Act 1956, as the case may be, including the power to appoint a joint committee under section 68 of the Municipal Corporations Act 1954 or under section 76 of the Counties Act 1956 and to delegate any powers to that committee under section 63 of the Municipal Corporations Act 1954 or under section 71 of the Counties Act 1956.
- “(3) Any agreement under this section may at any time be varied or revoked.
- “(4) Every approved organisation existing at the commencement of this section (except the Pelorus Sound Hydatid Committee, the Manawatu District Hydatids Committee, and the Thames-Coromandel Hydatid Eradication Committee) shall be deemed to be a joint committee appointed under the Municipal Corporations Act 1954 or under the Counties Act 1956, as the case may be, by the several local authorities whose districts are situated in the area under the control of the organisation. For the purposes of this section, those local authorities shall be deemed to have united for the purpose of hydatid control, prevention, and eradication in that area, and to have delegated to the approved organisation all their powers in that behalf, and the local authority which at the commencement of this section is keeping the Hydatid Control Account of the organisation shall be deemed for the purposes of this section to be the principal local authority.
- “(5) The provisions of sections 113, 114, and 119 of the Municipal Corporations Act 1954 or, as the case may require, of sections 136, 137, and 141 of the Counties Act 1956, as far as they are applicable and with the necessary

modifications, shall apply with respect to every member of a joint committee appointed or deemed to have been appointed under this section as if he were a member of the City Council, Borough Council, Town Council, County Council, or Road Board, as the case may be.”

- (2) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “district” (as inserted by subsection (2) of section 6 of the Hydatids Amendment Act 1961), and substituting the following definition:

“‘District’ means the district of any local authority; and, in relation to any local authority which has undertaken hydatid control, prevention, and eradication pursuant to an agreement under section 19a of this Act, or which under section 19b of this Act has united with any one or more other local authorities for the joint performance of hydatid control, prevention, and eradication, means the area comprising the districts of the local authorities which are parties to the agreement or, as the case may be, of the uniting local authorities:”.

- (3) Section 2 of the principal Act is hereby further amended by inserting in the definition of the term “local authority”, after paragraph (b), the following paragraph:

“(bb) In relation to any area in respect of which two or more local authorities have under section 19b of this Act united for the joint performance of hydatid control, prevention, and eradication, the joint committee; or”.

- (4) Section 2 of the principal Act is hereby further amended by inserting in paragraph (c) of the definition of the term “local authority”, after the words “any such local authority”, the words “or joint committee”.
- (5) Section 6 of the Hydatids Amendment Act 1961 is hereby amended by repealing subsection (2).

5 Approved organisations

- (1) The principal Act is hereby further amended by inserting, after section 19b (as inserted by section 4 of this Act), the following section:

“19c

- (1) The Minister may from time to time, by notice in the *Gazette*, declare any organisation or committee specified in the notice and having the number of members specified in the notice to be an approved organisation for the purposes of this Act for the purpose of controlling, eradicating, and preventing hydatids in the area specified in the notice, being an area that is not under the jurisdiction of any City Council, Borough Council, Town Council, County Council, or Road Board or, where in the opinion of the Minister special circumstances exist, any other area. Any declaration by the Minister under this subsection may at any time be in like manner amended or revoked.
- “(2) The Pelorus Sound Hydatid Committee, the Manawatu District Hydatids Committee, and the Thames-Coromandel Hydatid Eradication Committee shall be

deemed to be approved organisations as if they had been declared as such by the Minister under subsection (1) of this section.

“(3) The provisions of sections 92, 93, 94, 100, 101, 136, 137, 140, 141, 146, and 165 of the Counties Act 1956 and of any regulations made pursuant to section 150 of that Act, as far as they are applicable and with the necessary modifications, shall apply with respect to every approved organisation as if they were a County Council and as if the members thereof were Councillors.

“(4) Every approved organisation shall be deemed to be a local authority for the purposes of section 6 of the Finance Act (No. 2) 1941, the National Provident Fund Act 1950, Part XII of the Public Revenues Act 1953, and section 20 of the Local Authorities Loans Act 1956.”

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

“‘Approved organisation’ means an organisation approved by the Minister under section 19c of this Act:”.

(3) The First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in the appropriate columns of Part I, before the provisions relating to Boards of Trustees of separate institutions under Part IV of the Hospitals Act 1957, the following words:

“Approved organisations under the Hydatids Act 1959
1959, No. 93—The Hydatids Act 1959.”

(4) The following enactments are hereby repealed:

(a) Sections 29a to 29c of the principal Act (as inserted by subsection (1) of section 2 of the Hydatids Amendment Act 1960):

(b) Sections 29d to 29g of the principal Act (as inserted by section 9 of the Hydatids Amendment Act 1961).

6 Powers of Inspectors

Section 23 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (b), the following paragraph:

“(bb) With the prior authority, by resolution, of the local authority or approved, organisation in whose district or area the dog is kept, to give notice requiring any owner to place a dog in a specified boarding kennel and, at the expense of the owner, there keep the dog for a specified period, not exceeding three months, for the purpose of enabling the dog to be treated for hydatids; but nothing in this paragraph shall apply unless—

“(i) The dog has been treated for hydatids and the purged material obtained from the dog has been found on examination to contain hydatids; and

“(ii) The dog has subsequently been treated for hydatids and the purged material obtained from the dog has been found on examination to contain no hydatids; and

“(iii) On a subsequent treatment of the dog for hydatids at any time within six months after the first-mentioned treatment the purged material obtained from the dog is found on examination to contain hydatids:

7 Powers of Inspectors to enter land

Section 23 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

“(1a) Every Inspector authorised in writing in that behalf by the Mayor or Deputy Mayor or, as the case may be, by the Chairman or Deputy Chairman of the local authority or approved organisation in whose district or area the land is situated may—

“(a) On producing, if so required, that written authority and his warrant of appointment, enter at any time of the day between the hours of sunrise and sunset on any land specified in that authority for the purpose of ascertaining whether or not the carcass of any animal is left to lie about in the open or whether or not there is on the land any raw diseased meat or raw offal that is accessible to dogs; and

“(b) If he finds on that land the carcass of any animal left to lie about in the open or any raw diseased meat or raw offal that is accessible to dogs, give notice in writing to the owner or occupier of the land requiring him to dispose of that carcass or diseased meat or offal within twenty-four hours either by causing it to be entirely consumed by fire or to be buried to such a depth that it will be inaccessible to dogs; and

“(c) If the owner or occupier of the land fails so to dispose of the carcass or diseased meat or offal within that time, dispose of the carcass in such manner as the Inspector thinks fit.”

8 Appeal against requirement of Inspector

Section 24 of the principal Act is hereby amended by omitting from subsection (1) the words “paragraph (c)”, and substituting the words “paragraph (bb) or paragraph (c)”.

9 Fixing of hydatid-control fee by local authorities or approved organisations

(1) Section 25 of the principal Act is hereby amended by omitting from subsection (1) the words “and in accordance with any system of classification of dogs it may adopt for the purpose”.

(2) Section 25 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

- “(1a) Any resolution under subsection (1) of this section may—
- “(a) Fix different fees in respect of different classes of dogs in accordance with such system of classification as the local authority or approved organisation may adopt for the purpose:
 - “(b) Fix different fees in respect of dogs owned by any specified class or classes of persons or kept solely for the purpose of any specified work:
 - “(c) In any case where, under section 19a or section 19b of this Act, two or more local authorities have combined for the purposes of hydatid control, prevention, and eradication in the area comprising the districts of those local authorities, fix different fees in respect of dogs kept in different districts, having regard to the incidence of hydatids in dogs kept in the several districts:
 - “(d) In any case where the area under the control of an approved organisation comprises the districts of two or more local authorities, fix different fees in respect of dogs kept in different districts, having regard to the incidence of hydatids in dogs kept in the several districts.”

10 Refund of hydatid-control fees

Section 25 of the principal Act is hereby further amended by adding the following subsection:

- “(6) Any local authority or approved organisation, in its discretion, may in any special case refund to the owner of any dog the whole or such part as it thinks fit of any hydatid-control fee paid by him in respect of the dog to the local authority or approved organisation.”

11 Offences

- (1) Section 32 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:
- “(2) Every person commits an offence, and is liable on summary conviction to a fine not exceeding one hundred pounds, who, by himself, his servant, or agent, without just cause or excuse—
- “(a) Knowingly leaves the carcass of any animal to lie about in the open; or
 - “(b) By any act or omission enables any dog to obtain access to any raw diseased meat or to any raw offal.
- “(2a) Every person commits an offence, and is liable on summary conviction to a fine not exceeding fifty pounds, who—
- “(a) Fails to comply with any notice given under paragraph (b) of subsection (1) or under subsection (1a) of section 23 of this Act; or
 - “(b) Being an owner required by any notice under paragraph (bb) of subsection (1) of section 23 of this Act to place a dog in a specified boarding kennel and there keep the dog for a specified period, fails within four-

teen days to place the dog in the boarding kennel in accordance with the requirement, or fails to keep the dog in the boarding kennel for the period specified in the notice; or

- “(c) Fails within one month to comply with paragraph (c) or paragraph (d) or paragraph (f) of subsection (1) of section 23 of this Act or any notice under subsection (4) of section 24 of this Act; or
- “(d) Has in his following or keep any dog in respect of which any hydatid-control fee payable has not been paid; or
- “(e) Without the prior approval of the Council, at any time before the sample is dispatched to a testing station for diagnostic tests adds any hydatids to, or removes any hydatids from, any faecal sample obtained from any dog that has been treated for hydatids by any Inspector or registered veterinary surgeon; or
- “(f) Obstructs or hinders any Inspector in the exercise of his powers or in the performance of his duty, or fails or neglects to obey any lawful direction of any Inspector; or
- “(g) Being a person appearing to be in charge of any dog or to be the occupier of any land on which any dog is, and having been requested by an Inspector to state the name or address of the owner of the dog, wilfully fails or refuses to do so, or wilfully states a false name or address in respect of the owner; or
- “(h) For the purposes of obtaining any payment, grant, financial assistance, or any other benefit under this Act, whether for himself or for any other person, makes any false statement to the Council or to any officer of the Council or to any local authority or approved organisation or to any officer of any local authority or approved organisation, or otherwise misleads or attempts to mislead, the Council or any officer of the Council or any local authority or approved organisation or any officer of any local authority or approved organisation.”

- (2) Section 10 of the Hydatids Amendment Act 1961 is hereby repealed.

12 Regulations

- (1) Section 34 of the principal Act is hereby amended by repealing paragraph (a) of subsection (2), and substituting the following paragraph:

“(a) Prohibiting or restricting the introduction of dogs into a hydatid-free area or into a hydatid-control area, or the removal of dogs from any such area.”.

- (2) Section 34 of the principal Act is hereby further amended by adding to subsection (2) (as amended by section 11 of the Hydatids Amendment Act 1961) the following paragraph:

“(f) Prohibiting, restricting, or regulating the sale, custody, handling, and use of any anti-helminthic drug.”

13 Repeal

The Hydatids Amendment Act 1960 is hereby repealed.

This Act is administered in the Department of Agriculture.