
Pig Control Act 1998
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PIG CONTROL ACT 1998

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1 Short title

This is the Pig Control Act 1998.

2 Interpretation

In this Act –

"Chief of Police" includes a person for the time being carrying out the duties of the Chief of Police;

"owner", in respect of a pig or land, includes a person for the time being having responsibility for the pig or land, and, in the case of land, also includes any person who has an interest in the land.

3 Owner of pig must not allow the pig to wander at large

(1) The owner of a pig must ensure that the pig is –

(a) Kept in an enclosure; or

(b) Tethered,

in such a way that it cannot wander at large. Penalty:

(a) Fine not exceeding 2 penalty units; or

(b) If a person is convicted of an offence under this section within one year after being convicted of an offence under this section – 5 penalty units.

(2) It is not a defence for a person charged with an offence under subsection (1) for the person to prove that the pig to which the charge relates was wandering at large on land in which that person had an interest.

4 Owner of pig to ensure that its enclosure is not a nuisance

The owner of a pig must ensure that any enclosure in which the pig is kept is kept in such a condition that the enclosure does not become a nuisance or annoyance to any other person.

Penalty:

(a) Fine not exceeding 2 penalty units;

(b) If a person is convicted of an offence under this section within one year after being convicted of an offence under this section – 5 penalty units.

5 Owner of pig to ensure that the pig has sufficient food and water

The owner of pig must ensure that the pig has sufficient food and water. Penalty: Fine not exceeding 1 penalty unit.

6 Owner of pig found wandering to recapture pig

If the owner of land –

(a) Finds a pig at large on that land; and

(b) Requests the owner of the pig to remove it, the owner of the pig must comply with that request as soon as reasonably practicable but in any event within 24 hours of being requested to do so.

Penalty:

(a) Fine not exceeding 2 penalty units;

(b) If a person is convicted of an offence under this section within one year after being convicted of an offence under this section – 5 penalty units.

7 Owner of land may capture and destroy pig wandering on land

(1) If the owner of land finds a pig wandering at large on that land the owner may –

(a) Destroy the pig; or

(b) Claim ownership of the pig, and for either of those purposes may capture the pig.

(2) If the owner of land destroys a pig under subsection (1)(a) the carcass of the pig is the property of that owner.

(3) If the owner of land captures and claims ownership of a pig under subsection (1)(b) the pig becomes the property of that owner.

(4) Subsections (2) and (3) apply despite the fact that –

(a) The pig was the property of some other person before its destruction or capture; and

(b) The owner of the land may have been aware that the pig was the property of some other person before its destruction or capture.

8 Constable may be requested to capture wandering pig

(1) If the owner of land finds a pig wandering at large on that land the owner may request a constable to –

(a) Destroy the pig; or

(b) Capture and remove the pig.

(2) A constable may comply with a request made under subsection (1).

(3) If a constable destroys or captures a pig in accordance with a request made under subsection (1) the carcass of the pig or, if captured live, the pig must be disposed of in a manner determined by the Chief of Police.

(4) The Chief of Police may determine that the carcass of the pig or the pig is to be returned to the owner of the pig but is under no obligation to do so.

(5) Subsections (1) and (2) apply although before its destruction or capture –

(a) The pig was the property of some other person; and

(b) The owner of the land or the constable or both may have been aware of that fact.

9 Constable may destroy or capture pig found wandering at large

(1) A constable may –

(a) Destroy; or

(b) Capture,

a pig found wandering at large and for either of those purposes may enter land.

(2) If a constable destroys or captures a pig under subsection (1) the carcass of the pig or, if captured live, the pig must be disposed of in a manner determined by the Chief of Police.

(3) The Chief of Police may determine that the carcass of the pig or the pig is to be returned to the owner of the pig but is under no obligation to do so.

(4) Subsection (1) applies although before its destruction or capture –

(a) The pig was the property of some other person; and

(b) The constable may have been aware of that fact.

10 Constable may destroy a pig suffering from injury

(1) A constable –

(a) May destroy a pig that is apparently suffering from injury, disease or neglect; and

(b) For that purpose, may enter the land.

(2) If a constable destroys a pig under subsection (1) the carcass of the pig must be disposed of in a manner determined by the Chief of Police.

(3) The Chief of Police may determine that the carcass of the pig is to be returned to the owner of the pig but is under no obligation to do so.

(4) Subsection (1) applies although before its destruction –

- (a) The pig was the property of some other person; and
- (b) The constable may have been aware of that fact.

11 Power of entry

If a constable has good cause to suspect that an offence against this Act is being committed on land the constable may enter the land –

- (a) To inspect –
 - (i) any pig for the time being appearing to be kept on that land; or
 - (ii) the conditions in which any such pig is being kept; and
- (b) If authorised to do so under any other provision of this Act, destroy a pig on the land.

12 Power of constable to request information

(1) A constable may for the purposes of this Act request –

- (a) A person appearing to be in charge of a pig; or
- (b) A person appearing to be the occupier of land on which a pig is for the time being kept, to state the person's name and address; and if that person claims not to be the owner of the pig, the name and address of the owner of the pig.

(2) A person must not –

- (a) Without reasonable excuse, fail or refuse to comply with a lawful request under subsection (1); or
- (b) Wilfully state a false name or address in response to such a request. Penalty: Fine not exceeding 2 penalty units.

(3) A constable may arrest without warrant a person who –

- (a) Fails or refuses to comply with a lawful request under subsection (1); or
- (b) In the opinion of the constable, has stated a false name or address in response to such a request.

13 Wilful obstruction of constable

(1) A person must not wilfully obstruct or hinder a constable in the exercise of the constable's powers under this Act. Penalty: Fine not exceeding 2 penalty units.

(2) A constable may arrest without warrant a person who wilfully obstructs or hinders the constable in the exercise of the constable's powers under this Act.

14 Court may order convicted person to pay compensation

(1) If the Court –

(a) Has convicted a person of an offence under this Act in respect of a pig wandering at large on the land of another person; and

(b) Is satisfied that the pig caused damage on the land of that other person, the Court may – inquire into the extent of that damage; and in addition to any other penalty it imposes in respect of the offence or in substitution for any such penalty order the person convicted of the offence to pay to the owner of the land such amount as the Court considers is fair compensation for the damage caused by the pig.

(2) If the Court orders a person to pay compensation under subsection (1) the making of that order does not prohibit any person taking action for the recovery of damages or additional damages.

15 Owner liable for damage done by a pig wandering at large

The owner of a pig that wanders at large is liable in damages for damage done by the pig while wandering at large, and it is not necessary for a person seeking damages to show –

(a) A previous propensity in the pig to wander at large; or

(b) The owner's knowledge of any such propensity; or

(c) That the damage was attributable to neglect on the part of the owner of the pig.

16 Indemnity

(1) Action, civil or criminal, does not lie against the Government, the Chief of Police, a constable or any other person in respect of –

(a) The destruction or capture of a pig or the disposal of a pig or the carcass of a pig under this Act; or

(b) The attempted destruction or capture of a pig under this Act if the pig is wounded or maimed instead of being so destroyed or captured.

(2) Subsection (1)(b) does not apply if unnecessary suffering is caused to a pig.

17 Compensation not payable for destruction of pig

The owner of a pig has no right to compensation in respect of a pig destroyed or captured or disposed of under this Act.

18 Regulations

(1) Cabinet may make regulations necessary or convenient for the purposes of this Act.

(2) Regulations made under subsection (1) may, in particular –

(a) Provide for the registration of pigs;

(b) Provide for the imposition of fees for the registration of pigs;

(c) Provide for pigs to be distinguishable as the property of an ascertainable person by the wearing of tags or collars, or by branding or earmarks, or by any similar means;

(d) Provide for the registration of the owners of pigs;

(e) Provide for the imposition of fees for the registration of owners of pigs;

(f) Prescribe the manner in which enclosures for pigs are to be constructed;

(g) Prohibit or regulate where the enclosures for pigs may be placed;

(h) Provide for the imposition of fines not exceeding 5 penalty units for a failure to comply with any provision of the regulations; and (i) Provide for the remission of fees in whole or in part in cases of hardship.

(3) The Cabinet may exempt a person from compliance with any provision of a regulation made under this section if the Cabinet is satisfied that compliance with the regulation would cause the person undue hardship.

(4) An exemption given under subsection (3) may be given subject to conditions and is of no effect unless those conditions are complied with.