

Animals Act 1967 (By Parliamentary Counsel) 006

ANALYSIS

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REPRINTED ACT

[WITH AMENDMENTS INCORPORATED]

ANIMALS

REPRINTED AS ON 1 SEPTEMBER 1994

NOTES: 1. This Act is administered in the Ministry of Agriculture and Fisheries. See s. 3 (2) of the Ministry of Agriculture and Fisheries Act 1953.

2. As to consents under this Act for environmental purposes, see ss. 2 and 31 (c) (i) of the Environment Act 1986.

3. Ss. 1 (2) and 167 (1) of the Biosecurity Act 1993 repealed the Animals Act 1967 (R.S. Vol. 21, p. 73) save for sections 13 (as amended by section 2 of the Animals Amendment Act 1990) other than subsection (1B) (a), sections 14 and 15 (as amended by section 2 of the Animals Amendment Act 1990), 16, and 21 in so far as each of those sections relates to organisms not established in New Zealand. The sections so saved are reprinted in this title.

4. Section 169 of the Biosecurity Act 1993 provides that notwithstanding section 167 (1) of that Act, the Animals Act 1967 shall continue in full effect to the extent necessary for the proper administration of sections 13, 14, 15, 16, and 21 of that Act in relation to organisms not established in New Zealand.

5. The following further sections of the Biosecurity Act 1993 continue to affect operations under the Animals Act 1967: ss. 20 (3), 28 (1) (a), 28 (4), 168, 172 (1), 174 (1), 175 to 178, and 180 (as to the expiration of ss. 179 and 180, see s. 185).

6. See the Animals Law Reform Act 1989, and the Animal Identification Act 1993.

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THE ANIMALS ACT 1967

1967, No. 50

An Act to consolidate and amend the Stock Act 1908

[16 November 1967

1. Short Title---This Act may be cited as the Animals Act 1967.

Although this section was repealed by s. 167 (1) of the Biosecurity Act 1993 it is shown here as being impliedly in force so long as ss. 13-21 continue in force.

2.- 3. Repealed by s. 167 (1) of the Biosecurity Act 1993.

PART I GENERAL ADMINISTRATION

4-10. Repealed by s. 167 (1) of the Biosecurity Act 1993.

PART II IMPORTATION

11, 11A, 12. Repealed by s. 167 (1) of the Biosecurity Act 1993.

13. Restrictions on importation of animals, etc.---(1) No person shall import or introduce any animal, animal product, animal manure, packing material, fittings, or fodder into New Zealand---

(a) Without the written permit of the Minister or of a person authorised by him in that behalf [or pursuant to an exemption given by the Minister by notice under subsection (4B) of this section]; or

(b) In contravention of any regulations made under this Act; or

(c) In contravention of section 14 of this Act.

[(1A) The Minister shall not issue an import permit or give an exemption notice, and a person authorised by the Minister to issue an import permit shall not do so,---

(a) In respect of any animal of a kind specified in any of paragraphs (a) to (j) of section 14 (1) of this Act; or

(b) In respect of any animal of a kind not already established in New Zealand, if animals of its kind would be likely to be a substantial nuisance to people, or cause substantial injury or substantial damage to natural resources, if they became established in New Zealand; or

(c) In respect of any animal, if---

(i) Once animals of its kind became established in New Zealand, their eradication would be impossible or impracticable; and

(ii) The Minister or person is not satisfied beyond reasonable doubt that there is no reasonable evidence to suggest that the establishment in New Zealand of animals of its kind would cause significant injury or significant damage to natural resources; or

(d) In respect of any animal, if---

(i) Once animals of its kind became established in New Zealand, their eradication would be difficult or expensive (although practicable); and

(ii) The Minister or person is not satisfied on the balance of probabilities that there is no reasonable evidence to suggest that the establishment in New Zealand of animals of its kind would cause significant injury or significant damage to natural resources; or

(e) In respect of any animal, unless satisfied, having regard to the conditions (if any) to which the permit or notice is subject, that it is in the public interest to do so.

(1B) In determining whether or not the Minister or person concerned is satisfied that the issue of a permit or the granting of an exemption is in the public interest, the Minister or person---

(a) Repealed by s. 167 (1) of the Biosecurity Act 1993.

(b) In the case only of an animal or animals of a species that is not established in New Zealand, shall also have regard to the following matters:

(i) The ease or difficulty with which animals of that species might escape from the places in which it is intended that they should be:

(ii) The ease or difficulty with which animals of that species might become established in New Zealand if they escaped or were released from the places in which it is intended that they should be:

(iii) The ease or difficulty with which animals of that species might be eradicated if they became established in New Zealand:

(iv) Any other possible harmful effects that the establishment in New Zealand of animals of that species might have on natural resources:

(v) Any possible beneficial effects that the establishment in New Zealand of animals of that species might have on natural resources:

(vi) The possible effect on use and enjoyment by members of the public of land and waters to which they have a right of access of the presence, in the places in which it is intended that they should be, of animals of that species:

(vii) The possible effect on the use and enjoyment by members of the public of land and waters to which they have a right of access of the presence, in places in which they might become established if they escaped or were released from the places in which it is intended that they should be, of animals of that species:

(viii) Any possible harmful economic effects of the presence of animals of that species in the places in which it is intended that they should be:

(ix) Any possible harmful economic effects of the presence of animals of that species in the places in which they might become established if they escaped or were released from the places in which it is intended that they should be:

(x) Any possible beneficial economic effects of the presence of animals of that species in the places in which it is intended that they should be:

(xi) Any possible beneficial social effects of the presence of animals of that species in the places in which it is intended that they should be:

(xii) The views of the Minister for the Environment and the Minister of Conservation on the matters set out in subparagraphs (i) to (xi) of this paragraph.

(1C) When issuing or refusing to issue an import permit or giving or refusing to give an exemption notice, the Minister or authorised person concerned shall give in writing---

(a) Reasons for doing so; and

(b) Where an import permit is issued, or an exemption notice is given, subject to conditions, reasons for the imposition of the conditions.

(1D) Nothing in this section affects section 14 of this Act.]

(2) Every such permit [and exemption] shall be subject to such conditions as may be specified in relation thereto in the permit [or exemption] and in any regulations made under this Act; and, without limiting the foregoing provisions of this subsection,---

(a) Conditions may be imposed by any such permit [or exemption] or regulations that take effect after the importation or introduction of any animal or species of animal or any animal product, animal manure, or fittings; and [(ab) Conditions may be imposed by any such permit or exemption or regulations--- (i) Requiring the animals concerned, and all or any of their progeny (of any generation) to be held ([[indefinitely,]] for a specified period, or until the happening of a specified event) in premises that, in the opinion of the Director-General, guard adequately against their escape:

(ii) Requiring the execution of a bond, of an amount and by a person satisfactory to the Director-General, for the payment of the costs to the Ministry in dealing with the escape of any animals in respect of which a requirement is made under subparagraph (i) of this paragraph:

(iii) Empowering the Director-General, or any person authorised by the Director-General, to test the animals concerned and their progeny (of any generation) while held pursuant to subparagraph (i) of this paragraph, and for the purpose to enter any place where they are held:

(iv) Providing for the Minister or person who issued the permit or exemption to withdraw it if satisfied that it should not have been issued:

(v) Providing for the animals concerned, and all or any of their progeny (of any generation) to be exported, destroyed, or otherwise disposed of, without compensation, if the permit or exemption is withdrawn, or if a condition imposed by the permit or exemption is not complied with:

(vi) Empowering the Director-General, or any person authorised by the Director-General, to enter any place where animals required under subparagraph (v) of this paragraph to be disposed of are held, and dispose of all or any of them:

(vii) Requiring the execution of a bond, of an amount and by a person satisfactory to the Director-General, for the payment of the costs to the Ministry in disposing of any animals in respect of which a requirement is made under subparagraph (v) of this paragraph.]

(b) Conditions may be imposed by any such regulations that require the payment of a deposit or the entering into a bond, with or without sureties, for the compliance with the conditions of any such permit [or exemption] or regulations.

(3) Any such permit [or exemption] may be general or may relate to a specified importation.

(4) Any such permit [or exemption] may be revoked or varied at any time by the Minister or by any person authorised as aforesaid to grant such a permit [or exemption].

[(4A) No permit [[or exemption]] issued under this section may be transferred from the person to whom it is issued to any other person.]

[(4B) The Minister may from time to time, by notice in the Gazette and subject to such conditions as he may impose, exempt all persons from the necessity of obtaining a permit under subsection (1) (a) of this section in respect of the importation of such animal, animal product, packing material, fittings, or fodder from such country or countries as may be specified in the notice; and any such exemption may, in like manner, be amended or revoked.]

(5) Where any animal is imported or introduced into New Zealand in accordance with regulations made or a permit granted [or exemption given] under this Act, and at the time of the importation or introduction or at any time thereafter the animal is found to be affected with any harmful animal, harmful fungus, harmful bacterium, or harmful virus, other than the causal agent of any of the diseases for the time being specified in the First and Second Schedules to this Act, the animal so imported or introduced may be seized or destroyed and no compensation shall be payable in respect of it. The costs of and incidental to any such seizure or destruction shall be borne by the owner of the animal at the time of its seizure.

(6) For the purpose of determining whether it is desirable to prohibit, under this Act or [the Plants Act 1970], the importation or introduction into New Zealand of any product or material which an Inspector suspects may be of animal or vegetable origin and which any person intends to import or introduce into New Zealand, the Inspector may take a reasonable sample of the product or material; and no compensation shall be paid to any person in respect of any sample so taken.

(7) Nothing in this Part of this Act shall affect the introduction of bees into New Zealand in accordance with [the Apiaries Act 1969] [or the introduction of beneficial organisms in accordance with the Plants Act 1970].

Cf. 1908, No. 187, s. 19A; 1952, No. 71, s. 6 (1)

In subs. 1 (a) the words in square brackets were inserted by s. 3

(1) of the Animals Amendment Act 1982.

Subss. (1A) to (1D) were inserted by s. 2 (1) of the Animals Amendment Act 1990.

As to subss. (1A) to (1C), s. 2 (6) of the Animals Amendment Act 1990 provided as follows:

"(6) Subsections (1A) to (1C) of section 13 of the principal Act (as inserted by subsection (1) of this section) apply to applications for a permit or notice of exemption made before the commencement of this Act."

In subs. (2) the words "and exemption" in square brackets were inserted by s. 2 (2) (a) of the Animals Amendment Act 1990.

In subs. (2), (3), (4), and (4A) the words "or exemption" in square brackets were inserted by s. 2 (2) (b) of the Animals Amendment Act 1990.

In subs. (2), para. (ab) was inserted by s. 2 (3) of the Animals Amendment Act 1990; and, in subs. (2) (ab) (i), as so inserted, the word "indefinitely" (as shown in double square brackets) was inserted by s. 168 (1) of the Biosecurity Act 1993.

Subs. (4A) was inserted by s. 3 of the Animals Amendment Act 1974.

Subs. (4B) was inserted by s. 3 (2) of the Animals Amendment Act 1982.

In subs. (5) the words in square brackets were inserted by s. 3 (3) of the Animals Amendment Act 1982.

In subs. (6) the Plants Act 1970, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Orchard and Garden Diseases Act 1928.

The Plants Act 1970 was virtually repealed by s. 167 (1) of the Biosecurity Act 1993; see the Third Schedule to that Act.

In subs. (7) the Apiaries Act 1969, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Apiaries Act 1927; and the words in the second set of square brackets were added by s. 32 (1) of the Plants Act 1970.

The Apiaries Act 1969 was virtually repealed by s. 167 (1) of the Biosecurity Act 1993; see the Third Schedule to that Act.

This section (as reprinted) is excepted from the repeal of the Animals Act 1967 by s. 167 (1) of the Biosecurity Act 1993, which Act came into force on 1 October 1993 (s. 1 (2)).

The section remains in force insofar as it relates to organisms not established in New Zealand.

13A. Inserted by s. 5 of the Animals Amendment Act 1983 and repealed by s. 167 (1) of the Biosecurity Act 1993.

14. Prohibition on importation or liberation of certain animals---(1) No person shall import or introduce into [New Zealand, any of the following animals in a live state]:

(a) Any snake of any species whatever; or

(b) Any venomous reptile, or any [stage in the development] of any venomous amphibian, venomous fish, or venomous invertebrate; or

(c) Any red vented bulbul (*Molpastes cafer* L.); or

(d) Any American grey squirrel (*Sciurus carolinensis* gmelin); or

(e) Any red fox or silver fox (*Vulpes vulpes* L.); or

(f) Any musquash (or muskrat) (*Ondatra zibethica* L.); or

(g) Any hamster (*Mesocricetus* supp.); or

(h) Any mongoose (*Herpestes* supp.); or

(i) Any coypu or nutria (*Myocastor coypus*); or

(j) Any mink (*Mustela vison*); or [(ja) Any African or Africanised honey bee (*Apis mellifera* scutellata); or]

[(k) Any animal of a kind not already established in New Zealand, if animals of its kind would be likely to be a substantial nuisance to people, or cause substantial injury or substantial damage to natural resources, if they became established in New Zealand.]

(1A), (1B) Inserted by s. 3 of the Animals Amendment Act 1969 and repealed by s. 4 (3) of the Animals Amendment Act 1974.

(2) No person shall liberate or allow to go at large in New Zealand any noxious reptile, or any living stage of any noxious amphibian, noxious fish, or noxious invertebrate.

Cf. 1908, No. 187, s. 19A (5), (7); 1952, No. 71, s. 6 (1)

In subs. (1) the words in the first set of square brackets were substituted for the words "New Zealand---" by s. 4 (1) of the Animals Amendment Act 1974.

In subs. (1) (b) the words in square brackets were substituted for the words "living stage" by s. 4 (2) of the Animals Amendment Act 1974.

In subs. (1), para. (ja) was inserted by s. 168 (1) of the Biosecurity Act 1993, and para. (k) was substituted for the original para. (k) by s. 2 (7) of the Animals Amendment Act 1990.

This section (as reprinted) is excepted from the repeal of the Animals Act 1967 by s. 167 (1) of the Biosecurity Act 1993, which Act came into force on 1 October 1993 (s. 1 (2)).

The section remains in force insofar as it relates to organisms not established in New Zealand.

15. Importation of animals for zoological gardens---(1) Notwithstanding [sections 13 and] 14 of this Act, a permit may be issued under section 13 of this Act to authorise the importation or introduction into New Zealand of any animal to which paragraph (k) of subsection (1) of the said section 14 applies in any case where---

[(a) The permit imposes the condition that the animal shall be kept for a prescribed period in a specified zoological garden of a class that is, in accordance with regulations made under this Act, registered for the purposes of holding imported and introduced animals; and]

(b) In the opinion of the Minister or of a person authorised by him in that behalf the importation or introduction of the animal will not present a risk of disease to animals in New Zealand.

(2) Every person who imports or introduces any animal into New Zealand under this section shall comply with all conditions in relation to the permit that are specified in the permit and in any regulations made under this Act.

In subs. (1) the words "sections 13 and" were substituted for the original words by s. 2 (5) of the Animals Amendment Act 1990; and para. (a) was substituted for the original para. (a) by s. 5 (1) of the Animals Amendment Act 1974.

This section (as reprinted) is excepted from the repeal of the Animals Act 1967 by s. 167 (1) of the Biosecurity Act 1993, which Act came into force on 1 October 1993 (s. 1(2)).

The section remains in force insofar as it relates to organisms not established in New Zealand.

16. Importation of animals for research---(1) Notwithstanding the foregoing provisions of this Part of this Act,---

(a) The Director-General may from time to time import or introduce into New Zealand any cattle, sheep, or swine not otherwise eligible for entry into New Zealand, for the purpose of research or experiment intended to improve the quality of New Zealand animals and the products derived therefrom:

(b) The Minister may in special circumstances grant to any person a permit . . . to import or introduce into New Zealand any animal not otherwise eligible for entry into New Zealand, for the purpose of any research or experiment approved by the Minister.

(2) No animal shall be imported or introduced to New Zealand under paragraph (b) of subsection (1) of this section otherwise than in accordance with regulations made under this Act providing for the quarantine of any such animals and prescribing all such other matters as the Governor-General considers necessary for preventing the introduction of any disease affecting animals and all undesirable consequences.

Cf. 1908, No. 187, s. 19B; 1964, No. 128, s. 2

In subs. (1) (b) the words "under section 13 of this Act" were omitted by s. 6 of the Animals Amendment Act 1974. See S.R. 1972/214.

This section (as reprinted) is excepted from the repeal of the Animals Act 1967 by s. 167 (1) of the Biosecurity Act 1993, which Act came into force on 1 October 1993 (s. 1 (2)).

The section remains in force insofar as it relates to organisms not established in New Zealand.

17-20. Repealed by s. 167 (1) of the Biosecurity Act 1993.

21. Restriction on introduction into New Zealand or possession of any organism---(1) No person shall, without the written permission of the Director-General, knowingly introduce any organism, or knowingly cause any organism to be introduced, into New Zealand.

(2) Any person who is in possession of any organism shall---

(a) Furnish in respect of the organism such particulars (including the potency thereof, the use being made of the same, and the manner in which it is being kept) as may from time to time be required by the Director-General:

(b) Comply with every requirement of the Director-General, and any regulations, made under this Act and providing for the control of the keeping of organisms.

(3) If the Director-General is satisfied that the retention of an organism is contrary to the public interest, he may order the destruction thereof or authorise any Inspector to order the destruction thereof.

(4) Every person commits an offence, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$2,000 or both, who---

(a) Knowingly introduces, or knowingly causes to be introduced into New Zealand, any organism in contravention of subsection (1) of this section; or

(b) Knowingly has in his possession any organism, culture, subculture, or other preparation of any organism introduced into New Zealand in contravention of subsection (1) of this section.

(5) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200 who acts in contravention of or fails to comply with---

(a) Any direction of the Director-General, or any provision of any regulations, given or made under this Act and providing for the control of the keeping of organisms; or

(b) Any of the provisions of subsection (2) of this section.

Cf. 1908, No. 187, s. 20; 1960, No. 121, s. 3

This section (as reprinted) is excepted from the repeal of the Animals Act 1967 by s. 167 (1) of the Biosecurity Act 1993, which Act came into force on 1 October 1993 (s. 1 (2)).

The section remains in force insofar as it relates to organisms not established in New Zealand.

22-23. Repealed by s. 167 (1) of the Biosecurity Act 1993.

PART III DISEASE CONTROL

24-60. Repealed by s. 167 (1) of the Biosecurity Act 1993.

PART IV ANIMAL CONTROL

61-68. Repealed by s. 167 (1) of the Biosecurity Act 1993.

PART V BRANDING

69-96. Repealed by s. 167 (1) of the Biosecurity Act 1993.

PART VI MISCELLANEOUS PROVISIONS

97-109. Repealed by s. 167 (1) of the Biosecurity Act 1993.

The Animals Act 1967 is administered in the Ministry of Agriculture and Fisheries.