

Animals Amendment Act 1990 055

Commenced: 3 July 1990

ANALYSIS

Analysis

Title

1 Short Title

2 Restrictions on importation of animals, etc.

An Act to amend the Animals Act 1967

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title---This Act may be cited as the Animals Amendment Act 1990, and shall be read together with and deemed part of the Animals Act 1967 (hereinafter referred to as the principal Act).

2. Restrictions on importation of animals, etc.---(1) Section 13 of the principal Act is hereby amended by inserting, after subsection (1), the following subsections:

"(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) Shall in all cases have regard to the following matters:

"(i) The likelihood that the animal or animals concerned might bring diseases or parasites into New Zealand:

"(ii) The nature and effect of any diseases or parasites the animal or animals might bring into New Zealand:

"(iii) The possible effect on public and animal health in New Zealand of any diseases or parasites the animal or animals might bring into New Zealand:

"(iv) The possible economic effects of the introduction into New Zealand of any diseases or parasites the animal or animals might bring into New Zealand:

"(v) The possible effect on public and animal health of the presence, in the places in which it is intended that they should be, of animals of the species concerned:

"(vi) The possible effect on public and animal health of the presence, 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, of animals of that species:

"(vii) Any other matters the Minister or person thinks relevant; and

"(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) The said section 13 is hereby further amended by inserting---

(a) After the word "permit", where it first appears in subsection (2), the words "and exemption"; and

(b) After the word "permit", in each place where it subsequently appears in subsection (2), and in each place where it appears in subsections (3) to (4A), the words "or exemption".

(3) Subsection (2) of the said section 13 is hereby further amended by inserting, after paragraph (a), the following paragraph:

"(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 (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."

(4) Section 2 (1) of the principal Act is hereby consequentially amended by inserting, in their appropriate alphabetical order, the following definitions:

" `Exemption notice' means a notice under section 13 (4B) of this Act of exemption from the necessity of obtaining an import permit:

" `Import permit' means a permit under section 13 of this Act for the importation or introduction into New Zealand of any animal or animals:

" `Kind' means species; but, where animals of a species are already established in New Zealand, includes a variety of the species, if animals of the variety---

"(a) Are not already established in New Zealand; and

"(b) Differ in some significant respect (in terms of the possible effects of their establishment in New Zealand) from the animals of the species already established in New Zealand:

" `Ministry' means the Ministry of Agriculture and Fisheries:

" `Natural resources' means---

"(a) Plants and animals of all kinds; and

"(b) The air, water, and soil, in or on which any plant or animal lives or may live; and

"(c) Landscape and land form; and

"(d) Geological features; and

"(e) Systems of interacting living organisms, and their environment:".

(5) Section 15 (1) of the principal Act is hereby consequentially amended by omitting the words "the provisions of section", and substituting the words "sections 13 and".

(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.

(7) Section 14 (1) of the principal Act is hereby consequentially amended by repealing paragraph (k), and substituting the following paragraph:

"(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."

(8) The following orders are hereby consequentially revoked:

(a) The Customs Import Prohibition (Aquatic Fauna) Order 1989:

(b) The Customs Import Prohibition (Aquatic Fauna) Order 1989, Amendment No. 1.