

# **Animal Disease and Control Act 1952**

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 206.

*Animal Disease and Control Act 1952.*

## ARRANGEMENT OF SECTIONS.

1. Interpretation.
2. Chief Stock Inspector.
3. Inspectors.
4. General powers of Inspectors.
5. Application of Part III.
6. Declaration of diseases.
7. Notifiable diseases.
8. Order for confinement of animals.
9. Disease Areas.
10. Application of Part IV.
11. Declaration of noxious animals.
12. Destruction of noxious animals.
13. Importation of noxious animals.
14. Keeping of noxious animals.
15. Turning noxious animals loose, etc.
16. Importation and movement of animals.
17. Forfeiture, etc., of animals.
18. Failure to comply with order, etc.
19. Immunity of Inspectors, etc.
20. Compensation for destruction.
21. Obstruction, etc.
22. Regulations.

**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

AN ACT

entitled

*Animal Disease and Control Act 1952.*

Being an Act–

(a) relating to diseases of animals; and

(b) to prohibit and restrict the importation into and the keeping in the country of certain animals, and for related purposes.

## **PART I.** – PRELIMINARY.

### **1. INTERPRETATION.**

In this Act, unless the contrary intention appears–

“animal” means any member of the animal kingdom other than man, and includes a part or product of an animal;

“the Chief Stock Inspector” means the Chief Stock Inspector appointed under Section 2;

“disease” means, subject to Section 6(2), rabies or a disease or pest declared under Section 6 to be a disease for the purposes of this Act;

“Disease Area” means an area declared under Section 9 to be a Disease Area for the purposes of this Act;

“domestic animals” means–

(a) horses, donkeys, mules, oxen, sheep, goats, buffaloes or other ruminants, pigs, dogs, cats, poultry or bees; or

(b) any other animals declared under this Act to be domestic animals for the purposes of this Act;

“Inspector” means, subject to Section 3(b), the Chief Stock Inspector or an Inspector appointed under Section 3;

“notifiable disease” means rabies or a disease declared under Section 7 to be a notifiable disease;

“noxious animal” means an animal declared under Section 11 to be a noxious animal;

“owner”, in relation to an animal, includes a person who is the representative, agent, manager or overseer of the owner, or who has the custody or control of the animal;

“the regulations” means any regulations made under this Act;

“this Act” includes the regulations.

## **PART II.** – INSPECTORS.

### **2. CHIEF STOCK INSPECTOR.**

(1) The Minister may, by notice in the National Gazette, appoint an officer to be the Chief Stock Inspector.

(2) Subject to any directions of the Minister, the Chief Stock Inspector is responsible for the administration of this Act.

### **3. INSPECTORS.**

The Chief Stock Inspector may–

- (a) by notice in the National Gazette, appoint an officer to be an Inspector for the purposes of this Act; and
- (b) in a notice under Paragraph (a) limit the powers of an Inspector to some or all of the powers conferred by this Act.

#### 4. GENERAL POWERS OF INSPECTORS.

For the purposes of this Act, an Inspector may—

- (a) examine an animal; and
- (b) with or without assistants, enter any land, premises, ship, vehicle, aeroplane or airship for the purpose of—
  - (i) inspecting or treating an animal; or
  - (ii) enforcing this Act; and
- (c) order a person—
  - (i) to produce documents or papers in his possession or under his control relating to an animal; and
  - (ii) to answer truly a question put to him relating to an animal; and
- (d) order the owner, or the occupier, of any land on which there is an animal—
  - (i) to muster it for the purposes of examination or treatment; and
  - (ii) to provide crushes or such other means as are prescribed or as the Inspector thinks necessary; and
  - (iii) to provide such assistance as the Inspector reasonably requires; and
- (e) destroy, or order the owner to destroy, any animal that is, or is suspected of being, diseased, as to which the Inspector alone shall decide; and
- (f) submit an animal to a system of quarantine; and
- (g) carry out tests on or treat an animal, by vaccination or otherwise; and
- (h) seize, detain and remove an animal for the purpose of—
  - (i) examination; or
  - (ii) destruction; or
  - (iii) submission to a system of quarantine; or
  - (iv) carrying out tests or treatment; and
- (i) order the owner of a diseased animal or of an animal that is suspected to be diseased to disinfect or carry out prescribed treatment on the animal; or
- (j) destroy, disinfect or treat—
  - (i) any hay, straw, fodder or other article; or
  - (ii) any veterinary diagnostic agents, sera or vaccines,

by which there may be a danger of a disease being introduced to  
or propagated in the country; or
- (k) order the owner of an animal or the occupier of any land on which an animal is found to remove to a specified place—

- (i) the animal; and
- (ii) any hay, straw, fodder, fittings or things used in connection with the animal; or
- (l) order the owner, or the person in charge, of any land, premises, ship, vehicle, aeroplane or airship in or on which any animal or thing referred to in Paragraph (k) is, or has been, to cause the land or thing to be disinfected or treated in the prescribed manner and to the satisfaction of the Inspector; and
- (m) order the owner, or the occupier of, any land on which there is an animal–
  - (i) to fence the land or part of the land; or
  - (ii) if approved by the Chief Stock Inspector, to confine the animal to the land or a part of the land by herding, in a manner approved by the Chief Stock Inspector.

### **PART III. – ANIMAL DISEASES.**

#### **5. APPLICATION OF PART III.**

(1) In this section, “vessel” means a ship, boat, aircraft or other vessel or vehicle used in navigation by sea or air.

(2) This Part does not apply to an animal that is imported or introduced into the country or a part of the country–

(a) while it is subject, or deemed to be subject, to quarantine or quarantine surveillance under the Quarantine Act 1953; or

(b) before it leaves or is removed from the vessel in which it arrived in the country.

#### **6. DECLARATION OF DISEASES.**

(1) The Minister may, by notice in the National Gazette, declare a disease or pest affecting animals to be a disease for the purposes of this Act.

(2) In a notice under Subsection (1) or by a subsequent notice, the Minister may declare that only certain provisions of this Act apply in relation to a disease declared under Subsection (1), and thereupon the provisions of this Act, other than the provisions so declared, do not apply to or in relation to the disease.

#### **7. NOTIFIABLE DISEASES.**

(1) The Minister may, by notice in the National Gazette, declare a disease to be a notifiable disease.

(2) The owner of an animal, or the occupier of any land on which there is an animal, who–

(a) knows or suspects; or

(b) ought, if he used reasonable diligence, to know or suspect,

that the animal is infected by a notifiable disease, and who fails to notify an Inspector immediately, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

Default penalty: A fine not exceeding K20.00.

## 8. ORDER FOR CONFINEMENT OF ANIMALS.

(1) For the purpose of preventing a disease or the spread of a disease, an Inspector may, in writing, order the owner of an animal, or the occupier of any land on which there is an animal, to confine or restrain the animal in the prescribed manner.

(2) The owner of an animal or the occupier of any land on which there is an animal who fails to comply with an order under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00.

Default penalty: A fine not exceeding K20.00.

## 9. DISEASE AREAS.

(1) The Minister may, by notice in the National Gazette, declare an area—

(a) in which there is, or is suspected to be, a virulent disease that, in his opinion, is of serious economic or social importance; or

(b) in which there is, in his opinion, danger of the outbreak of any such disease,

to be a Disease Area in relation to the disease specified in the notice.

(2) An Inspector may, in and in relation to a Disease Area—

(a) seize and destroy, or order the owner to seize and destroy, an animal that—

(i) is diseased or suspected of being diseased; or

(ii) in the opinion of the Inspector, should be destroyed to prevent the disease or the spread of the disease; and

(b) order the owner of an animal, or the occupier of land on which there is an animal, to confine or restrain the animal in such manner as the Inspector directs; and

(c) order the owner of an animal, or the occupier of any land on which there is an animal, to produce the animal, at a time and place specified by the Inspector, for inspection by him; and

(d) destroy, or order the destruction of, all of any kind or of all kinds of animals in the Area; and

(e) disinfect or treat, or order the owner or occupier to disinfect or treat, in such manner as the Inspector directs, any building, vehicles, goods or thing that in the opinion of the Inspector should be so disinfected or treated to prevent the disease or the spread of the disease; and

(f) destroy, or order the owner or occupier to destroy, in such manner as the Inspector directs, the whole or any part of any building, vehicle, goods or thing that in the opinion of the Inspector should be destroyed to prevent the disease or the spread of the disease; and

(g) apprehend and detain, without warrant, in such manner as seems to him advisable or as is

prescribed, any person, animal or thing by whom or in respect of which an offence against this Act—

- (i) has been committed; or
  - (ii) is about to be committed; or
  - (iii) is suspected to have been or to be about to be committed; and
- (h) take such other measures and exercise such other powers as are prescribed.

(3) In cases of emergency, an Inspector may delegate, in writing, to a person all or any of his powers under this section.

#### **PART IV. – NOXIOUS ANIMALS.**

##### **10. APPLICATION OF PART IV.**

The Minister may, by notice in the National Gazette, declare that any of the provisions of this Part do not apply in respect of a noxious animal specified in the notice in a part of the country so specified.

##### **11. DECLARATION OF NOXIOUS ANIMALS.**

The Minister may, by notice in the National Gazette, declare an animal to be a noxious animal.

##### **12. DESTRUCTION OF NOXIOUS ANIMALS.**

Any person may destroy a noxious animal.

##### **13. IMPORTATION OF NOXIOUS ANIMALS.**

A person who introduces or imports a noxious animal into the country is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

##### **14. KEEPING OF NOXIOUS ANIMALS.**

A person who—

- (a) has a noxious animal in his possession or under his control; or
- (b) permits a noxious animal to be on any land or in any premises owned or occupied by him,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Default penalty: A fine not exceeding K40.00.

## 15. TURNING NOXIOUS ANIMALS LOOSE, ETC.

A person who turns a noxious animal loose, or wilfully or negligently permits a noxious animal to run loose, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Default penalty: A fine not exceeding K40.00.

## PART V. – GENERAL RESTRICTIONS.

### 16. IMPORTATION AND MOVEMENT OF ANIMALS.

(1) The Minister may, by notice in the National Gazette, prohibit or restrict—

- (a) the introduction or importation of any animal or kind of animal into the country; or
- (b) the movement of any animal or kind of animal within the country.

(2) A notice under Subsection (1) may—

- (a) require a permit or consent to be obtained; or
- (b) impose, or authorize the imposition of, conditions by a permit or consent,

or both.

(3) A person who is concerned in introducing, importing or moving, or in the attempted introduction, importation or movement, of an animal in contravention of a notice under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Default penalty: A fine not exceeding K20.00.

(4) In a charge of an offence against Subsection (3) the burden of proof that the provisions of this section have been complied with is on the person charged.

### 17. FORFEITURE, ETC., OF ANIMALS.

(1) An animal that is—

- (a) introduced, imported or moved in contravention of a notice under Section 16; or
- (b) feral; or
- (c) subject to Subsection (2), wandering at large,

may be seized by or by order of an Inspector.

(2) Subsection (1)(c) does not apply to pigs.

(3) Where an animal is seized under Subsection (1)(a) or (b)–

(a) it is forfeited to the State; and

(b) it may be sold; and

(c) if it has not been sold within 14 days after the seizure, it may be destroyed by the Inspector.

(4) Where an animal is seized under Subsection (1)(c)–

(a) it may be detained until the prescribed fees and charges are paid; and

(b) the Inspector shall immediately give notice of the seizure to all persons whom he knows or believes to be owners of the animal; and

(c) if the animal is not claimed and the prescribed fees and charges paid within 14 days after its seizure the animal may be forfeited to the State and–

(i) it may be sold; and

(ii) if it has not been sold within one week after the forfeiture, it may be destroyed by an Inspector.

(5) The proceeds of a sale under Subsection (3)(b) or (4)(c)(i) shall be paid into the Consolidated Revenue Fund.

#### **PART VI. – MISCELLANEOUS.**

### **18. FAILURE TO COMPLY WITH ORDER, ETC.**

Where a person fails to do an act or thing that he is ordered or required under this Act to do–

(a) an Inspector may cause the act or thing to be done; and

(b) the expenses of doing the act or thing may be recovered by the State from that person as a debt.

### **19. IMMUNITY OF INSPECTORS, ETC.**

An Inspector, or a person acting under the authority, direction or order of an Inspector, is not liable for damage occasioned by carrying out any of the provisions of this Act unless the damage was occasioned maliciously and without reasonable or probable cause.

### **20. COMPENSATION FOR DESTRUCTION.**

(1) Where an animal destroyed (whether by an Inspector or by a person to whom powers have been delegated under Section 9(3) or otherwise, or by the owner on the order of an Inspector or any such person) under this Act, otherwise than under Section 12 or 17, is found after its destruction not to be affected by a disease, compensation is payable by the State to the owner of the animal.

(2) In the event of a dispute between the State and the owner of an animal as to the amount of compensation payable under Subsection (1), the matter shall be submitted to arbitration.



(3) For the purposes of Subsections (1) and (2), a decision of an Inspector under Section 4(e) as to the presence of a disease is prima facie evidence only.

(4) Where an animal is destroyed (whether by an Inspector or by a person to whom powers have been delegated under Section 9(3) or otherwise, or by the owner on the order of an Inspector or any such person) under this Act, the Minister may, in his discretion, compensate the owner of the animal for the purpose of enabling him to replace the animal destroyed.

(5) Where any building, vehicle, goods or thing is or are wholly or partly destroyed under this Act, the Minister may, in his discretion, compensate the owner or occupier for his loss.

(6) This section does not relate to an animal destroyed because of an outbreak or suspected outbreak, or in order to prevent or because of the danger of an outbreak, of rabies.

## **21. OBSTRUCTION, ETC.**

A person who obstructs or impedes a person in the exercise of any of the powers conferred by this Act is guilty of an offence.

Penalty: A fine not exceeding K100.00.

## **22. REGULATIONS.**

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular—

(a) for securing the examination, seizure or submission to a system of quarantine of animals; and

(b) for securing the carrying out of tests on animals; and

(c) for securing the carrying out of treatment on, or the destruction of, diseased animals or animals suspected of being diseased; and

(d) for prohibiting the feeding of waste food or refuse to animals, or for prescribing conditions under which waste food or refuse may be fed to animals; and

(e) for prescribing the treatment to be carried out on diseased animals or animals suspected of being diseased; and

(f) for the marking, by tattoo, earmark, brand or otherwise, of animals inspected, tested or treated for the purposes of this Act; and

(g) for securing the reporting of the movement of animals; and

(h) for prescribing measures to be taken in and in relation to a Disease Area to control, prevent the spread of and eradicate the disease in respect of which the Disease Area was declared, including—

(i) the quarantine of humans, animals and things; and

(ii) the prohibition or regulation of the movement of humans, animals or things into, from or within the Disease Area; and

(iii) the removal of humans, animals and things from one part of the Area to another; and

(iv) the disinfection or treatment of humans, animals and things; and

(v) the manner of apprehension and detention of humans, animals and things in respect of which an offence against this Act or the regulations—

(A) has been committed; or

(B) is about to be committed; or

(C) is suspected of having been or of being about to be committed; and

(vi) the forfeiture or destruction of animals and things referred to in Subparagraph (v); and

(i) for defining the duties of Inspectors; and

(j) for prescribing penalties of fines not exceeding K100.00, and default penalties of fines not exceeding K20.00, for offences against the regulations.

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