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Animals Act 1975

COOK ISLANDS

ANIMALS ACT 1975

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1975, No. 21

An Act to provide for animal control and animal diseases

(14 October 1975)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title

This Act may be cited as the Animals Act 1975.

2. Interpretation

(1) In this Act, unless the context otherwise requires, -

"Animal" means any living stage of the animal kingdom except human beings; and, in the case of any mammal, bird, or reptile, includes the egg, semen or the carcass thereof:

"Animal Product" means any part of an animal (including the flesh, wool, hair, skin, hide, bones, horns, hooves, feathers, and other parts of the carcass), and any product that is wholly, or partly derived from an animal or any part of an animal, being part of any animal or a product that has not been treated or sterilised to the stage where it is rendered free from any disease and from carrying any disease:

"Attendant" means any person in charge of the feeding, grooming and management during transit, of animals being imported into the Cook Islands:

"Aircraft" includes a hovercraft:

"Carcase" means the carcase of any animal and includes the whole or any part of the flesh, wool, hair, skin, hide, bones, hooves, horns, feathers or other portion of the carcase:

"Cattle" means any bull, cow, or steer, heifer, or calf and the carcase or any portion of the carcase of any of them:

"Conveyance" means any kind of vehicle whether self-propelled or not, which may travel by land, sea or air which is or has been used for the conveyance of or has come into contact with an animal, and includes a cargo container:

"Destroy" means to consume entirely by fire, or (if permitted by an Inspector) to bury at a depth of not less than three feet underground:

"Director" means the Director of Livestock appointed in accordance with section 10 of the Ministry of Economic Services and Natural Resources Act 1973-74:

"Disease" means any disease for the time being specified in the First or Second Schedules to this Act:

"Diseased", in relation to any animal, means that the animal is actually suffering from or affected with any disease:

"Disease Control Place" means any land which an Inspector has declared to be a disease control place by a notice given, and not revoked under section 21 of this Act:

"Fittings" means any stall, stable, shed, pen, horse box, cage, container, kennel or any other structure used for keeping animals and any halters, ropes, chains, brushes, buckets or any other articles whatsoever, which have been brought into contact with an animal:

"Fodder" means any hay, grass, straw, green crop, root fruit or vegetable (whether fresh, dried, preserved or processed), grain, or any cereal and includes any other thing used for the food of animals:

"Horse" means any horse, mare, gelding, colt, filly, or foal; and includes an ass, hinny, or mule, or the carcase of any of them:

"Imported Animal" means any animal brought into the Cook Islands by sea or air:

"Infected" applied to any animal, means that the animal is not known to be actually diseased, but has had direct or indirect contact with any diseased animal or any place or thing which an Inspector suspects to be carrying or harbouring a disease:

"Infected Area" means any area which the Director has declared to be an infected area by notice publicly notified under section 16, subsection (4) of this Act and not revoked under section 17 of this Act, being an area around and including an infected place:

"Infected Place" means any land which an Inspector has declared to be an infected place by a notice under section 16 Part II of this Act:

"Inspector" means any Inspector or temporary Inspector appointed for the purpose of this Act; and includes any officer appointed as an Inspector under section 6 of the Department of Agriculture Act 1970:

"Land" means any area, field, plantation, orchard, farm, pen, building, paddock, highway, or other place or premises; and references to land extend to and include water, harbour, wharf, airport, ship and aircraft:

"Litter" means any straw, or other material which is used for bedding down animals and includes the excreta:

"Master" means the captain or other person in charge of a ship or aircraft:

"Minister" means the Minister in charge of the Ministry of Economic Services and Natural Resources:

"Notice" means a notice in writing, or in print, or partly in writing and partly in print, delivered personally, or, (as the case may require) by leaving it at or posting it addressed to the office or address of an Inspector, or the usual or last known place of abode or business in the Cook Islands of the owner or other person to be affected by the notice, or by affixing the notice at the homestead or other conspicuous place on the land of the owner or other person:

"Occupier" in relation to any land, means the occupant of the land and if the land is not occupied

or the occupant is unknown, or cannot be found, includes the owner of the land, or of any estate or interest in the land:

"Organism" means any protozoan, fungus, bacterium, virus, or any other organism or micro-organism, being one which if living is capable of causing any disease, as defined in this section, or any other disease affecting animals, or if dead, was so capable when living; and includes any culture, subculture, or any other preparation whatsoever of any such protozoan, fungus, bacterium virus, organism or micro-organism:

"Owner" in relation to any animal, conveyance, fodder, or fittings, means any owner or joint owner thereof (other than a mortgagee not in possession) and includes any superintendent, overseer, agent, carrier, master of a ship or captain of an aircraft or other person having possession or charge thereof, and any consignee thereof:

"Place" include any land, water, harbour, wharf, ship and aircraft within the outer limits of territorial seas of the Cook Islands:

"Port" includes a seaport, airport or post office:

"Public Notice" in relation to any act, matter, or thing means a notice published in one or more newspaper circulating in the place or area to which the act, matter or thing relates or refers or in which it arises and "publicly notified" has a corresponding meaning:

"Quarantine Ground" means any land or place set apart by the Director under section 4 of this Act as a quarantine ground:

"Ship" means any boat, ship, steamer, lighter, barge, launch, hulk punt, yacht, ferry boat or raft:

"Swine" means any boar, barrow, sow, or pig of any age and any breed or the carcass of any of them.

(2) Any power vested in any person by this Act and expressed to be for the purposes of this Act may be exercised by that person for the purposes of any instrument made or any direction given under this Act in every way as if the purposes of that instrument or direction were express purposes of this Act.

3. Act to bind the Crown

This Act shall bind the Crown.

PART I

IMPORTATION

4. Quarantine grounds

(1) The Director may from time to time, by notice in the Gazette set apart and define any land under his control or with the consent of the Minister, any land of the Crown, as a quarantine ground for the detention of imported animals, or of one or more kinds of imported animals.

(2) The Director may from time to time, vary, alter, redefine or abolish any such quarantine ground.

(3) The cost of erecting buildings and fences, where necessary, on quarantine grounds, shall be met out of any money from time to time appropriated by the Legislative Assembly for the purposes of this section.

(4) All quarantine grounds and all appurtenances, fences and fittings shall be under the control of the Director or a departmental officer authorised by him.

(5) No person shall move onto or remove from any quarantine ground any animal or any thing without the written consent of the Director.

5. Minister may appoint ports of entry

The Minister may from time to time, by notice in the Gazette, appoint particular ports to be the only ports at which animal or any animals product may be lawfully imported into the Cook Islands.

6. Restrictions on importation of animals

(1) No person shall import or introduce any animal, animal product, animal manure, packing material, fittings or fodder into the Cook Islands,-

- (a) Without the written permit of the Minister or of a person authorised by him on that behalf; or
- (b) In contravention of any regulations made under this Act; or
- (c) In contravention of section 7 of this Act.

(2) Every such permit shall be subject to such conditions as may be specified in relation thereto in the permit and any regulations made under this Act.

(3) Without limiting the foregoing provisions of subsection (2) of this section, conditions may be imposed by any such permit 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.

(4) Any such permit may be general or may relate to a specified importation.

(5) Any such permit may be revoked or varied at any time by the Minister or by any person authorised by him to grant such a permit.

7. Prohibition on importation or liberation of certain animals

(1) No person shall import or introduce into the Cook Islands,-

- (a) Any snake of any species whatever.
- (b) Any venomous reptile, or any living stage of any venomous amphibian, venomous fish or venomous invertebrate.
- (c) Any monkey of any species.
- (d) Any member of the squirrel species.
- (e) Any red fox or silver fox.
- (f) Any musquash (or muskrat).
- (g) Any hamster.
- (h) Any mongoose.
- (i) Any coypu or nutria.
- (j) Any mink.
- (k) Any other animal that is likely to become a nuisance or to cause injury or damage.

(2) No person shall import or introduce into the Cook Islands the egg semen or carcass of any animal specified in subsection (1) of this section.

8. Duty to prevent animals from being landed

The owner, charterer, agent, master or captain of any ship or aircraft arriving in the Cook Islands shall,-

- (a) Prevent any animal from being landed from that ship or aircraft unless permitted by an Inspector; and
- (b) If so required by an Inspector, enter into a bond for such amount not exceeding \$1,000 as the Inspector may require to secure due compliance with this section.

9. Seizure and disposal of certain animals and animal products on ships and aircraft

Where any animal or animal product is found by an Inspector on any ship or aircraft and the animal or animal product is not being imported or introduced into the Cook Islands in accordance with the Act, or is not listed on the inward report of the ship or aircraft, the animal or animal product shall be deemed to be illegally imported; and, unless an Inspector directs that it be retained on the ship or aircraft and re-shipped therewith, the animal or animal product shall be seized and destroyed by the Inspector, and no compensation shall be payable in respect of it.

10. Illegal introduction of animals, etc.

- (1) Any animal that has been unlawfully introduced or imported into the Cook Islands, and any descendant of that animal may be seized by an Inspector who shall destroy or otherwise deal with the animal as the Director so directs.
- (2) Any animal manure, animal product, fodder or fittings unlawfully imported or introduced into the Cook Islands may be seized by an Inspector who shall destroy, fumigate, disinfect, or otherwise deal with them as the Director so directs.
- (3) All costs and expenses pertaining to and attendant upon the seizure, destruction, or otherwise dealing with such animal, product, animal manure, fodder or fittings shall be borne by the owner thereof, and shall be recoverable from the owner as a debt due to the Crown; and no compensation shall be payable thereof.
- (4) An Inspector may open, or require to be opened any baggage or package and may inspect and examine any goods or things, brought into the Cook Islands from overseas.
- (5) Every person who imports or introduces into the Cook Islands any animal otherwise than in accordance with the provisions of this Act and of any regulations made under this Act, and of any permit issued under this Act or regulations commits an offence against this part of the Act.
- (6) Every person who knowingly has in his possession any animal unlawfully imported or introduced into the Cook Islands, or any descendant of any such animal, commits an offence against this part of this Act.

11. Emergency restrictions on importation

- (1) Notwithstanding anything in this Act, the Director may, for the purpose of preventing the introduction of any animal disease, at any time by notice in the Gazette, prohibit or restrict the introduction of any animal, animal product, fodder or fittings or any other thing whatsoever, either absolutely or unless such conditions as may be imposed on the permit are complied with.
- (2) Any notice under subsection (1) of this section shall expire six months from the date of its first proclamation in the Gazette, but, if necessary may from time to time be extended or renewed.

12. Duty of officers of Post Office and of Customs

It shall be the duty of all officers of the Post Office and of Customs respectively to assist in the implementation of section 10 of this Act, and to prevent the introduction into the Cook Islands, or to the bringing to any part of the Cook Islands of any thing contrary to the provisions of the Act and to any regulations made under this Act. For these purposes they may, in respect of anything so introduced or attempted to be introduced, exercise all the powers conferred by the Post Office Act 1959 in the case of postal articles posted in breach of that Act, and by the Customs Act 1913 in the case of uncustomed or prohibited goods.

13. Control of importation of animals etc. and prevention of introduction of disease

- (1) The High Commissioner may from time to time, by Order in Executive Council, make regulations for all or any of the following purposes:-

(a) Prohibiting or restricting the importation or introduction into the Cook Islands, (either generally or from such countries or places and during such periods as may be necessary for the purpose of preventing the introduction into the Cook Islands of any disease affecting animals, and either absolutely or unless such conditions as may be specified in the regulations or in any permit are complied with) of all or any of the following,-

- (i) Animals of one or more kinds of animals;
- (ii) Animal products and animal manure;
- (iii) Any fodder, fittings, and articles of any kind which have, or are reasonably believed by an Inspector to have come into contact with any animal, animal product or animal manure; and
- (iv) Soil, sand, clay, ballast, package, packing materials, containers, viable plant material and fodder.

(b) Prescribing certain ports and airports at which animals or certain kinds of animals may be introduced into the Cook Islands.

(c) Prescribing conditions and requiring certificates for animals, animal products, animal manure, fittings and fodder, or any of them, to enter the Cook Islands so as to prevent the introduction of disease into the Cook Islands.

(d) Providing for the issue or revocation of permits for the importation of animals, animal products, animal manure, fittings and fodder, or any of them, to enter the Cook Islands and specifying any conditions which may be necessary to prevent the introduction of disease into the Cook Islands.

(e) Providing for Masters or Captains of any ships or aircraft and controlling authorities of ports, to give such information for the purposes of this Act as may be prescribed from time to time.

(f) Regulating the duties of masters or captains of any ships or aircraft in relation to any animals whether or not intended to be imported into the Cook Islands, and in relation to the storage of garbage aboard ships and aircraft; and requiring the use of garbage destruction facilities or the disposal of garbage as directed by an Inspector.

(g) Providing for the inspection of animals, animal products and animal manure introduced or about to be introduced into the Cook Islands.

(h) Providing for the sealing, to the satisfaction of an Inspector, on any ship or aircraft arriving in the Cook Islands from overseas, of food lockers containing any meat that has come from an overseas country, or any meat that has been in contact with such meat.

(i) Requiring every person (including every member of the crew of any vessel or aircraft) arriving in the Cook Islands from overseas to make a declaration on the form provided for the purpose as to whether he has any animal, animal product, fittings or organism in his baggage; and whether he has been in an abattoir, meat factory, or farm, within a time prescribed on the declaration.

(j) Providing for the confiscation, and destruction of animals, animal products, animal manure, fodder or fittings where necessary to control or to prevent the introduction of any disease into the Cook Islands; and prescribing the manner of disinfection of persons or things which have come into contact with animals, animal products, animal manure, fodder or fittings, ship, aircraft or any other thing likely to carry disease.

(k) Generally providing for all purposes which may be necessary for preventing the introduction of disease into the Cook Islands.

14. Offences

(1) Every person who acts in contravention of or fails to comply with any of the provisions of this Part of this Act, or of any notice given by the Director under section 11 of this Act, commits an offence against this Part of this Act.

(2) Every person who commits an offence against this Part of this Act is liable upon conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding three months or to both.

PART II

DISEASE CONTROL

15. Diseases to which Act applies

(1) In this Act unless the context otherwise requires, every reference to a disease means a disease for the time being specified in the First or Second Schedule to this Act.

(2) The Director may from time to time by notice in the Gazette amend the Schedules to this Act by removing or inserting the name of any disease.

16. Control of First Schedule diseases

(1) If an Inspector has cause to believe or to suspect that any animal is suffering from or affected or infected with any of the diseases, for the time being, specified in the First Schedule of this Act, and is or has been on any land, he shall by notice declare that land, and such other land (if any) in the neighbourhood as he may specify to be an infected place.

(2) Every notice served under subsection (1) of this section shall be given by serving a copy of the notice on an occupier of each piece of land included in the infected place:

Provided that where the Inspector giving the notice cannot after reasonable inquiry ascertain an occupier of any part of the land then the notice need not be served;

Provided also that, where it is impracticable to give notice in accordance with the foregoing provisions of this section, it may be given by public notice.

(3) Every such notice shall be in a form approved for the purpose by the Director.

(4) Where any land is declared an infected place by an Inspector he must notify immediately the Director who shall give public notice of the infected place and shall forthwith declare any part of or the whole of the island in which the infected place is located an infected area.

(5) When an infected area is declared by the Director he may require the assistance of any member of the Police or any official of the airport or port authorities to set up roadblocks at all exits from the infected area and shall cause facilities to be set up for the cleansing and disinfection of all vehicles and the footwear, and any other thing likely to carry infection, from leaving the area.

(6) The Director shall cause to be set up adequate facilities for the disinfection of all containers, crates, packing etc., which is likely to carry disease and is being sent out of the infected area and including the detailed inspection of all baggage of all persons leaving the infected area for other islands of the Cook Islands, or for other countries, so to prevent any footwear, implements, animal or vegetable produce, or any other thing, which in the opinion of the Inspector is likely to be infected, from leaving the infected area.

(7) Every person commits an offence and is liable upon conviction to a fine not exceeding one thousand dollars who -

(a) Resists or wilfully obstructs, or wilfully fails to comply with any direction of, a member of the Police or any official of the airport or port authorities who is acting in performance of his duties under this section; or

(b) Knowingly enters or leaves, or removes any animal, animal product, animal manure, vegetable, fruit or plant products, fodder, fittings, or thing of any kind whatsoever from, an

infected place without the written permission of an Inspector or otherwise than in accordance with such conditions as may be specified by the Inspector in the written instrument granting the permission; or

(c) Knowingly moves any animal, animal product, animal manure, vegetable, fruit or plant product, fodder, fitting, or thing out of or into an infected area, or from one place within an infected area to another place within that infected area, without the written permission of an Inspector or otherwise than in accordance with such conditions as may be specified by the Inspector in the written instrument granting the permission.

(8) All animals, animal products, animal manure, vegetable, fruit or plant products, fodder, fittings, or anything that are removed or moved in contravention of subsection (7) of this section may be seized by an Inspector, and shall be forfeited, destroyed, sold or otherwise disposed of as the Minister may direct. No compensation shall be paid to the owner of any animal, animal product, animal manure, vegetable, fruit or plant products, fodder, fittings, or any thing destroyed under this subsection, and unless the Minister otherwise directs no compensation in terms of section 20 or section 26 of this Act shall be paid to the owner of any animal destroyed under this section in any case where he is convicted of an offence under subsection (7) of this section.

17. Revocation of infected place of area declaration

Every declaration that any area or land is an infected place or an infected area shall remain in force until it is revoked by a notice of revocation given in the manner in which notice of declaration was given.

18. Proclamation of animal disease emergency

(1) If at any time it appears to the High Commissioner that an outbreak of a serious disease has occurred, or is likely to occur in the Cook Islands, or in any part or parts of the Cook Islands, the High Commissioner may by Proclamation approved in Executive Council, declare that a state of animal disease emergency exists throughout an area or areas comprising, according to the tenor of the Proclamation, the whole of the Cook Islands or such part or parts thereof as may be specified or defined in the Proclamation in that behalf.

(2) The High Commissioner may at any time in like manner revoke any such Proclamation.

(3) No such Proclamation shall remain in force for more than six months, but nothing in this subsection shall prevent the issue of another Proclamation before or after the end of that period.

(4) While an animal disease emergency exists throughout any such area or areas, the Minister or any person authorised in writing by him in that behalf may -

(a) Require any fit male person over the age of 18 years who resides or works within 5 miles of the place where he is required to render assistance, to assist within any such area to prevent, eradicate, or limit the spread of the disease in such manner as the Minister or person requiring the assistance may specify:

(b) Require the owner of any article or equipment or land or premises or ship or aircraft which is anywhere in the Cook Islands and which the Minister or person authorised by him considers would be of assistance in preventing, eradicating, or limiting the spread of the disease to transfer the article or equipment to or permit it or the land or premises or ship or aircraft to be used for a specified period by the Minister or any other person.

(5) Every person who, in response to a requirement pursuant to this section, renders assistance, or transfers any article or equipment to or permits it or any land or premises or ship or aircraft to be used for any period by the Minister or any person, shall be entitled to be remunerated or compensated out of money appropriated by the Legislative Assembly for the purpose by the Minister under such circumstances, at such rate, and subject to such conditions as may be prescribed by regulations made under this Act or as may be approved by the Minister of Finance if there are no such regulations or in cases where the regulations do not apply.

(6) Every person who wilfully acts in contravention of or wilfully fails to comply in any respect with any provision of this section commits an offence, and is liable upon conviction to a fine not exceeding \$200 and, if the offence is a continuing one, to a further fine not exceeding twenty dollars for every day or part of a day during which the offence continues.

19. Emergency powers for prevention of introduction or spread of disease

(1) If the High Commissioner has, by Proclamation approved in Executive Council under section 18 of this Act, declared that a state of animal disease emergency exists throughout all or any part or parts of the Cook Islands, and while that state of emergency continues, the Minister may, in the area or areas, take all such measures, and do all such acts and things, and give all such directions, and require all such acts to be done, as in the opinion of the Minister are necessary and desirable for the purpose of eradicating, limiting, or preventing the spread of disease.

20. Compensation for First Schedule diseases

(1) Where any animal has been seized and slaughtered as being affected or infected or suspected of being affected or infected with any of the diseases for the time being specified in the First Schedule to this Act there shall be payable, out of money appropriated by the Legislative Assembly for the purpose, to the owner of the slaughtered animal compensation equal to the fair market value of the animal, fixed at the time of the inspection, that results in it being seized and slaughtered.

(2) Such compensation shall be assessed in the case of dispute by two assessors, one to be appointed by an Inspector and one by the owner, with power to the two assessors to appoint an umpire. The decision of the two assessors or the umpire shall be final.

Control of Second Schedule Diseases

21. Disease control place

(1) When an Inspector has reason to believe or suspect that any animal is suffering from or is affected or infected with any of the diseases specified in the Second Schedule to this Act and is or has been on any land, he may by notice declare the land and any other land in the neighbourhood as he may specify to be a disease control place.

(2) Every notice under subsection (1) of this section shall be given by serving a copy of the notice on an occupier of each piece of land included in the disease control place:

Provided that where the Inspector serving the notice cannot reasonably find or ascertain an occupier quickly, he need not serve the notice and in such instances it may be given by public notice.

(3) Every such notice shall be in a form approved for the purpose by the Director.

(4) Every such notice shall declare that every animal that is in the same lot as the suspected animal and is susceptible to the disease shall be quarantined on the land for the period specified in the notice.

(5) Every declaration of a disease control place shall remain in force for 21 days or for such shorter period as may be specified in the notice and may be renewed from time to time:

Provided the Director is satisfied that such renewal of the notice is necessary for the proper diagnosis, treatment, control or eradication of the disease.

(6) Any declaration of a disease control place may be revoked at any time by an Inspector by a notice of revocation in the same manner in which the notice of declaration was given.

(7) Every person commits an offence and is liable upon conviction to a fine not exceeding \$1,000 who knowingly moves any animal or thing out or into a disease control place without the written permission of an Inspector or otherwise than in accordance with such conditions as may be specified by the Inspector in the written instrument granting the permission.

Control of All Scheduled Diseases

22. Minister to request veterinary assistance

(1) When any disease specified in the First Schedule to this Act is believed or suspected to exist in the Cook Islands, the Minister shall direct that the Director of Animal Health in New Zealand be notified and the assistance of veterinarians sought to confirm the diagnosis, and to advise and assist in the control or eradication of the disease in the Cook Islands.

(2) When any disease specified in the Second Schedule to the Act is believed or suspected to exist in the Cook Islands, the Minister may direct that advice be sought from the Director of the Animal Health Division in New Zealand, in the diagnosis, methods of control and treatments (if any) of the disease, and generally such aid or assistance as are necessary to limit, control or eradicate the disease.

23. Power to kill animal and conduct post mortem examination

(1) Where an Inspector examining an animal or animals suspects that the animal or animals are diseased and considers a post mortem examination necessary to establish a diagnosis, he may, on the authority of the Director, kill the animal or animals and conduct a post mortem examination in such manner as he considers necessary to decide whether the animal or animals are diseased, and where necessary for the same purpose obtain specimens for laboratory examination and diagnosis.

(2) Where an Inspector kills an animal pursuant to subsection (1) of this section he shall advise in writing the Director and the owner, of the results of the examination and of any laboratory reports accruing from the examination.

24. Control of disease and destruction of diseased animals

(1) If the Minister is satisfied that any animal is diseased or infected with a disease or has during the previous three months been diseased he may cause steps to be taken,-

- (a) To control or eradicate the disease; or
- (b) To secure the destruction of the animal under the supervision of an Inspector

(2) The owner of any diseased animal or animal suspected of being diseased or the occupier of any land on which there is a diseased animal shall do whatsoever is directed by an Inspector to be necessary to control or eradicate any disease, or prevent the spread of any disease to or from any place whatsoever.

(3) If the owner, occupier, or person in charge fails to comply, to the satisfaction of the Inspector, with any direction given under subsection (2) of this section, the Inspector shall, with the authority of the Director, carry out the measures directed in every way at the expense, but without prejudice to the liability under this Act, of the owner, occupier, or person in charge.

(4) Every person who wilfully acts in contravention of or fails to comply in any respect with any provision of this section or of any requirement, order or direction made or given or imposed under this section commits an offence, and is liable upon conviction to a fine not exceeding \$500 and, if the offence is a continuing one, to a further fine not exceeding twenty dollars for every day or part of a day during which the offence continues.

25. Wilfully communicating disease

Every person who, except for scientific purposes by authority from the Minister, wilfully communicates or causes to be communicated any disease to an animal commits an offence and is liable upon conviction to imprisonment for any period not exceeding two years, or to such fine not exceeding \$100 as the Court thinks fit, or to both.

26. Compensation for animals slaughtered on account of any Second Schedule disease

(1) Where pursuant to the provisions of this Act or of any regulations made under this Act any animal is condemned and slaughtered as being affected or infected with any of the diseases for the time being specified in the Second Schedule to this Act or as being suspected of being so affected, and the carcase thereof is destroyed or otherwise disposed of, the owner of the animal shall be entitled to be paid, out of money appropriated by the Legislative Assembly for the purpose, compensation in the cases, to the extent, and subject to the conditions hereafter provided in this section.

(2) The compensation shall be based as hereafter provided in this section on the fair market value of the animal as fixed at the time of the inspection that results in it being condemned, the compensation to be ascertained in case of dispute by arbitration of two arbitrators, one to be appointed by the Inspector and one by the owner, with power to the two arbitrators to appoint an umpire; and the decision of the two arbitrators or umpire shall be final.

(3) In any case where compensation in respect of a slaughtered animal is payable under this section, if after examining the carcase of the animal the Inspector is satisfied that it was not diseased when he condemned it, the amount of the compensation shall be a sum equal to the fair market value of the animal.

(4) In any other case where compensation in respect of a slaughtered animal is payable under this section, the amount of compensation shall be a sum equal to one-half of the fair market value of the animal.

27. Cases in which compensation is not payable

(1) No compensation shall be payable in respect of any imported animal, if the animal is condemned before it is released from quarantine controls, or certified as apparently free from disease by the Inspector or an officer authorised by him.

(2) No compensation shall be payable under section 26 of this Act in respect of any animals other than horses, cattle, sheep, and swine.

28. Failure to destroy carcase

Every person who fails or neglects to destroy the carcase of any animal as required by an Inspector commits an offence and is liable on conviction to a fine not exceeding \$100.

29. Regulations for preventing spread of disease

(1) Without limiting the power to make regulations conferred by section 13 of this Act, the High Commissioner may from time to time, by Order in Executive Council, make regulations for all or any of the following purposes:-

- (a) Providing for the seizure and slaughter or the quarantine of any animals that are diseased or infected or suspected of being diseased or infected;
- (b) Providing for the eradication and prevention of the spread of any disease;
- (c) Providing for the management of animals and animal products in an infected area, infected place, or disease control area;
- (d) Providing for the prohibiting or regulating the movement of animals, persons, fodder, fittings, farm products, and things, into, out of, or in an infected place, infected area or disease control area;

- (e) Providing for the treatment and remedial measures to be adopted in the case of diseased, infected or suspected to be diseased or infected animals;
- (f) Prescribing the manner in which persons or things coming into contact with diseased or infected animals, and land, premises, conveyances coming in contact with diseased or infected animals, shall be cleansed and disinfected;
- (g) Providing for the disinfection of persons, clothing, vehicles and any chattels whatsoever, who or which pass out of or through any area, throughout which an animal disease emergency for the time being exists in accordance with section 18 of this Act or any part of the area defined in the regulations, so as to assist in limiting the spread of the disease;
- (h) Prescribing the terms and conditions on or subject to which persons, in response to a requirement pursuant to section 18 of this Act, shall render assistance, or transfer any article or equipment or permit it or any land, premises, fittings, ship or aircraft to be used for any period by the Minister or any other person; and the rates of remuneration and compensation payable to those persons;
- (i) Requiring any harbour authority, or airport authority in any instances where any animal suffering from foot and mouth disease is found on any land in any island of the Cook Islands, to prohibit or restrict the use of such facilities at any port or airport under its control as the Director may specify and to such extent as he may require;
- (j) Providing for the destruction, or disposition, or treatment of any fodder, fittings, or the carcass of any animal seized and slaughtered in an infected place, infected area or disease control place;
- (k) Prohibiting or controlling the feeding of raw or uncooked garbage to swine or poultry; and providing for the control of garbage dumps, and preventing the access of animals to garbage dumps;
- (l) Generally for all or any such purpose as may be necessary for preventing the spread of disease.

(2) Regulations made under this section may prescribe for offences punishable by a fine not exceeding \$500.

PART III

POWERS OF INSPECTORS

30. Appointment of Inspectors

(1) There shall be appointed from time to time, under the Public Service Act 1969, such inspectors as may be necessary for the purposes of this Act.

(2) For the purposes of this Act the Director may from time to time appoint temporary inspectors who may be full-time officers of the Department of Agriculture or persons other than full-time officers of the Department of Agriculture. Temporary inspectors shall perform their duties only when so directed by the Director. If any person who is appointed as a temporary inspector is a full-time officer or employee in the Public Service he shall not be entitled to any additional remuneration in respect of his appointment under this subsection.

31. Powers of Inspectors

(1) Every Inspector shall have power, on producing (if so required) due evidence of his appointment, to enter at any time into any conveyance, or on any land or premises, or on board any ship or aircraft for the purpose of inspecting any animals; but no Inspector shall enter any dwelling-house pursuant to this section unless authorised to do so by a warrant issued under the hand of a Judge or Commissioner of the High Court, who shall not grant the warrant unless he is satisfied that the Inspector has reasonable grounds for requiring entry into the dwelling-house.

(2) An Inspector may give notice to the owner of any animals to muster the animals at a place and on a date to be named in the notice; and may direct the owner of any diseased or infected animals to take such measures regarding their treatment, or to do such other acts as the Inspector considers to be necessary to eradicate or to control the spread of disease:

Provided that no Inspector shall destroy or otherwise dispose of such animal under this section unless in accordance with regulations made under this Act, or under the instructions of the Director.

32. Inspector may employ assistants

An inspector may, whenever necessary for the purposes of this Act, and as may be approved by the Director, employ any person or persons to temporarily assist him.

33. Liability for causing an inspector to incur expense

If any person, by failing to comply with or acting contrary to this Act, causes an inspector or an assistant of an inspector or an employee in the Public Service to incur an expense that he would not otherwise have incurred, that person shall reimburse the Crown for the full amount of that expense reasonably and properly incurred and that amount shall be recoverable from him as a debt due to the Crown.

34. Obstructing or hindering inspector an offence

Every person commits an offence against this Act and is liable on conviction to a fine not exceeding \$200 who directly or indirectly obstructs, hinders, interrupts, threatens, or assaults any inspector or any assistant of an inspector in the performance of his duty under this Act.

35. Protection of inspectors

An inspector or an assistant of an inspector shall not be liable for any loss or damage resulting from the exercise of powers conferred by this Act unless the loss or damage is caused otherwise than in the reasonable exercise of those powers.

PART IV

MISCELLANEOUS PROVISIONS

36. Erroneous and knowingly false declarations

(1) Every person who makes any declaration or gives any certificate under this Act or any regulations thereunder which is erroneous in any material particular commits an offence and is liable on conviction to a fine not exceeding \$200.

(2) Every person who knowingly makes any false declaration or gives any false certificate under this Act or any regulations thereunder commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

37. Offences against Act and regulations

(1) Every person who fails to comply with or acts in contravention of any provision of this Act or any regulations made thereunder or any order or direction or requirement or condition made or given or imposed by the Minister or the Director or an Inspector or any other authorised officer or employee or any assistant of an Inspector pursuant to powers conferred by or under this Act or any such regulations, commits an offence against this Act:

Provided that this subsection shall not apply to any such failure or act which is an offence against any other provision of this Act or any regulations made thereunder.

(2) Every person who commits an offence against this Act or any regulations made thereunder for which no penalty is provided elsewhere than in this section is liable on conviction to a fine not exceeding \$200.

38. Moneys to be paid into Public Account

All moneys other than fines recovered or received under this Act shall be paid into the Cook Islands Government Account by remitting it to the Director.

SCHEDULES

FIRST SCHEDULE

(s.20)

Acute Fowl cholera
 Acute Haemorrhagic septicaemia
 Acute infectious laryngotracheitis
 African horse sickness
 African swine fever
 Bluetongue
 Contagious bovine pleuro-pneumonia
 Foot and mouth disease
 Fowl plague
 Newcastle disease
 Rinderpest
 Scrapie
 Swine fever
 Vesicular exanthema

SECOND SCHEDULE

(s.21)

Vesicular stomatitis
 Anaplasmosis
 Anthrax
 Aujeszky's disease
 Babesiosis
 Borna disease
 Bovine malignant catarrh
 Brucellosis of cattle
 Equine encephalomyelitis
 Equine infectious anaemia
 Ephemeral fever
 Eqizootic lymphangitis
 Fowl tick fever
 Heart water
 Infectious bronchitis (Poultry)
 Ixodidae

Johne's disease
Louping ill
Lumpy skin disease
Lymphomatosis
Mange
Meliodosis
Mucosal disease complex
Nodular worm of sheep
Psittacosis
'Q' fever
Rabies
Rift valley fever
Sheep scab
Sheep pox
Stickfast flea
Swine pox
Teschen disease
Theileriasis
Trichinosis
Trypanosomiasis
Tuberculosis
Tularemia
Warbles

This Act is administered in the Department of Agriculture.

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