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CHAPTER 220

ANIMAL DISEASE (CONTROL)

Act 29 of 1992

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ANIMAL DISEASE (CONTROL)

An Act to make provisions for the control of animal disease in Vanuatu and for matters connected therewith.

1. Interpretation

In this Act, unless the context otherwise requires –

"animal" means any member of the animal kingdom except human beings, either alive or dead, and includes arachnids, birds, crustaceans, fish, insects and reptiles;

"animal product" means anything wholly or partly derived from an animal and includes milk, eggs, meat, flesh and viscera, skins and hides, feathers, semen, ova and embryos, blood, body fluids, excreta and secreta;

"controlled disease" means any disease of animals declared as such by the Minister under section 17 of this Act;

"Director" means the Director of the Government Department responsible for animal health and production;

"disease" means any departure from normal health or production in animals, from diagnosed reasons or not, and caused by any infectious, parasitic, hereditary, toxic or other agent;

"kind of animal" means a specified species of animal, or an animal differentiated by its age, sex, breed, weight, breeding capacity or history, state of pregnancy or other distinguishing feature;

"Minister" means the Minister for the time being responsible for animal production;

"notifiable disease" means any disease of animals declared as such by the Minister under section 17 of this Act;

"principal veterinary officer" means the principal veterinary officer appointed under section 10 of the Meat Industry Act [Cap. 213];

"stockholder" means any person, whether registered as such or not, for the time being responsible for animals on or contained in any particular premises whether or not they are actually owned by him, and in the case of unmanaged animals the occupier of those premises;

"veterinary authority" means the veterinary service of the Government Department responsible for animal health;

"veterinary officer" means a qualified veterinarian appointed under section 10 of the Meat Industry Act [Cap. 213].

2. Powers of veterinary officers, etc.

The principal veterinary officer or a veterinary officer and any person working under the authority and responsibility of any such officer, may for the purposes of carrying out the provisions of this Act or of any order or regulation made under this Act –

(a) without any warrant, enter and inspect any premises or part of any premises where animals are being kept or have been kept;

(b) inspect, test, sample, treat or perform any kind of test or examination or other such procedure on any animals or animal products;

(c) mark, brand, tattoo, dye, or attach or implant any means or identification to any animal or animal product;

(d) slaughter, detain or isolate, or cause to be slaughtered, detained or isolated, any animal or animal product;

(e) inspect any documents or records pertaining to animals and their movement, history or breeding.

3. Compulsory testing, etc.

For the purposes of investigating, diagnosing or treating any specified or unspecified disease, and on the authority of the principal veterinary officer, a veterinary officer may require any stockholder to present any or all animals of a specified kind to be presented for inspection, testing, sampling, treatment or any other such procedure and may carry out or cause to be carried out any such inspection, testing, sampling, treatment or other such procedure on those animals and such stockholder shall comply with such requirements.

4. Disease surveys and investigations

The Minister may from time to time in writing authorize the carrying out of any survey or investigation of any specified or unspecified diseases.

5. Enclosure of animals

(1) Any stockholder shall ensure that at all times all animals kept or present on his premises are enclosed on the premises by adequate and stockproof fences or other forms of barrier and can be mustered or gathered in an adequate stockyard constructed on the same premises.

(2) Where fencing or stockyards are inadequate for the purposes of carrying out the provisions of this Act the veterinary authority shall notify the stockholder and require him to remedy such deficiencies within a time period specified in the notice.

(3) Where the stockholder has failed to comply with the requirements of a notice issued to him under subsection (2) after due notice and on the authority of the Director, the veterinary authority may, for the purposes of carrying out the provisions of this Act, construct or cause to be constructed appropriate fences and stockyards and all costs of such construction shall be borne by the veterinary authority and shall be recoverable from the stockholder as a debt due to the State:

Provided that such action shall be without prejudice to the institution of proceedings against the stockholder under section 18.

6. Presentation of animals for testing

(1) A stockholder shall present all animals required by a veterinary officer for any testing, inspection, sampling or other procedure under this Act in a suitable and secure stockyard within the same premises as those on which the animals are normally kept at the time or times required by the veterinary officer.

(2) A stockholder shall provide such assistance as may be required from time to time, to carry out any testing, inspection, sampling, treatment or other procedure referred to in subsection (1) to be carried out in a timely and efficient manner.

7. Disposal of infected and in-contact animals

(1) Any animal found by a recognized diagnostic method to be infected with any notifiable or controlled disease, or to be carrying the agent of such disease, or any animal known to be or to have been in contact with such an animal, may on the authority of a veterinary officer be isolated, or slaughtered and disposed of.

(2) The veterinary officer may impose such conditions for the isolation of animals referred to in subsection (1) as he considers necessary.

(3) The veterinary officer may impose such conditions for the slaughter and disposal of any animals referred to in subsection (1), including whether or not such animals may be slaughtered at a slaughterhouse and whether or not their products may be used for human consumption.

8. Wild and unmanageable animals

(1) Any animal which for any reason cannot be presented as required in an adequate stockyard may, for the purposes of controlling any notifiable or controlled disease, and after due consultation with the stockholder, be impounded or slaughtered by or on the instructions of a veterinary officer whether or not such animal was known to be infected with disease.

(2) Any animal deemed after due enquiry to be wild, unmanageable or found to be on premises other than those of the animal's owner without permission may on the authority of the principal veterinary officer, for the purposes of controlling any notifiable or controlled disease and after due notice given to the owner of such animal, be impounded or slaughtered by or on the instructions of a veterinary officer whether or not such animal was known to be infected with any disease.

9. Compulsory destocking

(1) Where for any reason it has been, or is likely to be, impossible adequately to control disease on any premises by other means the principal veterinary officer may on the authority of the Director, and after due consultation with the stockholder, require the owner of the premises to have the premises completely or partially destocked under the supervision of a veterinary officer.

(2) Where premises are to be destocked the principal veterinary officer shall in writing inform the stockholder of the action to be taken, and may in so doing impose such conditions as he considers necessary or proper for destocking the premises.

10. Quarantine of premises

(1) Where any animal on any premises is suspected of being infected with, or to be carrying the agent of, any notifiable or controlled disease a veterinary officer may place such premises in quarantine and shall immediately notify the stockholder in writing.

(2) In placing premises under quarantine under subsection (1) a veterinary officer may impose such conditions as he thinks necessary to ensure the control of disease, including the prohibition of movement, sale or disposal of any animal or animal products, and the disinfection of vehicles and persons' clothing entering and leaving the premises.

(3) Any premises placed in quarantine under subsection (1) shall remain in quarantine until a veterinary officer notifies the stockholder in writing of the lifting of the quarantine restrictions.

11. Seizure, etc. of animals and animal products

Any animal or animal products failing to comply with the provisions of this Act may be seized, impounded and/or destroyed by or on the authority of a veterinary officer.

12. Compensation

(1) Subject to subsection (2), no compensation shall be payable for –

(a) any animal slaughtered, impounded or isolated under the provisions of this Act;

(b) the death, loss of production or devaluation of any animal or the destruction or devaluation of any animal product consequent to any detention, examination, test, sampling or treatment carried out under the provisions of this Act;

(c) trespass or damage to any property or premises caused by any veterinary officer, or any person working under his authority and responsibility, in carrying out his duties and obligations under this Act:

Provided that at all times due care was taken and that the owner or stockholder, as the case may be, was first, except in the case of emergency, consulted or informed of such action.

(2) The Minister may by regulation provide for the payment of compensation for animals slaughtered under the provisions of this Act under circumstances that he may specify in such regulation.

(3) Any compensation payable under subsection (2) shall not exceed the market value of the animal and shall not be payable if the stockholder receives or could receive its market value by other means.

(4) Unless otherwise provided for by regulation of the Minister, valuation of any animal slaughtered and for which compensation may be payable shall be carried out by a veterinary officer in consultation with the stockholder.

(5) Any dispute arising over the amount of compensation payable for any animal in the circumstances as may be provided under subsection (2) shall be determined by an independent and duly qualified valuer, appointed by the Minister, whose decision shall be final.

13. Notification of notifiable and controlled diseases

(1) Any person, including a veterinary officer, shall notify the principal veterinary officer of any suspected or diagnosed occurrence of any notifiable disease by the most immediate means available.

(2) On first suspicion or diagnosis of any notifiable disease no person shall move or cause or permit to be moved any animal, or any animal products, away from or off the premises on which such notifiable disease was suspected or diagnosed until such a time as permission is granted so to do on the authority of the principal veterinary officer.

(3) The principal veterinary officer shall provide to the Minister quarterly, or as otherwise required, reports on the occurrence of notifiable diseases and the measures taken to control such notifiable disease.

(4) Veterinary officers shall provide to the principal veterinary officer quarterly, or as otherwise required, reports on the occurrence of controlled diseases and the measures taken to control them.

14. Movement of animals and animal products

(1) The Minister may by regulation prohibit, restrict or impose conditions for the movement of all or specified kinds of animals or animal products from place to place in Vanuatu or in any part or parts of Vanuatu.

(2) No person shall move, or cause or permit to be moved, any animal or animal product contrary to the provisions of any regulation made under subsection (1).

(3) For the purposes of this section, the stockholders or operators of both the premises the animals or animal products were moved from and the premises they were moved to, and the person in charge of any means of transport moving them, shall be deemed to have moved the animals or animal products, or caused or permitted their movement.

15. Registration of stockholders and disclosure of information

(1) The Minister may by regulation require any person keeping or holding any animals in Vanuatu to register as a stockholder with the veterinary authority, and may impose such terms and conditions for such registration.

(2) The principal veterinary officer shall keep and maintain a register of stockholders.

(3) Any stockholder shall when asked disclose to the veterinary authority details of numbers and kinds of animals kept or held by him and of their origin and movements.

16. Action in cases of emergency

(1) In cases of emergency a veterinary officer may, in respect of any action that requires the approval of the Minister, Director or the principal veterinary officer, without obtaining the approval of the Minister, Director or the principal veterinary officer, as the case may be, take such action as he considers necessary to prevent the spread of disease.

(2) In such a case the veterinary officer shall, within 24 hours, submit a report of such action to the Director and to the principal veterinary officer.

17. Regulations

(1) The Minister may make regulations prescribing all matters that by this Act are required or permitted to be prescribed or are necessary or convenient to be prescribed for giving effect to this Act.

(2) Without derogating from the generality of subsection (1), the Minister may in such regulations –

(a) declare any disease to be a notifiable disease;

(b) declare any disease to be a controlled disease;

(c) provide for stockholder registration, the maintenance of registers, information required for registration and any matters connected therewith;

(d) provide for the method for determining compensation, valuations, the appointment of independent valuers and any matters concerned therewith;

(e) provide for the compulsory or voluntary control or eradication of specified diseases including methods and practices to be adopted, frequency of testing, interpretation of test results, isolation and disposal of infected and in-contact animals, controls on movement, definition of free and infected herds and any other such measures as he thinks fit for the control or eradication of disease;

(f) provide for the control of the spread to humans of diseases transmissible to humans, including inspection and health testing of animals and their products, frequency of testing, controls on the sale and disposal of animals and animal products and any other such measures as the Minister thinks fit for the protection of humans against transmissible diseases.

18. Offences

Any person who –

(a) contravenes or fails to comply with any provisions of this Act; or

(b) obstructs a veterinary officer, or any person working under the authority and responsibility of the veterinary officer, in the exercise of his functions under this Act; or

(c) fails to comply with any order or instruction made or issued by a veterinary officer under this Act; or

(d) provides misleading or incomplete information concerning animals in his care; or

(e) alters, removes or interferes with any mark, brand or means of identification applied to an animal or animal product under the provisions of this Act; or

(f) does anything to disguise, interfere with, or augment or reduce any reaction to any test or diagnostic method applied to an animal or animal product,

or causes or permits any such thing to happen, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 1,000,000 and to imprisonment for a period not exceeding 3 years.

19. Enforcement

The principal veterinary officer and the veterinary authority shall be charged with the enforcement of this Act.

20. Animal Importation and Quarantine Act, Chapter 201

Nothing in this Act shall derogate from any powers provided for the control of disease under the Animal Importation and Quarantine Act [Cap. 201].

21. Repeals

(1) The following Acts are repealed:

(a) The Eradication of Bovine Tuberculosis Act [Cap. 59];

(b) The Animal Imports Act [Cap. 98];

(c) The Brucellosis (Eradication) Act [Cap. 102].

(2) All statutory orders made under any of the enactments repealed by this Act and in force immediately prior to the coming into operation of this Act shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until amended or replaced under this Act.

(3) Any movement permit, requirement, notice, agreement for the purpose of carrying out a health inspection, or property placed in quarantine made or issued under any of the enactments repealed by this Act and in force immediately prior to the coming into operation of this Act shall continue in force for the duration for which it was made or until revoked under this Act.