

AGRICULTURE QUARANTINE (PREVENTION OF ANIMAL DISEASE) REGULATIONS 1991

1991/4 – 1 September 1991

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1 Title

These are the Agriculture Quarantine (Prevention of Animal Disease) Regulations 1991.

2 Interpretation

Terms and expressions defined in the Agriculture Quarantine Act 1984 shall, when used in these regulations, have the meanings so defined unless the context otherwise requires.

3 Importation of animals

(1) No animal, or semen or ova of an animal shall be imported into Niue, except pursuant to and in accordance with the terms and conditions of a permit issued by or under the authority of the Director.

(2) Every person wishing to import an animal or semen or ova of an animal shall apply in writing to the director for a permit to import such animal semen or ova, such application to be in such form as may from time to time be required by the Director.

(3) The Director may approve or refuse any application made under paragraph (2), or may approve such application subject to such conditions as the Director thinks fit to impose.

(4) Without limiting the generality of the Director's discretion to impose conditions under paragraph (3), such condition may include conditions relating to –

- (a) Origin and general health;
- (b) Diagnostic tests, medication or vaccinations;
- (c) Periods of, or type of quarantine to be observed in the country of origin, or in transit to or within Niue;
- (d) Such post-entry conditions as the Director thinks fit in relation to quarantine (location and period) diagnostic tests, medication and vaccinations as the Director may require.
- (e) Such other requirements as in the opinion of the Director are necessary to prevent the introduction of animal diseases or pests.

(5) Every person who imports an animal, or semen or ova of an animal otherwise than under the requirements of this section commits an offence and shall on conviction be liable to a fine not exceeding 5 penalty units.

(6) Upon a conviction being entered under paragraph (5), the Court may, in addition to any other penalty, order the animal, semen or ova as the case may be, to be re-shipped to the country of origin or destroyed or otherwise disposed of at the expense of the importer as the Court may specify.

(7) Notwithstanding any other provision of this clause, the Director may at any time order the re-shipment destruction or disposal of any animal, semen or ova of an animal which has been imported into Niue where the Director is of the opinion that notwithstanding any quarantine, vaccination or other precaution that may have been taken, the animal, semen or ova is likely to introduce disease into Niue.

4 Importation of certain animals prohibited

Notwithstanding any other provisions of these Regulations, the Director shall not issue a permit for the import of any animal, or semen, or ova of an animal which in the opinion of the Director is venomous, environmentally damaging, or is or is likely to be a nuisance in Niue.

5 Importation of animal products, biological products and organisms

(1) No animal product, biological product, or organism shall be imported into Niue except pursuant to and in accordance with the terms and conditions of a permit issued by or under the authority of the Director.

(2) Every person wishing to import an animal product, biological product or organism shall apply in writing to the director for a permit such animal product, biological product or organism, such application to be in such form as may be required by the Director.

(3) The Director may approve or refuse any application made under paragraph (2), or may approve such application subject to such conditions as the Director thinks fit to impose.

(4) Without limiting the generality of the Director's discretion to impose conditions under paragraph (3), such conditions may include conditions relating to –

- (a) Origin and general health;
- (b) Diagnostic tests, treatment and storage (including packaging);
- (c) Periods of, or type of quarantine to be observed in the country of origin, or in transit to or within Niue;
- (d) Such post-entry conditions as the Director thinks fit in relation to diagnostic tests, packing, and quarantine (location and period) as the Director may require;
- (e) Such other requirements as in the opinion of the Director are necessary to prevent the introduction of animal diseases or pests.

6 Importation of vehicles

(1) No vehicle, farm implement or equipment, goods or chattels of any kind which have been on a farm or used in connection with animals or animal products shall be imported into Niue unless –

- (a) Properly cleaned in the country of origin; and
- (b) Accompanied on arrival in Niue by a certificate of treatment in a form approved by the Director which indicates to the satisfaction of the Director that the goods have been so cleaned.

(2) Notwithstanding paragraph (1), the Director may require any goods to which this section applies, to be cleaned prior to release in Niue where the Director is of the opinion that the goods have not been properly cleaned prior to arrival.

7 Introduction of fodder, crates

(1) No animal fodder, crate, harness, bedding or goods of any kind which have accompanied or been used or have come into contact with any animal product, biological product or organism shall be imported into Niue except with the approval of the Director, and under the terms and conditions imposed by the Director.

(2) In granting any approval under paragraph (1), the Director may impose such terms and conditions as the Director thinks fit, including terms and conditions relating to the treatment, disinfection, destruction or other disposal of the goods.

8 Introduction of animal excreta

(1) No animal excreta, urine or other secretion, hair or other tissue shall be imported into Niue except with the approval of the Director, and under the terms and conditions imposed by the Director.

(2) In granting any approval under paragraph (1), the Director may impose such terms and conditions as the Director thinks fit, including terms and conditions relating to the treatment, disinfection, destruction or other disposal of the goods.

9 Further action may be directed

Notwithstanding any other of these Regulations, the Director may on the importation of any animal or any time thereafter, require any examination, diagnostic testing, medication, vaccination or other action in respect of the imported animal or its progeny, or its destruction; or any treatment, fumigation or sterilisation of any animal product or biological product or organism, or its destruction; or any cleaning, disinfection or other treatment of any equipment, vehicles, conveyances, fittings, clothing, goods or other things that have been or may have been in direct or indirect contact with any animal, or their destruction, if in the opinion of the Director there are reasonable grounds for doing so for the purpose of preventing the introduction of disease or pests into Niue.

10 Disposal of garbage

(1) No person shall permit any refuse or garbage, or material which has been in contact with refuse or garbage, to be unloaded from a ship, aircraft or other conveyance arriving in Niue from any other country unless such refuse garbage or material is handled, incinerated and treated, or otherwise disposed of in a manner approved by the Director, acting in consultation with the Director of Health.

(2) The cost of handling, incineration treatment or other disposal under paragraph (1), may be recovered from the owner, operator, charterer, or agent of any such person, of the ship or aircraft.

(3) Except as provided in paragraph (1), no refuse, garbage or rubbish from any conveyance shall be disposed of in the territorial waters of Niue.

11 Stores not to be introduced

(1) No person shall –

- (a) Introduce or permit to be introduced into Niue, meat and eggs or other food containing material of animal origin that constitute food provisions of ships, aircraft or other conveyances; or
- (b) Use or permit to be used such meat, eggs or other food as aforesaid as bait for fishing; or
- (c) Dispose or permit to be disposed of such meat eggs or other food into the territorial waters of Niue.

(2) The Director may require that the lockers or food stores of a ship or aircraft be sealed whilst on Niue or within Niuean territorial limits, to ensure compliance with paragraph (1).

12 Disinfection

(1) The Director may require any ship, aircraft or other conveyance arriving in Niue to be treated, cleaned or disinfected or disinfected or fumigated as the Director considers necessary to prevent the possible introduction of disease or pests.

(2) The cost of the treatment, cleaning, disinfection, disinsection or fumigation may be recovered from the owner, operator, charterer, or agent of the conveyance as a debt due to the Crown.

13 Feeding of pigs and poultry

(1) The Director may prescribe measures for the management and control of pigs and poultry, including containment, feeding, medication, vaccination or other measures which the Director considers necessary to prevent the introduction or spread of disease, parasites or pests.

(2) The Director may require that before feeding to pigs or poultry all garbage, kitchen scraps, waste food and the like, or other food containing or consisting of meat or fish or other animal products, from hotels, motels, hospitals, prisons, restaurants, food bars, and like sources be heat treated to the extent prescribed, or otherwise treated in a manner approved by the Director as the Director considers necessary to prevent the introduction or spread of disease or parasites.

14 Management of rubbish dumps

The Director may require the owner, occupier or user of a rubbish dump to ensure that the rubbish dump is covered regularly or fenced off or otherwise managed in such a way as to minimise pigs, poultry or dogs gaining access to refuse or rubbish which contains meat, or other animal products or animal carcasses.

15 No liability to Crown

(1) No cost to an owner, operator, charterer or agent in carrying out any requirement of these Regulations shall be recoverable from the Crown.

(2) If any owner, operator, charterer or agent fails to carry out any requirement of these Regulations the Director or a Quarantine Officer may arrange for the necessary work to be done and recover the cost from the owner, operator, charterer or agent as a debt due to the Crown.

16 Offences and penalties

(1) Every person who fails to comply with or acts in contravention of any provision of these Regulations commits an offence.

(2) Every person who fails to obey a direction given by the Director, a Quarantine Officer or other authorised officer or his assistant under these Regulations, or who fails to provide truthfully and fully any information pertinent to these Regulations required of him by the Director or a Quarantine Officer, commits an offence.

(3) Every person who commits an offence against any of these Regulations is liable on conviction to a fine not exceeding 5 penalty units or a term of imprisonment not exceeding 12 months, or to both such fine and imprisonment.