



Australian Capital Territory

# Animal Diseases Act 2005

A2005-18

Republication No 21

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(republication for amendments by [A2018-28](#))

## About this republication

### The republished law

This is a republication of the *Animal Diseases Act 2005* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 17 January 2019. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 17 January 2019.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Animal Diseases Act 2005

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Australian Capital Territory

# Animal Diseases Act 2005

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An Act to provide for the control of endemic and exotic diseases of animals, and for other purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Animal Diseases Act 2005*.

### 3 Objects of Act

- (1) The objects of this Act are to protect the health and welfare of people and animals and to protect markets relating to animals and animal products.
- (2) Without limiting subsection (1), this Act achieves its objects by—
  - (a) providing mechanisms for the detection, prevention and control of outbreaks of endemic and exotic animal diseases in the ACT; and
  - (b) allowing the Territory to assist in the prevention and control of outbreaks of endemic and exotic animal diseases in other jurisdictions within Australia.

### 4 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition, '*identifiable stock*, for part 4 (National livestock identification system)—see section 37.' means that the term 'identifiable stock' is defined in that section for part 4.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

## 5 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

## 6 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1* *Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## Part 2 Chief veterinary officer

### 7 Appointment of chief veterinary officer

- (1) The director-general may appoint a public servant as the Chief Veterinary Officer.
- (2) However, the director-general must not appoint a person as chief veterinary officer unless the person is a veterinary practitioner.

*Note* For the making of appointments (including acting appoints), see the [Legislation Act](#), pt 19.3.

### 8 Delegation by chief veterinary officer

The chief veterinary officer may delegate the chief veterinary officer's functions under this Act or another territory law to—

- (a) a public servant; or
- (b) a police officer; or
- (c) an officer or employee of a State agency, if the functions of the State agency relate, directly or indirectly, to the detection, prevention and control of outbreaks of endemic and exotic animal diseases in the State; or

*Note* **State** also includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (d) an employee of a Commonwealth agency, if the functions of the Commonwealth agency relate, directly or indirectly, to the detection, prevention and control of outbreaks of endemic and exotic animal diseases in the Commonwealth.

*Note 1* For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

*Note 2* In exercising the delegation, the delegate is subject to any conditions, limitations or directions in the instrument making or evidencing the delegation (see [Legislation Act](#), s 239).

## **Part 3**                      **Exotic and endemic diseases of animals**

### **Division 3.1**              **General**

#### **9**                      **Meaning of *infected***

- (1) For this Act, an animal is *infected* with a disease if it is suffering from the disease.
- (2) For subsection (1), an animal is taken to be suffering from a disease if there is a reasonable basis for suspecting the animal is infected with the disease.

**Example**

a veterinary practitioner reports evidence of symptoms of a disease

*Note*      An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) For this Act, premises are *infected* with a disease if there is a reasonable basis for suspecting the premises are infected with the disease.

**Example**

animals infected with the disease have recently been on the premises

- (4) For this Act, a thing (including an animal product) is *infected* with a disease if there is a reasonable basis for suspecting the thing is infected with the disease.

**Examples**

- 1    the thing has recently been in contact with an animal infected with the disease
- 2    the animal product is a product of an animal infected with the disease

## 10 Declarations under pt 3

- (1) A declaration under this part may provide for its commencement on or before the declaration's notification day.

*Note* This subsection provides express authority for a declaration to commence on or before its notification day (see [Legislation Act](#), s 73 (2) (d) (General rules about commencement)).

- (2) However—

- (a) a declaration may not provide for a commencement date or time that would result in the declaration commencing before it is made; and
- (b) a declaration may not commence before it is notified under the [Legislation Act](#) unless the Minister is satisfied that the circumstances are of such seriousness and urgency that its commencement before notification is necessary to prevent a disease becoming established, or spreading, in the ACT.

- (3) If a declaration commences before it is notified under the [Legislation Act](#), the Minister must give notice of the declaration to the required media as soon as possible after the declaration is made.

- (4) In this section:

*required media* means—

- (a) a public notice; and
- (b) all national or commercial broadcasting services within the meaning of the [Broadcasting Services Act 1992](#) (Cwlth) broadcasting in the ACT.

## 11 Certificate of freedom from disease

- (1) An owner or occupier of premises may apply to the chief veterinary officer, in writing, for a certificate that the premises are not infected with an exotic disease or endemic disease.

*Note* If a form is approved under s 89 for a certificate, the form must be used.



- (2) If the chief veterinary officer is satisfied that the premises are not infected with the disease, the chief veterinary officer must, in writing, certify the premises to be free of the disease on the day of the certification.
- (3) In a proceeding for an offence against this Act, a certificate given under this section is evidence of the matters stated in it.

## **Division 3.2 Exotic diseases**

### **12 Declaration of exotic disease**

- (1) The Minister may declare a disease to be an exotic disease for this Act.
- (2) A declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

### **13 Notification of exotic disease**

- (1) If a person has reasonable grounds for believing that an animal is infected with an exotic disease, the person must immediately tell the chief veterinary officer in writing.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) If the owner or person in charge of an animal has reasonable grounds for believing that the animal is infected with an exotic disease, the person must immediately separate the animal from any other animal that is not infected with the disease.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) Subsection (2) does not apply to an authorised person.

## 14 Directions to control spread of exotic disease

- (1) The chief veterinary officer may, in writing, direct—
  - (a) an authorised person to seize an animal, animal product, vehicle or other thing; or
  - (b) the owner or person in charge of premises, an animal product or other thing to take a stated action to—
    - (i) decontaminate the premises, product or thing; or
    - (ii) prevent the premises, product or thing contaminating or infecting anything else; or
  - (c) the owner or person in charge of an animal to—
    - (i) take stated action to inoculate the animal or otherwise produce an immunity to the disease in the animal; or
    - (ii) take stated action to treat the animal or protect its welfare; or
  - (d) an authorised person or anyone else to take any other stated action that the chief veterinary officer considers necessary.

*Note* The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

- (2) The chief veterinary officer may give a direction under subsection (1) only if the officer has reasonable grounds for believing that it is necessary to give the direction to prevent or control the spread of an exotic disease.
- (3) If an authorised person has reasonable grounds for suspecting that an animal is infected with an exotic disease, the authorised person may, in writing, direct the owner or person in charge of the animal to keep it at stated premises for a stated reasonable time.

- (4) A person commits an offence if the person fails to take reasonable steps to comply with a direction given to the person under this section.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (5) Subsection (4) does not apply to an authorised person.

## **15 Import restrictions**

- (1) The Minister may declare an area outside the ACT to be subject to an import restriction, if the Minister has reasonable grounds for believing that—

- (a) an animal in the area is infected with an exotic disease; and
- (b) the declaration is necessary to prevent the spread of the disease.

- (2) A declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (3) A declaration must state—

- (a) the animals to which the declaration applies; and
- (b) the disease in relation to which the declaration is made; and
- (c) the area to which the declaration applies; and
- (d) the restrictions on importing into the ACT an animal, animal product or other thing that has, at any time during a stated period, been in the area; and
- (e) the restrictions on sale in the ACT of an animal, animal product or other thing that has, at any time during a stated period, been in the area; and
- (f) if the declaration is to have effect for a limited period—the period.

- (4) The Minister must give additional public notice of the declaration.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

- (5) A person commits an offence if the person contravenes a restriction in a declaration under this section.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## **Division 3.3 Endemic diseases**

### **16 Declaration of endemic disease**

- (1) The Minister may declare a disease to be an endemic disease for this Act.
- (2) The Minister may declare an endemic disease to be a compensable disease for section 28 (Compensation for animal etc destroyed—endemic disease).
- (3) A declaration under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

### **17 Notification of endemic disease**

- (1) If a person has reasonable grounds for believing that an animal is infected with an endemic disease, the person must immediately tell the chief veterinary officer in writing.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) If the owner or person in charge of an animal has reasonable grounds for believing that the animal is infected with an endemic disease, the person must separate the animal from any other animal that is not infected with the disease.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) Subsection (2) does not apply to an authorised person.

## **18 Directions to control spread of endemic disease**

- (1) The chief veterinary officer may, in writing, direct—
- (a) an authorised person to seize an animal, animal product, vehicle or other thing; or
  - (b) the owner or person in charge of premises, an animal product or other thing to take stated action to—
    - (i) decontaminate the premises, product or thing; or
    - (ii) prevent the premises, product or thing contaminating or infecting anything else; or
  - (c) the owner or person in charge of an animal to—
    - (i) take stated action to inoculate the animal or otherwise produce an immunity to the disease in the animal; or
    - (ii) take stated action to treat the animal or protect its welfare; or
  - (d) an authorised person or anyone else to take any other stated action that the chief veterinary officer considers necessary.

*Note* The [Legislation Act](#), s 170 deals with the application of the privilege against self-incrimination.

- (2) The chief veterinary officer may give a direction under subsection (1) only if the officer has reasonable grounds for believing that it is necessary to give the direction to prevent or control the spread of an endemic disease.
- (3) If an authorised person has reasonable grounds for suspecting that an animal is infected with an endemic disease, the authorised person may, in writing, direct the owner or person in charge of the animal to keep it at stated premises for a stated reasonable time.
- (4) A person commits an offence if the person fails to take all reasonable steps to comply with a direction given to the person under this section.  
Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
- (5) Subsection (4) does not apply to an authorised person.

## Division 3.4 Quarantine areas

### 19 Exotic disease quarantine area

- (1) The Minister may declare the Territory, or a stated area in the Territory, to be an exotic disease quarantine area, if the Minister has reasonable grounds for believing that—
  - (a) an animal is infected with an exotic disease; and
  - (b) the declaration is necessary to prevent the spread of the disease.
- (2) A declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (3) The Minister must give additional public notice of the declaration.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

## **20 Endemic disease quarantine area**

- (1) The Minister may declare the Territory, or a stated area in the Territory, to be an endemic disease quarantine area, if the Minister has reasonable grounds for believing that—
  - (a) an animal is infected with an endemic disease; and
  - (b) the declaration is necessary to prevent the spread of the disease.
- (2) A declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## **21 Content of quarantine declarations**

A declaration under section 19 or section 20 must state—

- (a) the animals to which the declaration applies; and
- (b) the disease in relation to which the declaration is made; and
- (c) the area to which the declaration applies; and
- (d) the restrictions on entry to, leaving and movement within the area; and
- (e) if there are restrictions on sale in the ACT of an animal, animal product or other thing that has, at any time during a stated period, been in the area—those restrictions; and
- (f) if the declaration is to have effect for a limited period—the period.

## **22 Offence—contravening restriction in quarantine declaration**

- (1) A person commits an offence if the person contravenes a restriction in a declaration under section 19 or section 20.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) This section does not apply to a restriction on entry to, leaving or movement within a quarantine area if—
- (a) the person entering, leaving or moving within the quarantine area is doing so to undertake an activity authorised under section 24A; and
  - (b) the entry, leaving or movement is in accordance with the conditions on the authorisation.

### **23 Quarantine notices**

- (1) The chief veterinary officer may display any notices that the chief veterinary officer considers necessary for this Act within or near a boundary of a quarantine area, on a public street that enters a quarantine area, or a border of the ACT.

*Note* If a form is approved under s 89 for a notice, the form must be used.

- (2) A person commits an offence if—
- (a) a notice is displayed under subsection (1); and
  - (b) the person removes, alters, damages, defaces or covers the notice while the notice is in force.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) Subsection (2) does not apply if the person acts with the written consent of the chief veterinary officer.

### **24 Offence—movement of animals**

- (1) A person commits an offence if the person does something that enables an animal to enter or leave a quarantine area.

Maximum penalty: 50 penalty units.

- (2) This section does not apply if the person acts with the written approval of the director-general or the chief veterinary officer.



## **24A Authorisation for activity movements in quarantine area**

- (1) The Minister may authorise entry to, leaving or movement within a quarantine area that would otherwise contravene a restriction stated in the quarantine declaration.

*Note* See s 21 (d) for restrictions on entry to, leaving or movement within a quarantine area.

- (2) However, the Minister may only authorise the entry, leaving or movement for a stated activity in a stated area.
- (3) An authorisation under this section must state—
- (a) the activity to which the authorisation applies; and
  - (b) the quarantine declaration to which the authorisation relates; and
  - (c) the area to which the authorisation applies; and
  - (d) the conditions on entry to, leaving and movement within the area where the activity is undertaken; and
  - (e) the conditions on the conduct of the activity; and
  - (f) the records relating to the activity that are required to be kept by the person conducting the activity.

### **Examples—possible conditions on the conduct of an activity**

- 1 The organiser of an activity must register the activity with the chief veterinary officer before the activity takes place.
- 2 The organiser of an activity must implement decontamination procedures for the activity.
- 3 Participants in an activity must undertake the decontamination procedures for the activity before leaving the area where the activity happens.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (4) An authorisation under this section—
- (a) is given for the period, not longer than 1 year, stated in the authorisation; and

(b) expires when the quarantine declaration to which the authorisation relates is revoked.

(5) An authorisation is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

(6) In this section:

**activity** means an activity involving the use of animals or animal products.

**Example**

horse racing

## **24B Person conducting activity to comply with conditions**

A person commits an offence if—

- (a) the person conducts an activity to which an authorisation under section 24A applies; and
- (b) a condition applying to the conduct of the activity is stated in the authorisation; and
- (c) the person fails to comply with the condition.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## **24C Person conducting activity to keep records**

A person commits an offence if—

- (a) the person conducts an activity to which an authorisation under section 24A applies; and
- (b) the person is required to keep a record stated in section 24A (3) (f); and

- (c) the person fails to keep the record for at least 1 year after the day the authorisation expires.

Maximum penalty: 20 penalty units.

## **25 Removal of refuse from quarantine area**

- (1) The chief veterinary officer may, in writing, direct the owner or occupier of premises in an exotic disease quarantine area to remove refuse from the premises.
- (2) The chief veterinary officer may give a direction under subsection (1) only if the officer has reasonable grounds for believing that it is necessary to give the direction to prevent or control the spread of an exotic disease.
- (3) The direction must state when and how the refuse is to be removed.
- (4) A person commits an offence if the person fails to take all reasonable steps to comply with a direction given to the person under subsection (1).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## **26 Court proceedings about exotic disease declaration**

While a declaration under section 19 (Exotic disease quarantine area) is in force, the declaration or a direction under this part in relation to an exotic disease in relation to which the declaration is made—

- (a) must not be challenged or called into question in any court; and
- (b) is not subject to a prerogative order or injunction in any court.

## Division 3.5 Destruction of animals and other things

### 27 Destruction of infected animals etc—endemic disease

- (1) The chief veterinary officer may, in writing, direct an authorised person or someone else to destroy—
  - (a) an infected animal; or
  - (b) an infected animal product or other thing.
- (2) The chief veterinary officer may give a direction under subsection (1) only if the officer has reasonable grounds for believing that it is necessary to give the direction to prevent or control the spread of an endemic disease.
- (3) A direction may state how the animal or thing must be destroyed.
- (4) The chief veterinary officer must give a copy of a direction to the owner or person apparently in charge of the animal or thing—
  - (a) before the direction is carried out unless—
    - (i) after reasonable search and inquiry the owner or person apparently in charge cannot be found; and
    - (ii) the chief veterinary officer considers that the circumstances require the immediate destruction of the animal or thing; or
  - (b) in any other case—as soon as practicable after the direction is carried out.
- (5) A person commits an offence if the person fails to take all reasonable steps to comply with a direction given to the person under subsection (1).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (6) Subsection (4) and (5) do not apply to an authorised person.

**28 Compensation for animal etc destroyed—endemic disease**

- (1) This section applies if an animal or thing infected with a compensable disease is destroyed under section 27.
- (2) The owner of the animal or thing may apply to the director-general for compensation.
- (3) The application must be made within 90 days after the day the animal or thing is destroyed or any further period the director-general allows.
- (4) The director-general must decide an amount of compensation (not more than the market value of the animal or thing) payable to the owner.
- (5) In this section:

*compensable disease* means an endemic disease declared to be a compensable disease under section 16.

**29 Destruction of infected animals etc—exotic disease**

- (1) The chief veterinary officer may, in writing, direct an authorised person or someone else to destroy—
- (a) an infected animal; or
  - (b) an infected animal product or other thing; or
  - (c) infected premises (other than a dwelling).
- (2) The chief veterinary officer may give a direction under subsection (1) only if the officer has reasonable grounds for believing that it is necessary to give the direction to prevent or control the spread of an exotic disease.
- (3) A direction may state how the animal, thing or premises must be destroyed.

- (4) The chief veterinary officer must give a copy of a direction to the owner or person apparently in charge of the animal, thing or premises—
- (a) before the direction is carried out unless—
    - (i) after reasonable search and inquiry the owner or person apparently in charge cannot be found; and
    - (ii) the chief veterinary officer considers that the circumstances require the immediate destruction of the animal, thing or premises; or
  - (b) in any other case—as soon as practicable after the direction is carried out.
- (5) A person commits an offence if the person fails to take all reasonable steps to comply with a direction given to the person under subsection (1).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (6) Subsection (4) and (5) do not apply to an authorised person.

### **30 Compensation for animal etc destroyed—exotic disease**

- (1) This section applies if an animal, premises or other thing has been destroyed under section 29.
- (2) The owner of the animal, premises or other thing may apply to the director-general for compensation.
- (3) The application must be made within 90 days after the day the animal, premises or other thing is destroyed or any further period the director-general allows.
- (4) The director-general must decide an amount of compensation (not more than the market value of the animal, premises or other thing) payable to the owner.

### **31 Compensation for death of animal from exotic disease**

- (1) This section applies if—
  - (a) an animal has died; and
  - (b) a veterinary practitioner has certified that the death was caused by an exotic disease.
- (2) The owner of the animal may apply to the director-general for compensation.
- (3) The application must be made within 90 days after the day the animal died or any further period the director-general allows.
- (4) The director-general must decide an amount of compensation (not more than the market value of the animal) payable to the owner.

## **Division 3.6 Offences generally**

### **32 Spreading disease**

- (1) A person commits an offence if the person does something that communicates a disease or disease agent to an animal.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) This section does not apply if the person acts with the written approval of the chief veterinary officer.

- (3) In this section:

*disease agent* means any prion, virus, rickettsia, bacterium, protozoon, fungus, helminth, arthropod, insect or other pathogen or organism that can cause a disease in an animal.

### 33 Use of vaccines etc

- (1) A person commits an offence if the person uses on an animal, or material derived from an animal—
- (a) a virus, vaccine or other biological product containing living organisms for treatment or prevention of an exotic or endemic disease; or
  - (b) a biological product containing something derived from a living organism for diagnosis of an exotic or endemic disease.

**Example for par (b)**

a protein extract derived as a testing agent

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) This section does not apply if the person acts with the written approval of the chief veterinary officer.

### 34 Feeding of prohibited pig feed to controlled stock

- (1) A person commits an offence if the person feeds prohibited pig feed to controlled stock.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

- (3) In this section:

*approved process* includes—

- (a) rendering in accordance with AS 5008; and
- (b) a cooking process that ensures that an internal temperature of at least 70°C for at least 30 minutes is reached; and



- (c) treatment of cooking oil, which has been used for cooking in Australia, in accordance with the *National Standard for Recycling of Used Cooking Fats and Oils Intended for Animal Feeds*.

*Note* The *National Standard for Recycling of Used Cooking Fats and Oils Intended for Animal Feeds* is accessible at [www.mincos.gov.au/communiques/Documents/pimc/resolution-pimc15.pdf](http://www.mincos.gov.au/communiques/Documents/pimc/resolution-pimc15.pdf), Annex A.

**AS 5008** means AS 5008 (Hygienic rendering of animal products), as in force from time to time.

*Note* AS 5008 may be purchased at [www.standards.org.au](http://www.standards.org.au).

**controlled stock** means a pig or an animal declared by regulation to be controlled stock.

**feed** prohibited pig feed to controlled stock includes—

- (a) feed, or allow or direct another person to feed, prohibited pig feed to controlled stock; or
- (b) allow controlled stock to have access to prohibited pig feed; or
- (c) collect, store or possess prohibited pig feed on premises where controlled stock is kept; or
- (d) supply to another person prohibited pig feed for feeding controlled stock.

**prohibited pig feed** means—

- (a) material of mammalian origin, or any substance that has come in contact with this material; but
- (b) subject to section 34A, does not include—
  - (i) milk, milk products or milk by-products either of Australian provenance or legally imported for stockfeed use in Australia; or

- (ii) material containing flesh, bones, blood, offal or mammal carcasses that is treated by an approved process; or
- (iii) a carcass or part of a domestic pig, born and raised on the property on which the pig or pigs that are administered the carcass or part are held, that is administered for therapeutic purposes in accordance with the written instructions of a veterinary practitioner.

### 34A Foot-and-mouth disease outbreak

- (1) This section applies if there is an outbreak of foot-and-mouth disease in Australia.
- (2) The Minister may declare that prohibited pig feed includes—
  - (a) milk, milk products or milk by-products either of Australian provenance or legally imported for stockfeed use in Australia; or
  - (b) material containing flesh, bones, blood, offal or mammal carcasses that is treated by an approved process; or
  - (c) a carcass or part of a domestic pig, born and raised on the property on which the pig or pigs that are administered the carcass or part are held, that is administered for therapeutic purposes in accordance with the written instructions of a veterinary practitioner.

- (3) A declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (4) In this section:

*approved process*—see section 34.

*prohibited pig feed*—see section 34.

**35 Selling, disposing of or abandoning infected animals**

- (1) This section applies to a person who is the owner of, or is in charge of, an infected animal.
- (2) The person commits an offence if the person does any of the following:
  - (a) sells the animal;
  - (b) moves the animal from premises to other premises;
  - (c) intentionally abandons the animal, or allows the animal to stray;
  - (d) hides the animal;
  - (e) if the animal is dead—does either of the following:
    - (i) leaves the carcass (or any part of it) on or near a road, creek or waterhole;
    - (ii) destroys or otherwise disposes of the carcass (or any part of it) otherwise than in accordance with the chief veterinary officer's instructions.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) This section does not apply if the person acts with the written approval of the chief veterinary officer.

**36 Interference with structures securing infected animals**

- (1) A person commits an offence if—
- (a) the person damages, interferes with or removes a fence or other structure securing an animal; and
  - (b) the person is reckless about whether the animal is an infected animal.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) This section does not apply if the person acts with the written approval of the chief veterinary officer.

## **Part 4**                      **National livestock identification system**

### **Division 4.1**              **General**

#### **37**              **Definitions—pt 4**

In this part:

***agent identification code*** means an agent identification code allocated to an agent under—

- (a) this part; or
- (b) a related NLIS law.

***camelids*** means members of the family *camelidae* other than vicunas or guanacos.

*Note*      Camelids include camels, alpacas and llamas.

***cattle*** means the following:

- (a) a member of the genus *Bos*;
- (b) American bison or buffalo (*Bison bison*);
- (c) domestic water buffalo (*Bubalus bubalis*).

***equine*** means a member of the family *equidae*.

*Note*      Equines include horses, donkeys, asses, mules and zebras.

***identifiable stock*** means cattle, pigs, goats and sheep and includes a carcass of any such animal.

***identifier*** means a tag, label, brand, mark, implant or other means of identification of stock.

***large poultry*** means emu and ostrich.

***property*** means an area of land (including an area comprising 1 or more parcels of land close together) worked as a single entity.

*property identification code* means—

- (a) in relation to a property in the ACT—the property identification code allocated to the property or premises under this part; or
- (b) in relation to a property in another jurisdiction—the property identification code allocated to the property under a related NLIS law.

*related NLIS law* means a law of another jurisdiction that applies the NLIS in that jurisdiction.

*responsible person* means—

- (a) for leased property or premises—
  - (i) the lessee of the property or premises; or
  - (ii) if the lessee of the property or premises is not the occupier of the property or premises—the occupier or manager of the property or premises; and
- (b) for an area of unleased territory land that is licensed to someone—the licensee of the land; and
- (c) for an abattoir, saleyard or stock event—the operator of the abattoir, saleyard or stock event.

*small poultry* means chicken, turkey, guinea fowl, duck, goose, quail, pigeon, pheasant and partridge.

## Division 4.2 Identification codes

### 38 Allocating identification codes

- (1) The chief veterinary officer may allocate a property identification code to property or premises—
  - (a) that require a property identification code under this division; or

- (b) that are unleased territory land.
- (2) The chief veterinary officer may allocate an agent identification code to a stock and station agent.
- (3) The identification code may be allocated—
  - (a) on application under this division; or
  - (b) on the chief veterinary officer's own initiative.

### **39 Applying for property identification code**

- (1) A responsible person may apply to the chief veterinary officer for a property identification code.
- (2) The application must include the following:
  - (a) the name and street address of the property or premises;
  - (b) a description of the property or premises by reference to—
    - (i) district, division, section or block number; or
    - (ii) ACTmapi;
  - (c) the full name, street address, postal address, email address and phone number of the responsible person for the property or premises.
- (3) In this section:

*Note* ACTmapi is accessible at [www.actmapi.act.gov.au](http://www.actmapi.act.gov.au).

*Note* A fee may be determined under s 88 for this provision.

***responsible person*** means—

- (a) for leased property or premises—
  - (i) the lessee of the property or premises; or
  - (ii) if the lessee of the property or premises is not the occupier of the property or premises—the occupier or manager of the property or premises; and

- (b) for an area of unleased territory land—
  - (i) the custodian of the land; or
  - (ii) if the land is licensed to someone else—the licensee of the land; and
- (c) for an abattoir, saleyard or stock event—the operator of the abattoir, saleyard or stock event.

**40 Responsible person for property with property identification code must update details**

- (1) A person commits an offence if—
  - (a) the person is a responsible person for a property or premises that have been allocated a property identification code; and
  - (b) there is a change in any of the details mentioned in section 39 (2); and
  - (c) the person does not, within 14 days of the change, tell the chief veterinary officer, in writing, about the change.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

**41 Applying for agent identification code**

- (1) A stock and station agent may apply to the chief veterinary officer for an agent identification code.
- (2) The application must include the following:
  - (a) the name and street address in the ACT of the registered office of the agent;
  - (b) the applicant's full name, street address, postal address, email address and phone number.

*Note* A fee may be determined under s 88 for this provision.



**42 Stock and station agent must update details of agent identification code**

- (1) A stock and station agent commits an offence if—
  - (a) the agent is allocated an agent identification code; and
  - (b) there is a change in any of the details mentioned in section 41 (2); and
  - (c) the agent does not, within 14 days of the change, tell the chief veterinary officer, in writing, about the change.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

**43 Transfer of identification codes**

- (1) The chief veterinary officer may transfer a property identification code to another property that comprises all or part of the property or premises to which the property identification code was first allocated.
- (2) The chief veterinary officer may transfer an agent identification code to a stock and station agent if the stock and station agent has taken over the business of the stock and station agent to whom the agent identification code was first allocated.

**44 Inactivation or cancellation of identification codes**

- (1) This section applies if the chief veterinary officer believes on reasonable grounds that a property identification code or an agent identification code is not needed for compliance with this Act.
- (2) The chief veterinary officer may inactivate or cancel the identification code if the officer—
  - (a) gives the person who was allocated the identification code at least 15 working days to give reasons why the code should not be inactivated or cancelled; and

- (b) takes into account the reasons given by the person.
- (3) If the chief veterinary officer inactivates or cancels an identification code, the officer must tell—
  - (a) the person who was allocated the identification code; and
  - (b) the NLIS administrator.
- (4) If an identification code is inactivated or cancelled, the chief veterinary officer may only reallocate the code in circumstances declared by the director-general.
- (5) A declaration under subsection (4) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

#### **45 Property identification code required if certain animals kept**

- (1) A person commits an offence if—
  - (a) the person is a responsible person for a property; and
  - (b) the person keeps any of the following on the property:
    - (i) identifiable stock;
    - (ii) camelids;
    - (iii) deer;
    - (iv) equines;
    - (v) 100 or more small poultry;
    - (vi) 10 or more large poultry; and
  - (c) a property identification code is not allocated for the property.

Maximum penalty: 50 penalty units.
- (2) An offence against this section is a strict liability offence.

**46 Property identification code required if certain activities happen**

- (1) A person commits an offence if—
- (a) the person operates any of the following on a property or premises:
    - (i) an abattoir;
    - (ii) a saleyard;
    - (iii) a stock event; and
  - (b) a property identification code is not allocated for the property or premises.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

**Division 4.3 Permanent identification of identifiable stock**

**Subdivision 4.3.1 Identifiable stock**

**47 When identifiable stock is *properly identified*—pt 4**

- (1) Identifiable stock is *properly identified* for this part if—
- (a) a permanent identifier is—
    - (i) properly attached to the stock; or
    - (ii) for stock born outside the ACT—attached in accordance with a related NLIS law; and
  - (b) the property identification code on the permanent identifier is the property identification code for the property or premises where the permanent identifier is attached to the stock; and

(c) the permanent identifier is readable and has not stopped working.

(2) In this section:

**relevant NLIS standard**, for an animal, means the standard as published from time to time by the NLIS administrator for the animal.

*Note* The NLIS administrator publishes standards for animals at [www.nlis.com.au](http://www.nlis.com.au).

**properly attached**, to stock, for a permanent identifier, means—

(a) for cattle—being the only permanent identifier attached to the cattle, attached in accordance with—

- (i) the manufacturer's instructions; and
- (ii) the relevant NLIS standard; and

(b) for sheep or goats—attached to the ear of the sheep or goat—

- (i) in a way that allows the property identification code on the identifier to be easily read; and
- (ii) in accordance with the manufacturer's instructions; and
- (iii) in accordance with the relevant NLIS standard; and

*Note* Sheep, goats and pigs may have more than 1 permanent identifier attached to them.

(c) for pigs—

- (i) if the permanent identifier for the pig is an NLIS device—attached in accordance with—
  - (A) the manufacturer's instructions; and
  - (B) the relevant NLIS standard; or

- (ii) in any other case—attached by applying the permanent identifier for pigs to 1 or more shoulders of the pig so that the characters on the brand are impressed through the skin of the pig and can be easily read.

#### **48 Offences—identifiable stock not properly identified**

- (1) A person commits an offence if—
  - (a) the person moves identifiable stock from a property or premises; and
  - (b) the movement is not an exempt movement under section 49; and
  - (c) the identifiable stock is not properly identified.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if—
  - (a) the person operates a saleyard or abattoir; and
  - (b) identifiable stock is kept at the saleyard or abattoir; and
  - (c) the identifiable stock is not properly identified.

Maximum penalty: 50 penalty units.

- (3) A person commits an offence if—
  - (a) the person owns identifiable stock; and
  - (b) the identifiable stock are delivered to a saleyard or abattoir; and
  - (c) the identifiable stock is not properly identified; and
  - (d) the person does not immediately tell the operator of the saleyard or abattoir that the identifiable stock is not properly identified.

Maximum penalty: 50 penalty units.

- (4) A person commits an offence if—
- (a) identifiable stock is at a saleyard or abattoir; and
  - (b) the person does any of the following:
    - (i) sells or otherwise disposes of the stock;
    - (ii) buys or otherwise acquires the stock;
    - (iii) slaughters the stock (unless slaughter is required for humane reasons at the direction of an authorised person); and
  - (c) the identifiable stock is not properly identified.

Maximum penalty: 50 penalty units.

- (5) A person commits an offence if—
- (a) the person is in charge of identifiable stock at a saleyard or abattoir; and
  - (b) the identifiable stock is not properly identified; and
  - (c) the person does not take all reasonable steps to ensure that another person does not do any of the following:
    - (i) sell or otherwise dispose of the stock;
    - (ii) buy or otherwise acquire the stock;
    - (iii) slaughter the stock (unless slaughter is required for humane reasons at the direction of an authorised person).

Maximum penalty: 50 penalty units.

- (6) Despite any other provision of this section, identifiable stock is not required to be properly identified after the stock is slaughtered at an abattoir.

(7) In this section:

*authorised person* includes either of the following:

- (a) an inspector or authorised officer under the *Animal Welfare Act 1992*, division 7.2;
- (b) a veterinary surgeon.

#### **49 Exempt movements of identifiable stock**

- (1) A person does not commit an offence under section 48 (1) if the person moves identifiable stock that is not properly identified from a property or premises in any of the following circumstances:
  - (a) the identifiable stock is a carcass that is moved directly to—
    - (i) a waste management facility that is authorised to accept the carcass; or
    - (ii) the National Zoo and Aquarium;
  - (b) the identifiable stock (other than a pig) is moved—
    - (i) from the property on which it is located (the *first property*) to a contiguous property and returned to the first property within 2 days; or
    - (ii) from the property on which it is located (the *first property*) to a contiguous property because the stock is grazed continuously between the first property and the contiguous property; or
    - (iii) to another part of the same property by a route that requires the stock to leave the property;
  - (c) the identifiable stock is moved for display at the National Zoo and Aquarium;
  - (d) for identifiable stock that is a dairy goat or a goat that was born without ears—the identifiable stock is moved to somewhere other than a saleyard or abattoir;

- (e) for identifiable stock that is a feral goat that has been captured from the wild—the identifiable stock is moved from the property on which it was captured to an abattoir;
- (f) the identifiable stock being moved is a pig that will continue to be owned by the same person following the move;
- (g) the identifiable stock is moved because of an extreme emergency.

**Example—extreme emergency**

imminent threat arising from a bushfire or a flood

*Note 1* The person may commit an offence if the chief veterinary officer is not informed of the move within 7 days (see s 50 (1)).

*Note 2* The defendant has an evidential burden in relation to the matters mentioned in s (1) (see [Criminal Code](#), s 58).

*Note 3* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) A person does not commit an offence under section 48 (1) if—
  - (a) the person moves identifiable stock that are cattle from a property or premises; and
  - (b) either—
    - (i) the cattle have special identifiers approved or recognised by a related NLIS law; or
    - (ii) the chief veterinary officer approves the move in writing.
- (3) A person does not commit an offence under section 48 (1) if—
  - (a) the person moves identifiable stock from a property or premises; and
  - (b) the chief veterinary officer approves the move in writing.



**50 Offence—required information if identifiable stock moved in extreme emergency**

- (1) A person commits an offence if—
- (a) the person owns identifiable stock; and
  - (b) the person moves the identifiable stock from a property or premises because of an extreme emergency; and
  - (c) the identifiable stock is not properly identified; and
  - (d) the person does not give the chief veterinary officer the required information within 7 days after the day the identifiable stock is moved.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) In this section:

*required information* means the following information given in writing or electronically:

- (a) the property identification code of the property from which the identifiable stock is moved;
- (b) the property identification code of the property to which the identifiable stock is moved;
- (c) if identifiable stock is moved to a property that does not have a property identification code—the address of the location to which the identifiable stock is moved and the name of the person receiving the identifiable stock;
- (d) the date the identifiable stock moved;
- (e) the number and a description of the identifiable stock moved.

## Subdivision 4.3.2 Permanent identifiers

### 51 Meaning of *supply*—sdiv 4.3.2

In this subdivision:

*supply* includes sale.

### 52 Offences—acquisition of permanent identifiers

- (1) A person commits an offence if the person—
- (a) acquires a permanent identifier; and
  - (b) is not—
    - (i) the chief veterinary officer; or
    - (ii) a responsible person for a property or premises that have a property identification code; or
    - (iii) a stock and station agent who has an agent identification code.

Maximum penalty: 50 penalty units.

- (2) The manufacturer of an NLIS device commits an offence if—
- (a) the manufacturer supplies a permanent identifier to a person; and
  - (b) the person is not—
    - (i) the chief veterinary officer; or
    - (ii) a responsible person for a property or premises that have a property identification code; or
    - (iii) a stock and station agent who has an agent identification code.

Maximum penalty: 50 penalty units.

- (3) The manufacturer of an NLIS device commits an offence if—
- (a) the manufacturer supplies a permanent identifier to a person; and
  - (b) the permanent identifier refers to a property identification code that is not active.

Maximum penalty: 50 penalty units.

**52A Directions for use of permanent identifiers in saleyard or abattoir**

- (1) The chief veterinary officer may give directions for the use of a permanent identifier in a saleyard or an abattoir.
- (2) A direction under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (3) A person commits an offence if the person—
- (a) is subject to a direction under subsection (1); and
  - (b) does not comply with the direction.

Maximum penalty: 50 penalty units.

**52B Request for details on use and location of permanent identifier**

- (1) An authorised person may—
- (a) ask the responsible person for a property or premises that have been allocated a property identification code for details about the location and use of any permanent identifier issued in relation to the property identification code (the *requested details*); and
  - (b) state a day, at least 7 days after the day of the request (the *response day*), for the person to give the requested details.

- (2) A person commits an offence if—
- (a) the person is the responsible person for a property or premises; and
  - (b) an authorised person asks the person to give the authorised person the requested details in relation to the property or premises by the response day; and
  - (c) the person fails to give the requested details to the authorised person by the response day.

Maximum penalty: 50 penalty units.

- (3) An offence against this section is a strict liability offence.

**52C Records and provision of information to NLIS administrator**

- (1) The manufacturer of an NLIS device commits an offence if—
- (a) the manufacturer supplies a permanent identifier; and
  - (b) the manufacturer does not keep the required supply record for the required time.

Maximum penalty: 50 penalty units.

- (2) The manufacturer of an NLIS device commits an offence if—
- (a) the manufacturer supplies a permanent identifier for cattle; and
  - (b) the manufacturer does not give the NLIS administrator, before the close of business on the next working day after the supply, the following:
    - (i) the relevant identification particulars for the cattle;
    - (ii) the date on which the permanent identifier was supplied.

Maximum penalty: 50 penalty units.

- (3) An offence against this section is a strict liability offence.

(4) In this section:

***required supply record*** means a record of the following information about a permanent identifier kept in writing or electronically:

- (a) the date the identifier was supplied;
- (b) the number and type of identifiers supplied;
- (c) the identification code and serial number of each identifier;
- (d) the full name and street address of the person to whom each identifier was supplied;
- (e) the full name and street address of the owner of the stock for which each identifier was supplied, and in relation to that stock—
  - (i) the species of the stock; and
  - (ii) the property identification code for the property of origin of the stock (if known);
- (f) in the case of a permanent identifier for use in a saleyard or an abattoir—the reason the identifier was supplied.

***required time*** means—

- (a) if the permanent identifier is supplied for use in a saleyard or abattoir—at least 2 years beginning on the date of the supply; and
- (b) in any other case—at least 7 years beginning on the date of the supply.

**52D Alteration or removal of permanent identifier**

- (1) A person commits an offence if the person alters, or allows or directs another person to alter—
- (a) a permanent identifier; or
  - (b) equipment that is used for attaching or reading a permanent identifier.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if the person—
- (a) removes a permanent identifier from identifiable stock; or
  - (b) directs another person to remove a permanent identifier from identifiable stock.

Maximum penalty: 50 penalty units.

- (3) Subsection (2) does not apply if—
- (a) the stock is slaughtered at an abattoir; or
  - (b) the person is authorised by an authorised person, in writing, to remove the permanent identifier and does so in accordance with any condition stated in the authorisation; or
  - (c) the stock is dead and there is no requirement to notify the chief veterinary officer of the death; or
  - (d) if the stock are cattle—the permanent identifier could not be read electronically, a new permanent identifier is attached to the stock immediately after the removal, and information about the replacement of the identifier is given to the NLIS administrator by the earlier of—
    - (i) the next business day; and

(ii) the day the cattle are removed from the property.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) A person commits an offence if the person—
- (a) knows that a permanent identifier has been altered or removed from identifiable stock; and
  - (b) buys or sells the identifiable stock, or moves the stock from a property or premises.

Maximum penalty: 50 penalty units.

- (5) A person commits an offence if the person—
- (a) removes a permanent identifier from identifiable stock (other than a pig); and
  - (b) attaches a new permanent identifier to the identifiable stock; and
  - (c) fails to give the NLIS administrator information about the new permanent identifier.

Maximum penalty: 50 penalty units.

- (6) This section does not apply to the removal of a permanent identifier by any of the following:
- (a) an authorised person;
  - (b) an authorised officer under the [Food Act 2001](#);
  - (c) an inspector or authorised officer under the [Animal Welfare Act 1992](#);
  - (d) a registered veterinary practitioner, if the removal is in relation to medical treatment of the identifiable stock.

- (7) In this section:

***alter*** includes deface.

**52E Improper use of permanent identifiers**

- (1) A person commits an offence if—
- (a) the person attaches a permanent identifier to identifiable stock; and
  - (b) the permanent identifier has previously been attached to other stock.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if—
- (a) the person attaches a permanent identifier to identifiable stock; and
  - (b) the attachment of the permanent identifier will result in the stock not being properly identified.

Maximum penalty: 50 penalty units.

- (3) A person commits an offence if—
- (a) the person attaches a permanent identifier to cattle; and
  - (b) the cattle are already properly identified.

Maximum penalty: 50 penalty units.

**52F Destruction of permanent identifiers removed from slaughtered stock**

The operator of an abattoir commits an offence if—

- (a) a permanent identifier is removed from identifiable stock slaughtered at the abattoir; and
- (b) the permanent identifier is not disposed of in a way that ensures the identifier is unable to be used or attached to identifiable stock.

Maximum penalty: 20 penalty units.



**52G      Manufacture, sale, supply and use of counterfeit identifiers**

- (1) A person commits an offence if the person—
- (a) makes, supplies or uses anything that could reasonably be mistaken for a permanent identifier; and
  - (b) knows that the thing may be attached to identifiable stock.

Maximum penalty: 50 penalty units.

- (2) This section does not apply if the person did not know, and could not reasonably be expected to have known, that the thing the person made, supplied or used could reasonably be mistaken for a permanent identifier.

*Note*      The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

**52H      Loss or theft of unattached permanent identifier for cattle**

- (1) A person commits an offence if—
- (a) the person is the responsible person for a property; and
  - (b) a permanent identifier is issued for cattle on the property but is not attached to cattle; and
  - (c) the permanent identifier is lost or stolen; and
  - (d) the person does not give the NLIS administrator the following information, in writing, within 7 days after the day the person became aware of the loss or theft:
    - (i) notice that the permanent identifier is lost or stolen;
    - (ii) the date the permanent identifier was lost or stolen (or the date the person became aware of the loss);

- (iii) the relevant identification particulars contained on or in the permanent identifier.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply in relation to a person if the person knows another person has provided the information to the NLIS administrator.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

## **Division 4.4 Information requirements—stock transactions**

### **Subdivision 4.4.1 Provisions applying to all identifiable stock**

#### **52I Meaning of *delivery information*—sdiv 4.4.1**

In this subdivision:

*delivery information*, in relation to identifiable stock, means the following information:

- (a) the kind of stock and the number of each kind of stock;
- (b) the date the stock left the previous property;
- (c) the property identification code of the previous property;
- (d) the serial number of any NLIS movement document created in relation to the delivery of the stock;
- (e) for pigs, sheep or goats—
  - (i) the relevant identification particulars for the pigs, sheep or goats; and
  - (ii) whether the pigs, sheep or goats were bred on the previous property;

- (f) a completed delivery declaration that includes the following:
- (i) the name and signature of the owner of identifiable stock who is making the declaration;
  - (ii) the day on which the declaration is made;
  - (iii) the property identification code of the property to which the stock is to be delivered (or if the code is not known or readily available, the name and address of the person to whom the stock are to be delivered).

*Note* A relevant NLIS movement document will contain some or all of the delivery information.

**52J Owner of identifiable stock must prepare and retain delivery information etc**

- (1) An owner of identifiable stock commits an offence if—
- (a) the owner's identifiable stock is delivered to another person; and
  - (b) the owner does not prepare the delivery information in relation to the stock before the stock is delivered.

Maximum penalty: 50 penalty units.

- (2) An owner of identifiable stock commits an offence if—
- (a) the owner's identifiable stock is to be delivered to another person; and
  - (b) the owner does not give the delivery information in relation to the stock to the person who is to deliver the stock when the person is given the stock to deliver.

Maximum penalty: 50 penalty units.

- (3) An owner of identifiable stock commits an offence if—
- (a) the owner's identifiable stock is delivered to another person; and

- (b) the owner does not keep, for at least 7 years after the delivery of the identifiable stock, the following:
  - (i) the delivery information in relation to the stock;
  - (ii) if the stock is delivered to an abattoir or to a stock and station agent for sale—the property identification code or address of the abattoir or saleyard.

Maximum penalty: 50 penalty units.

**52K Delivery information—stock and station agents and saleyards**

- (1) A person commits an offence if the person—
  - (a) delivers identifiable stock to a stock and station agent; and
  - (b) does not give the delivery information in relation to the stock to the stock and station agent.

Maximum penalty: 50 penalty units.

- (2) A stock and station agent commits an offence if the agent—
  - (a) sells or otherwise disposes of identifiable stock; and
  - (b) does not have the delivery information in relation to the identifiable stock.

Maximum penalty: 50 penalty units.

- (3) A person commits an offence if the person—
  - (a) takes possession of identifiable stock from a stock and station agent; and
  - (b) does not immediately give the stock and station agent the following information (the *post-sale information*):
    - (i) if the stock is to be sent to a property—the property identification code of the property;

- (ii) if another stock and station agent is to take possession of the stock—the agent identification code of the other stock and station agent.

Maximum penalty: 50 penalty units.

- (4) A stock and station agent commits an offence if the agent—
  - (a) sells or otherwise disposes of identifiable stock; and
  - (b) does not keep the following information in relation to the sale or disposal for at least 2 years:
    - (i) the delivery information in relation to the identifiable stock;
    - (ii) the property identification code or address of the saleyard at which the identifiable stock was sold or otherwise disposed of;
  - (iii) the post-sale information.

Maximum penalty: 50 penalty units.

- (5) A stock and station agent commits an offence if the agent—
  - (a) sells identifiable stock to a person; and
  - (b) does not, within 7 days after the day of the sale, give the person the following information:
    - (i) the delivery information in relation to the identifiable stock;
    - (ii) the property identification code or address of the saleyard at which the stock was sold.

Maximum penalty: 50 penalty units.

- (6) A person commits an offence if the person—
  - (a) is given the information mentioned in subsection (5); and

- (b) does not keep the information for at least 7 years after the day the information was given.

Maximum penalty: 50 penalty units.

- (7) A stock and station agent commits an offence if the agent does not, at least once in each week in which the agent transfers stock—
  - (a) reconcile the number of living stock linked to the agent’s agent identification code on the NLIS database; and
  - (b) record the transfer of the stock from the agent’s agent identification code to the property identification code of the property or premises to which the stock was delivered; and
  - (c) give the information to the NLIS administrator.

Maximum penalty: 50 penalty units.

- (8) A stock and station agent commits an offence if the agent—
  - (a) takes delivery of, sells or otherwise disposes of identifiable stock (other than pigs) at a saleyard; and
  - (b) does not, by close of business on the day of the delivery, sale or other disposal, give the operator of the saleyard the following information:
    - (i) the delivery information in relation to the identifiable stock;
    - (ii) the post-sale information given to the agent in relation to the stock.

Maximum penalty: 50 penalty units.

- (9) An operator of a saleyard commits an offence if the operator—
  - (a) is given the information mentioned in subsection (8); and

- (b) does not keep the information for at least 2 years after the day the information is given.

Maximum penalty: 50 penalty units.

**52L Delivery information—farm properties**

- (1) A person commits an offence if the person—
  - (a) delivers identifiable stock to a farm property; and
  - (b) does not give the delivery information in relation to the identifiable stock to the person taking charge of the stock at the farm property.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply if the identifiable stock—
  - (a) is delivered to the farm property because the stock is being transferred from one vehicle to another in the course of being transported; and
  - (b) is on the farm property for less than 24 hours.
- (3) A person commits an offence if the person—
  - (a) is given the information mentioned in subsection (1); and
  - (b) is not the owner of the identifiable stock; and
  - (c) does not immediately give the information to the owner of the identifiable stock.

Maximum penalty: 50 penalty units.

- (4) An owner of identifiable stock commits an offence if the owner does not keep the delivery information for at least 7 years after the day the stock is delivered.

Maximum penalty: 50 penalty units.

**52M Delivery information—stock events**

- (1) A person commits an offence if the person—
- (a) delivers identifiable stock to a property or premises for a stock event; and
  - (b) does not give the delivery information to the operator of the stock event.

Maximum penalty: 50 penalty units.

- (2) The operator of a stock event commits an offence if the operator does not keep the delivery information for at least 2 years after the day the identifiable stock is delivered.

Maximum penalty: 50 penalty units.

- (3) The operator of a stock event commits an offence if the operator does not, within 7 days after the end of the event—

- (a) reconcile the number of living stock linked to the operator's property identification code on the NLIS database with the number of living stock remaining on the property or premises at the end of the event; and

- (b) give the information to the NLIS administrator.

Maximum penalty: 50 penalty units.

**Subdivision 4.4.2 Reporting to the NLIS administrator**

**52N Application—sdiv 4.4.2**

This subdivision does not apply in relation to transactions involving pigs.



**52O**      **Meaning of *transaction information*—sdiv 4.4.2**

In this subdivision:

*transaction information*, for a reportable transaction, means the following:

- (a) the kind of transaction;
- (b) the date of the transaction;
- (c) the relevant identification particulars for the stock involved in the transaction;
- (d) the serial number of any NLIS movement document created in relation to the transaction;
- (e) if the transaction is a reportable transaction at a property other than a saleyard or abattoir—the property identification code of the property;
- (f) if the transaction is a reportable transaction at a saleyard or abattoir—
  - (i) the property identification code of the saleyard or abattoir; or
  - (ii) any other unique code or number assigned to the saleyard or abattoir by the NLIS administrator;
- (g) the property identification code of the previous property;
- (h) for sheep or goats—
  - (i) the number of sheep or goats involved in the transaction;  
and
  - (ii) whether the sheep or goats were bred on the previous property.

**52P Reportable transactions—saleyards**

- (1) The operator of a saleyard commits an offence if—
- (a) a reportable transaction happens at the saleyard; and
  - (b) the operator does not give the NLIS administrator the required information in relation to the reportable transaction in the required time.

Maximum penalty: 50 penalty units.

- (2) The operator of a saleyard commits an offence if—
- (a) cattle, sheep or goats are sold at the saleyard; and
  - (b) by close of business on the day of the sale, the operator does not make a record of the number of cattle, sheep and goats sold at the saleyard.

Maximum penalty: 50 penalty units.

- (3) The operator of a saleyard commits an offence if the operator does not keep the information recorded under subsection (2) for at least 2 years after the day the stock is sold.

Maximum penalty: 50 penalty units.

- (4) In this section:

***reportable transaction*** means—

- (a) the sale of identifiable stock at a saleyard; or
- (b) the movement of unsold identifiable stock from a saleyard.

***required information***, in relation to a reportable transaction, means the following:

- (a) the transaction information for the reportable transaction;
- (b) if the stock involved in the transaction was held by a stock and station agent before being sent to the saleyard—the agent identification code of the agent;

- (c) if a stock and station agent has taken possession of the stock involved in the transaction—the agent identification code of the agent;
- (d) if the stock involved in the transaction is to be sent to a property—the property identification code of the property;
- (e) if the identifiable stock involved in the transaction are sheep or goats—a copy of any NLIS movement document created in relation to the transaction.

*required time* means—

- (a) if the identifiable stock are cattle and the reportable transaction is the sale of the cattle for slaughter at an abattoir—by the close of business of the saleyard on the day of the sale; or
- (b) in any other case—by the close of business of the saleyard on the next working day after the reportable transaction happens.

## **52Q Reportable transactions—stock and station agents**

- (1) A stock and station agent commits an offence if—
  - (a) a reportable transaction happens in relation to the agent; and
  - (b) the agent does not give the NLIS administrator the required information in relation to the reportable transaction within 2 days after the day the reportable transaction happens.

Maximum penalty: 50 penalty units.

- (2) A stock and station agent commits an offence if—
  - (a) a reportable transaction happens in relation to the agent on a day; and
  - (b) by close of business on the day of the reportable transaction, the agent does not record the following in relation to the identifiable stock involved in the transaction:
    - (i) the relevant identification particulars;

- (ii) if the stock are sheep or goats—the number of sheep and goats;
- (iii) each movement of the stock from the time the stock left the previous property until the stock arrived at the receiving property, including the property identification code of each property at which the stock was held during that time.

Maximum penalty: 50 penalty units.

- (3) A stock and station agent commits an offence if the agent does not keep a record of the information recorded under subsection (2) for at least 2 years after the day the reportable transaction happens.

Maximum penalty: 50 penalty units.

- (4) In this section:

***reportable transaction***, in relation to a stock and station agent, means the delivery of identifiable stock to the agent.

***required information***, in relation to a reportable transaction, means the following:

- (a) the transaction information for the reportable transaction;
- (b) the stock and station agent's agent identification code;
- (c) if the stock and station agent is in possession of the stock involved in the transaction—the property identification code of the property at which the stock is held;
- (d) if the stock and station agent is not in possession of the stock involved in the transaction—
  - (i) the property identification code of the property to which the stock was moved; and
  - (ii) the date on which the stock was moved.

**52R Reportable transactions—farm property**

- (1) The owner of identifiable stock commits an offence if—
- (a) the identifiable stock is involved in a reportable transaction at a farm property; and
  - (b) the owner does not give the NLIS administrator the transaction information for the reportable transaction in relation to the reportable transaction within the required time.

Maximum penalty: 50 penalty units.

- (2) In this section:

*reportable transaction* means the movement of identifiable stock to a farm property unless the stock is moved—

- (a) directly to the farm property from a saleyard; or
- (b) directly to the farm property from a stock and station agent; or
- (c) for a stock event being held on the farm property.

*required time* means the earlier of—

- (a) 2 days after the reportable transaction happens; and
- (b) the day the identifiable stock involved in the transaction is moved from the farm property.

**52S Reportable transactions—stock event**

- (1) The operator of a stock event involving identifiable stock (other than cattle that are at a stock event property for less than 3 days) commits an offence if—
- (a) a reportable transaction happens for the stock event; and

- (b) the operator does not give the NLIS administrator the following information within 2 days after the reportable transaction happens:
  - (i) the transaction information for the reportable transaction;
  - (ii) if the reportable transaction is the movement of identifiable stock from the stock event property—the property identification code of the property to which the stock is moved.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if the person—
  - (a) moves identifiable stock involved in a stock event from a stock event property; and
  - (b) does not give the property identification code of the property to which the stock is moved to the operator of the stock event.

Maximum penalty: 50 penalty units.

- (3) The operator of a stock event involving cattle that are at a stock event property for less than 3 days commits an offence if—
  - (a) a reportable transaction happens in relation to the cattle; and
  - (b) the operator does not give the NLIS administrator the following information within 2 days after the reportable transaction happens:
    - (i) the relevant identification particulars for the cattle;
    - (ii) the day or days the cattle are at the stock event;
    - (iii) the property identification code of the property on which the stock event is held;
    - (iv) the serial number of any NLIS movement document created in relation to the transaction.

Maximum penalty: 50 penalty units.

- (4) In this section each of the following is a *reportable transaction* for a stock event:
- (a) the movement of identifiable stock to the stock event property for the stock event;
  - (b) the movement of identifiable stock involved in the stock event from the stock event property.

**52T Reporting to NLIS administrator about live export**

The owner of identifiable stock commits an offence if—

- (a) the identifiable stock is sent for overseas export; and
- (b) the owner does not give the NLIS administrator the following information within 2 days after the identifiable stock leaves the ACT for export:
  - (i) that the stock has been sent for overseas export;
  - (ii) the date the stock was sent for overseas export;
  - (iii) the relevant identification particulars for the stock;
  - (iv) the property identification code of the property at which the stock was held immediately before being sent for overseas export.

Maximum penalty: 50 penalty units.

**52U Reporting to NLIS administrator about death of cattle**

- (1) The operator of a saleyard commits an offence if—
- (a) cattle at the saleyard die; and
  - (b) the operator does not give the NLIS administrator the required information by close of business on the next working day after the death of the cattle.

Maximum penalty: 50 penalty units.

- (2) A stock and station agent commits an offence if—
- (a) cattle held by the stock and station agent die; and
  - (b) the agent does not give the NLIS administrator the required information by close of business on the next working day after the death of the cattle.

Maximum penalty: 50 penalty units.

- (3) In this section:

*required information* means the following:

- (a) that the cattle have died;
- (b) the date of the death (or if this is not known, the date the person became aware of the death);
- (c) the relevant identification particulars for the cattle.

## **Division 4.5 Registers**

### **52V Purposes of registers**

Registers under this division are kept for the following purposes:

- (a) to facilitate and assist the operation of the stock identification schemes established under this Act;
- (b) to protect public health and safety;
- (c) to assist in controlling disease and residues in stock and animal products;
- (d) to assist in ascertaining the disease and residue risk or status of stock and related animal products;
- (e) to facilitate the determination of ownership of stock and related animal products;
- (f) to assist in tracing the movement of stock and related animal products;



- (g) to assist in the investigation of the loss or theft of stock;
- (h) to facilitate the dissemination of information in relation to the production and marketing of stock or related animal products;
- (i) to assist in the assessment and management of the welfare of animals;
- (j) to assist with the management of land used by stock.

## **52W Territory register**

- (1) The director-general must keep a register (the *territory register*) that contains the following:
  - (a) the status and particulars of each property identification code allocated to a property or premises by the chief veterinary officer including the following:
    - (i) the name and street address of the property or premises;
    - (ii) a description of the property or premises by reference to—
      - (A) district, division, section or block number; or
      - (B) ACTmapi;

*Note* ACTmapi is accessible at [www.actmapi.act.gov.au](http://www.actmapi.act.gov.au).
  - (iii) the full name, street address, postal address, email address and phone number of the responsible person for the property or premises;
- (b) the status and particulars of each agent identification code allocated to a stock and station agent by the chief veterinary officer including the following:
  - (i) the name and street address of the registered office of the stock and station agent;

- (ii) the full name, street address, postal address, email address and phone number of the stock and station agent;
  - (c) anything else the director-general considers relevant, having regard to section 52V.
- (2) The director-general must give the information contained in the territory register to the NLIS administrator within 7 days after the day a request for the information is received from the NLIS administrator.
- (3) The director-general may give the information contained in the territory register to a person in another jurisdiction administering a related NLIS law if satisfied that the information is to be used for the administration of the related NLIS law.
- (4) In this section:  
*responsible person*, for a property or premises, means—
  - (a) for leased property or premises—
    - (i) the lessee or manager of the property or premises; or
    - (ii) if the lessee of the property or premises is not the occupier of the property or premises—the occupier or manager of the property or premises; and
  - (b) for an area of unleased territory land—
    - (i) the custodian of the land; or
    - (ii) if the land is licensed to someone else—the licensee of the land; and
  - (c) for an abattoir, saleyard or stock event—the operator of the abattoir, saleyard or stock event.

**52X NLIS register**

- (1) The NLIS administrator must keep a register (the *NLIS register*) of the information that is given to the NLIS administrator under this Act.
- (2) The NLIS administrator must, if asked—
  - (a) allow an authorised person to have access at any time to the information contained in the NLIS register free of charge; and
  - (b) give the information to the authorised person in the way and time requested by the person.
- (3) In this section:

*authorised person*—

- (a) means an authorised person appointed under section 64; and
- (b) includes any of the following:
  - (i) the director-general;
  - (ii) an authorised officer under the *Food Act 2001*;
  - (iii) an inspector or authorised officer under the *Animal Welfare Act 1992*.

**Division 4.6 Miscellaneous**

**52Y Provision of information to NLIS administrator etc**

- (1) A person who is required to give information to the NLIS administrator under this Act may be required to give the information in an electronic form that allows it to be readily uploaded to the NLIS register or in any other form approved by the NLIS administrator.
- (2) A person who is required to give information under this Act to another person (not being the NLIS administrator) must give the information in a way approved by the director-general.

- (3) The operator of a business that is required to give information to the NLIS administrator under this Act must ensure that systems are in place to ensure that—
  - (a) the information given is accurate; and
  - (b) any inaccurate information is promptly corrected.
- (4) In this section:  
*NLIS register*—see section 52X.

## **52Z Inspection of slaughtered stock**

- (1) The chief veterinary officer may inspect the carcass of an animal that has been slaughtered at an abattoir.
- (2) Without limiting subsection (1), if the chief veterinary officer believes on reasonable grounds that appropriate health standards for the animal have not been met, the chief veterinary officer may—
  - (a) take samples or seize the carcass for testing or other investigation of the health of the animal; or
  - (b) direct the person in charge of the abattoir to do anything to the carcass to enable investigation of the health of the animal; or
  - (c) dispose of the carcass; or
  - (d) direct the person in charge of the abattoir to dispose of the carcass as directed.
- (3) A person commits an offence if the person fails to take all reasonable steps to comply with a direction given to the person under subsection (2) (b) or (d).

Maximum penalty: 50 penalty units.

**52ZA Evidentiary certificates**

- (1) In a proceeding for an offence against this part, a certificate signed by the chief veterinary officer stating either of the following is evidence of the matters stated:
  - (a) a property identification code has or has not been allocated to a property or premises;
  - (b) an agent identification code has or has not been allocated to a stock and station agent.
- (2) Without limiting subsection (1), a certificate may state a matter by reference to a date or period.

## Part 5 Restricted animal material— ruminants

### 53 Definitions—pt 5

In this part:

*analyst* means an analyst under section 54.

*bag* includes a container or package.

*bulk*, for feed or meal, means sold or supplied other than in a bag.

*compounded feed* means feed that includes material of animal origin.

*feed tag* means a tag or label, with dimensions of at least 45mm by 120mm, that is designed to be attached to a bag.

*meal* means meat meal, bone meal, meat and bone meal, or any other meal of animal origin.

*non-restricted animal material statement*—see section 55.

*restricted animal material* means—

- (a) fishmeal; or
- (b) meal derived from poultry tissue; or
- (c) mammalian tissue or meal of mammalian origin other than—
  - (i) tallow; and
  - (ii) gelatine; and
  - (iii) milk, milk products or milk protein.

*restricted animal material statement*—see section 55.

**54 Analysts for pt 5**

The following people are analysts for this part:

- (a) an analyst under the *Public Health Act 1997*, section 15;

*Note* *Analyst* includes the government analyst (see *Public Health Act 1997*, dict).

- (b) anyone else appointed by the chief veterinary officer.

*Note 1* For the making of appointments (including acting appointments), see the *Legislation Act*, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see *Legislation Act*, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

**55 Animal material statements**

In this part:

*non-restricted animal material statement* means the following statement:

‘This product does not contain restricted animal material’.

*restricted animal material statement* means any of the following statements:

- (a) ‘This product contains restricted animal material—DO NOT FEED TO CATTLE, SHEEP, GOATS, DEER OR OTHER RUMINANTS’;
- (b) ‘This product contains restricted animal material—DO NOT FEED TO RUMINANTS’;
- (c) ‘DO NOT FEED TO RUMINANTS’;
- (d) ‘For non-ruminant use only’.

**56 Offence—manufacture of ruminant food**

A person commits an offence if the person—

- (a) manufactures compounded feed or meal that includes restricted animal material; and
- (b) fails to take reasonable steps to prevent the inclusion of restricted animal material in the feed or meal; and
- (c) is reckless about whether the feed or meal is for ruminant use.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

**57 Offences—sale or supply of bulk or bagged compounded feed and meal**

(1) A person commits an offence if—

- (a) the person sells or supplies bulk feed or meal that contains restricted animal material; and
- (b) the invoice or other document about the sale or supply of the feed or meal does not contain a restricted animal material statement that complies with subsection (5).

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) A person commits an offence if—

- (a) the person sells or supplies bulk feed or meal that does not contain restricted animal material; and
- (b) the invoice or other document about the sale or supply of the feed or meal does not contain a non-restricted animal material statement that complies with subsection (5).

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.



- (3) A person commits an offence if—
- (a) the person sells or supplies a bag of compounded feed or meal that contains restricted animal material; and
  - (b) the bag does not have a statement on the bag, or a feed tag attached to the bag, that contains a restricted animal material statement complying with subsection (5).

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (4) A person commits an offence if—
- (a) the person sells or supplies in a bag compounded feed or meal that does not contain restricted animal material; and
  - (b) the bag does not have a statement on the bag, or a feed tag attached to the bag, that contains a non-restricted animal material statement that complies with subsection (5).

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (5) For this section, a statement must be—
- (a) prominently displayed; and
  - (b) in letters at least 3mm high; and
  - (c) in dark print on a light background.
- (6) This section does not apply to—
- (a) material sold or supplied as pet food;
  - (b) food sold or supplied for feeding to non-ruminant laboratory animals.

- (7) For this section:

*pet food* includes food for aquarium fish and caged birds other than poultry.

**58 Offence—obscuring of statements**

A person commits an offence if—

- (a) the person alters, defaces, damages or otherwise interferes with an invoice or other document relating to compounded feed or meal; and
- (b) the interference alters, obscures or removes a restricted animal material statement or a non-restricted animal material statement contained in the invoice or other document.

Maximum penalty: 50 penalty units.

**59 Offence—removal etc of feed tags**

- (1) A person commits an offence if the person removes or alters a restricted animal material statement or a non-restricted animal material statement on a bag, or on a feed tag attached to a bag, that contains compounded feed or meal.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if—
  - (a) the person alters, defaces, damages or otherwise interferes with a bag, or a feed tag attached to a bag, that contains compounded feed or meal; and
  - (b) the interference alters, obscures or removes a restricted animal material statement or non-restricted animal material statement on the bag or feed tag.

Maximum penalty: 50 penalty units.

**60 Offences—feeding restricted animal material to ruminants**

- (1) A person commits an offence if—
- (a) the person feeds restricted animal material to a ruminant; and
  - (b) is reckless about whether the material contains restricted animal material.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person commits an offence if—
- (a) the person feeds bulk compounded feed or bulk meal to a ruminant; and
  - (b) the invoice or other document about the sale or supply of the feed or meal contains a restricted animal material statement.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) A person commits an offence if—
- (a) the person feeds bagged compounded feed or bagged meal to a ruminant; and
  - (b) a statement on the bag, or a feed tag attached to the bag, contains a restricted animal material statement.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (4) This section does not apply to a person who feeds restricted animal material to a ruminant under an approval under subsection (5).

- (5) The chief veterinary officer may, in writing, approve the feeding of restricted animal material to a ruminant for research purposes if the chief veterinary officer is satisfied that the research is in the public interest.

**61 Procedure if samples taken for pt 5**

If an authorised person takes a sample for part 5 (Restricted animal material—ruminants), the authorised person must—

- (a) divide the sample into 3 parts; and
- (b) place each part in a separate container and seal the containers; and
- (c) attach to each container a label that is signed by the authorised person and states particulars of the date and time when, and the place where, the sample was taken by the authorised person; and
- (d) give 1 of the 3 containers to each of the following:
  - (i) the occupier of the premises;
  - (ii) an analyst;
  - (iii) the chief veterinary officer.

**62 Evidence of analysis for pt 5**

- (1) An analyst may certify the following about a sample taken for this part:
  - (a) that the analyst analysed the sample from a sealed container to which was attached a label purporting to be signed by the authorised person named in the certificate and stating particulars of when, and the place where, the sample was taken by the authorised person;
  - (b) the analysis to which the sample was subjected;
  - (c) the results of the analysis.
- (2) In a prosecution for an offence against this part, a certificate under subsection (1) is evidence of the matters stated in it and of the facts on which they are based.

## Part 5A Beekeepers

### 62A Definitions—pt 5A

In this part:

*beekeeper* means a person who owns beehives in which bees are kept.

*corresponding law*, of a State, means a law of the state about the registration of beekeepers.

*Note* *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

*hive records*—see section 62F (1).

### 62B Beekeepers to be registered

- (1) A person commits an offence if—
  - (a) the person is a beekeeper; and
  - (b) the person's beehives are always located in the ACT; and
  - (c) the person is not registered as a beekeeper under this part.Maximum penalty: 5 penalty units.
- (2) It is a defence to a prosecution for an offence against subsection (1) if the person proves—
  - (a) the person is registered as a beekeeper under the [Apiaries Act 1985](#) (NSW); and
  - (b) the person's registration number under that Act is displayed on any beehive brought into the ACT by the person.

*Note* The defendant has a legal burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 59).

**62C Application for registration**

- (1) A beekeeper may apply to the director-general—
  - (a) to be registered as a beekeeper; or
  - (b) for a registered beekeeper—to renew the beekeeper’s registration.
- (2) The application must—
  - (a) be in writing; and
  - (b) include—
    - (i) the applicant’s name, address, email address and phone number; and
    - (ii) the number of beehives owned by the beekeeper; and
    - (iii) any other information prescribed by regulation.

*Note 1* Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

*Note 2* If a form is approved under s 89 for an application, the form must be used.

*Note 3* A fee may be determined under s 88 for an application.

- (3) Within 30 days from the day the application is received, the director-general must decide whether to—
  - (a) register, or renew the registration of, the applicant; or
  - (b) refuse to register the applicant.

*Note* Failure to register the applicant within the required time is taken to be a decision not to register the applicant (see [ACT Civil and Administrative Tribunal Act 2008](#), s 12).

- (4) The director-general must, as soon as practicable after deciding whether to register the applicant, tell the applicant in writing—
- (a) if the application is approved or refused; and
  - (b) if the application is refused—the reason for the refusal.

*Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

- (5) A beekeeper's registration—
- (a) starts—
    - (i) for a first registration—on the day the registration is approved; or
    - (ii) for a renewed registration—from the day the previous registration ends; and
  - (b) ends on the later of—
    - (i) 3 years from the day the registration started; and
    - (ii) if the beekeeper applies for renewed registration—the day on which the application is decided.

## **62D Grounds for deciding an application**

- (1) This section applies to a decision made by the director-general about registering, including renewing the registration of, a beekeeper.
- (2) The director-general may only register the applicant if the director-general is satisfied that the applicant complies, and is likely to continue to comply, with the requirements of this Act.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (3) The director-general may refuse to register the applicant if—
- (a) the application is materially false or misleading; or
  - (b) the applicant has, within 2 years before the application was made, committed an offence under this Act or a corresponding law of a State.

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

#### **62E Beekeeper must update details**

- (1) This section applies if any of the following details change:
- (a) a registered beekeeper's name;
  - (b) a registered beekeeper's address;
  - (c) a registered beekeeper's phone number;
  - (d) a registered beekeeper's email address.
- (2) The beekeeper must tell the director-general, in writing, the beekeeper's new details.

#### **62F Beekeeper must keep records**

- (1) A registered beekeeper must keep the following written records about the beekeeper's beehives (**hive records**):
- (a) if the beekeeper's beehives are moved—
    - (i) each date when the beehives were moved; and
    - (ii) the number of beehives moved; and
    - (iii) the site from which the beehives were moved; and
    - (iv) the site to which the beehives were moved; and
    - (v) the name of the person who moved the beehives;



- (b) if any of the beekeeper's beehives are lost or stolen—the date of the loss or theft and the number of beehives lost or stolen (to the extent that this information is known to the beekeeper);
  - (c) if any of the beekeeper's beehives are destroyed—the date of destruction and the number of beehives destroyed;
  - (d) if the beekeeper disposes of a beehive to another person, whether by sale or otherwise—within 28 days from the disposal—
    - (i) the name of the person receiving the beehive; and
    - (ii) the postal address of the person receiving the beehive.
- (2) The registered beekeeper must—
- (a) keep the hive records for at least 3 years; and
  - (b) at the request of an authorised person, give the authorised person the beekeeper's hive records.

### **62G Beekeeper must display registration number**

- (1) For each registered beekeeper the director-general must—
- (a) allocate a unique registration number for the beekeeper's beehives (a **registration number**); and
  - (b) tell the beekeeper, in writing, what the beekeeper's registration number is.
- (2) Within 60 days after being told the beekeeper's registration number, the beekeeper must—
- (a) display the number clearly and permanently on any outside wall of the broodbox of each beehive that is kept by the beekeeper; and
  - (b) strike out any previous registration number displayed on the broodbox but so that the previous number remains legible.

- (3) In this section:

**broodbox** means the bottom box of an active beehive.

## 62H Beekeeping code of practice

- (1) The Minister may approve a code of practice setting out the duties of owners, carers and keepers of bees.
- (2) An approved code of practice may apply, adopt or incorporate an instrument, as in force from time to time.

*Note 1* The text of an applied, adopted or incorporated instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disapplied (see s 47 (7)).

*Note 2* A notifiable instrument must be notified under the [Legislation Act](#).

*Note 3* A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

- (3) An approved code of practice is a disallowable instrument.

*Note* A disallowable instrument must be notified and presented to the Legislative Assembly, under the [Legislation Act](#).

## 62I Suspension of registration

The director-general may suspend a registered beekeeper's registration if the beekeeper—

- (a) breaches the code of practice approved under section 62H; or
- (b) fails to keep hive records; or
- (c) fails to update the beekeeper's details under section 62E; or
- (d) fails to comply with an order made or a direction given by the director-general, or a direction given by an authorised person under this Act; or
- (e) becomes registered as a beekeeper under the [Apiaries Act 1985](#) (NSW).

**62J Cancellation of registration**

The director-general may cancel a registered beekeeper's registration if the beekeeper—

- (a) fails to keep hive records; or
- (b) fails to comply with an order made or a direction given by the director-general, or a direction given by an authorised person under this Act; or
- (c) dies; or
- (d) is a corporation and is under external administration under the [Corporations Act](#), chapter 5; or
- (e) commits an offence under this Act or a corresponding law.

**62K Register of beekeepers**

- (1) The director-general must keep a register of registered beekeepers (the *register*).
- (2) The register must include the following information:
  - (a) each beekeeper's name, registration number, address, phone number and email address;
  - (b) any other information prescribed by regulation.
- (3) The register may be kept in any form, including electronically, that the director-general decides.
- (4) The director-general—
  - (a) must make the register available at no cost to the following people:
    - (i) an authorised person;
    - (ii) for a biosecurity risk involving bees—a person who the director-general is satisfied on reasonable grounds requires access to the register to respond to the risk; and

(b) may make the register available to any other person.

*Note 1* The Territory privacy principles (the *TPPs*) apply to the director-general (see *Information Privacy Act 2014*, sch 1). The TPPs deal with the collection, storage and exchange of personal information.

*Note 2* A fee may be determined under s 88 for par (b).

(5) In this section:

**registration number**—see section 62G (1) (a).

## **Part 6**                      **Enforcement**

### **Division 6.1**              **General**

#### **63**              **Definitions—pt 6**

In this part:

*connected*—a thing is *connected* with an offence if—

- (a) the offence has been committed in relation to it; or
- (b) it will provide evidence of the commission of the offence; or
- (c) it was used, is being used, or is intended to be used, to commit the offence.

*disease* means an exotic disease or an endemic disease.

*occupier*, of premises, includes—

- (a) a person believed, on reasonable grounds, to be an occupier of the premises; and
- (b) a person apparently in charge of the premises.

*offence* includes an offence that there are reasonable grounds for believing has been, is being, or will be, committed.

### **Division 6.2**              **Authorised people**

#### **64**              **Appointment of authorised people**

- (1) The director-general may appoint the following to be an authorised person for this Act:
  - (a) a public servant;

- (b) an officer or employee of a State agency, if the functions of the State agency relate, directly or indirectly, to the detection, prevention and control of outbreaks of endemic and exotic animal diseases in the State;

*Note* **State** also includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (c) an employee of a Commonwealth agency, if the functions of the Commonwealth agency relate, directly or indirectly, to the detection, prevention and control of outbreaks of endemic and exotic animal diseases in the Commonwealth.

- (2) The chief veterinary officer is an authorised person for this Act.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (3) Also, a police officer is an authorised person for this Act.

## **65 Identity cards**

- (1) The director-general must give an authorised person (other than a police officer) an identity card stating the person's name and that the person is an authorised person.
- (2) The identity card must show—
- (a) a recent photograph of the person; and
  - (b) the card's date of issue and expiry; and
  - (c) anything else prescribed by regulation.

- (3) A person commits an offence if—
- (a) the person stops being an authorised person; and
  - (b) the person does not return the person's identity card to the director-general as soon as practicable, but no later than 7 days after the day the person stops being an authorised person.

Maximum penalty: 1 penalty unit.

- (4) An offence against this section is a strict liability offence.

## **Division 6.3 Powers of authorised people**

### **66 Power to enter premises**

- (1) For this Act, an authorised person may—
- (a) at any reasonable time, enter premises if the authorised person suspects, on reasonable grounds—
    - (i) that an animal, animal product or thing at the premises is, or the premises are, infected with a disease; or
    - (ii) that entry to the premises is necessary to prevent or control the spread of disease; or
  - (b) at any reasonable time, enter premises that the public is entitled to use or that are open to the public (whether or not on payment of money); or
  - (c) at any time, enter premises with the occupier's consent; or
  - (d) enter premises in accordance with a search warrant; or
  - (e) at any time, enter premises if the authorised person believes, on reasonable grounds, that the circumstances are so serious and urgent that immediate entry to the premises without the authority of a search warrant is necessary.
- (2) However, subsection (1) (a) or (b) does not authorise entry into a part of premises that is being used only for residential purposes.

- (3) An authorised person may, without the consent of the occupier of premises, enter land around the premises to ask for consent to enter the premises.
- (4) For subsection (1), an authorised person may stop and detain a vehicle if the authorised person believes, on reasonable grounds, that it is necessary to stop and detain the vehicle—
  - (a) to find out whether an animal, animal product or other thing in or on the vehicle is, or the vehicle is, infected with a disease; or
  - (b) to prevent or control the spread of disease.
- (5) For subsection (4), the authorised person—
  - (a) may direct the driver of the vehicle to move the vehicle to a place (or another place) to which the public has access; and
  - (b) may exercise the authorised person’s powers in relation to the vehicle at the place; and
  - (c) must not detain the vehicle for longer than is reasonably necessary to exercise the authorised person’s powers under this part.
- (6) To remove any doubt, an authorised person may enter premises under subsection (1) without payment of an entry fee or other charge.
- (7) For subsection (1) (e), the authorised person may enter the premises with any necessary and reasonable assistance and force.
- (8) In this section:  
*at any reasonable time* includes at any time—
  - (a) for subsection (1) (a)—during normal business hours; or
  - (b) for subsection (1) (b)—when the public is entitled to use the premises, or when the premises are open to or used by the public (whether or not on payment of money); or



- (c) for a vehicle, includes—
  - (i) when the vehicle is in use on a road, or road related area or in another place to which the public has access; or
  - (ii) if the vehicle is a trailer—when the vehicle is attached or connected to a vehicle in use on a road, or road related area or in another place to which the public has access, or is otherwise in use.

**67 Production of identity card**

An authorised person must not remain at premises entered under this part if the authorised person does not produce his or her identity card when asked by the occupier.

**68 Consent to entry**

- (1) When seeking the consent of an occupier of premises to enter premises under section 66 (1) (c), an authorised person must—
  - (a) produce his or her identity card; and
  - (b) tell the occupier—
    - (i) the purpose of the entry; and
    - (ii) that anything found and seized under this part may be used in evidence in court; and
    - (iii) that consent may be refused.
- (2) If the occupier consents, the authorised person must ask the occupier to sign a written acknowledgment (an *acknowledgment of consent*)—
  - (a) that the occupier was told—
    - (i) the purpose of the entry; and
    - (ii) that anything found and seized under this part may be used in evidence in court; and

- (iii) that consent may be refused; and
  - (b) that the occupier consented to the entry; and
  - (c) stating the time and date when consent was given.
- (3) If the occupier signs an acknowledgment of consent, the authorised person must immediately give a copy to the occupier.
- (4) A court must find that the occupier did not consent to entry to the premises by the authorised person under this part if—
- (a) the question arises in a proceeding in the court whether the occupier consented to the entry; and
  - (b) an acknowledgment of consent for the entry is not produced in evidence; and
  - (c) it is not proved that the occupier consented to the entry.

**69 General powers on entry to premises**

- (1) An authorised person who enters premises under this part may, for this Act, do 1 or more of the following in relation to the premises or anything at the premises:
- (a) inspect or examine;
  - (b) take measurements or conduct tests;
  - (c) take samples;
  - (d) take photographs, films, or audio, video or other recordings;
  - (e) take copies of, or an extract from, any document relating to—
    - (i) an infected animal; or
    - (ii) an animal that is kept or has been kept within an exotic disease quarantine area or an endemic disease quarantine area; or
  - (iii) identifiable stock;

- (f) if the authorised person has reasonable grounds for suspecting that an animal, animal product or other thing may be infected with a disease—
  - (i) seize the animal, animal product or other thing or direct that it be detained on the premises; or
  - (ii) take a sample from the animal, animal product or other thing; or
  - (iii) use a test approved by the chief veterinary officer to find out whether the animal, animal product or other thing is infected with the disease;
- (g) require the occupier, or anyone at the premises, to give the authorised person reasonable help to exercise a power under this part.

*Note* The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

- (2) A person must take all reasonable steps to comply with a requirement made of the person under subsection (1) (g).

Maximum penalty: 50 penalty units.

## **70 Power to require name and address**

- (1) An authorised person may require a person to state the person's name and home address if the authorised person believes, on reasonable grounds, that the person is committing or has just committed an offence against this Act.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (2) The authorised person must tell the person the reason for the requirement and, as soon as practicable, record the reason.
- (3) The person may ask the authorised person to produce his or her identity card for inspection by the person.

- (4) A person must comply with a requirement made of the person under subsection (1) if the authorised person—
- (a) tells the person the reason for the requirement; and
  - (b) complies with any request made by the person under subsection (3).

Maximum penalty: 10 penalty units.

- (5) An offence against this section is a strict liability offence.

## **71 Power to seize things**

- (1) An authorised person who enters premises under this part with the occupier's consent may seize anything at the premises if—
- (a) the authorised person is satisfied, on reasonable grounds, that the thing is connected with an offence against this Act; and
  - (b) seizure of the thing is consistent with the purpose of the entry told to the occupier when seeking the occupier's consent.
- (2) An authorised person who enters premises under a warrant under this part may seize anything at the premises that the authorised person is authorised to seize under the warrant.
- (3) An authorised person who enters premises under this part (whether with the occupier's consent, under a warrant or otherwise) may seize anything at the premises if satisfied, on reasonable grounds, that—
- (a) the thing is connected with an offence against this Act; and
  - (b) the seizure is necessary to prevent the thing from being—
    - (i) concealed, lost or destroyed; or
    - (ii) used to commit, continue or repeat the offence.

- (4) Having seized a thing, an authorised person may—
- (a) remove the thing from the premises where it was seized (the *place of seizure*) to another place; or
  - (b) leave the thing at the place of seizure but restrict access to it.
- (5) A person commits an offence if—
- (a) the person interferes with a seized thing, or anything containing a seized thing, to which access has been restricted under subsection (4); and
  - (b) the person does not have an authorised person's approval to interfere with the thing.

Maximum penalty: 50 penalty units.

- (6) An offence against this section is a strict liability offence.

## **72 Additional powers for travelling stock**

- (1) If an authorised person believes, on reasonable grounds, that the owner of travelling stock is contravening this Act, the authorised person may hold the travelling stock until the Act is complied with.
- (2) If an authorised person believes, on reasonable grounds, that it is necessary to find out whether an animal is infected with a disease, or to control the spread of disease, the authorised person may—
- (a) detain travelling stock for examination; or
  - (b) direct the owner of the stock, in writing—
    - (i) to travel the stock to stated premises; or
    - (ii) to hold the stock at stated premises and to comply with any conditions stated in the direction.
- (3) A person must take all reasonable steps to comply with a direction given to the person under subsection (2) (b).

Maximum penalty: 50 penalty units.

(4) An offence against this section is a strict liability offence.

(5) In this section:

*owner*, of travelling stock, includes a person in charge of the stock.

*travelling stock* means stock that is being travelled other than on the property where the stock is ordinarily kept.

### **73 Additional powers for honeybees**

(1) If an authorised person believes on reasonable grounds that a person keeping bees is engaging in conduct in contravention of this Act, the authorised person may direct the person, in writing, to comply with this Act.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

(2) A direction under subsection (1) must state a reasonable period for compliance.

(3) If the conduct engaged in makes up the physical elements of an offence, the giving of a direction under subsection (1) does not prevent the bringing of proceedings for the offence.

## **Division 6.4 Search warrants**

### **74 Warrants generally**

(1) An authorised person may apply to a magistrate for a warrant to enter premises.

(2) The application must be sworn and state the grounds on which the warrant is sought.

(3) The magistrate may refuse to consider the application until the authorised person gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

- (4) The magistrate may issue a warrant only if satisfied there are reasonable grounds for suspecting—
- (a) there is a particular thing or activity connected with an offence against this Act; and
  - (b) the thing or activity—
    - (i) is, or is being engaged in, at the premises; or
    - (ii) may be, or may be engaged in, at the premises within the next 14 days.
- (5) The warrant must state—
- (a) that an authorised person may, with any necessary assistance and force, enter the premises and exercise the authorised person’s powers under this part; and
  - (b) the offence for which the warrant is sought; and
  - (c) the thing that may be seized under the warrant; and
  - (d) the hours when the premises may be entered; and
  - (e) the date, within 14 days after the day of the warrant’s issue, the warrant ends.

## **75 Warrants—application made other than in person**

- (1) An authorised person may apply for a warrant by phone, fax, radio or other form of communication if the authorised person considers it necessary because of—
- (a) urgent circumstances; or
  - (b) other special circumstances.
- (2) Before applying for the warrant, the authorised person must prepare an application stating the grounds on which the warrant is sought.
- (3) The authorised person may apply for the warrant before the application is sworn.

- (4) After issuing the warrant, the magistrate must immediately provide a written copy to the authorised person if it is practicable to do so.
- (5) If it is not practicable to provide a written copy to the authorised person—
  - (a) the magistrate must—
    - (i) tell the authorised person the terms of the warrant; and
    - (ii) tell the authorised person the date and time the warrant was issued; and
  - (b) the authorised person must complete a form of warrant (the *warrant form*) and write on it—
    - (i) the magistrate's name; and
    - (ii) the date and time the magistrate issued the warrant; and
    - (iii) the warrant's terms.
- (6) The written copy of the warrant, or the warrant form properly completed by the authorised person, authorises the entry and the exercise of the authorised person's powers under this part.
- (7) The authorised person must, at the first reasonable opportunity, send to the magistrate—
  - (a) the sworn application; and
  - (b) if the authorised person completed a warrant form—the completed warrant form.
- (8) On receiving the documents, the magistrate must attach them to the warrant.
- (9) A court must find that a power exercised by the authorised person was not authorised by a warrant under this section if—
  - (a) the question arises in a proceeding in the court whether the exercise of power was authorised by a warrant; and



- (b) the warrant is not produced in evidence; and
- (c) it is not proved that the exercise of power was authorised by a warrant under this section.

## **76 Search warrants—announcement before entry**

- (1) An authorised person must, before anyone enters premises under a search warrant—
  - (a) announce that the authorised person is authorised to enter the premises; and
  - (b) give anyone at the premises an opportunity to allow entry to the premises; and
  - (c) if the occupier of the premises, or someone else who apparently represents the occupier, is present at the premises—identify himself or herself to the person.
- (2) The authorised person is not required to comply with subsection (1) if the authorised person believes, on reasonable grounds, that immediate entry to the premises is required to ensure—
  - (a) the safety of anyone (including the authorised person or a person assisting); or
  - (b) that the effective execution of the warrant is not frustrated.

## **77 Details of search warrant to be given to occupier etc**

If the occupier of premises, or someone else who apparently represents the occupier, is present at the premises while a search warrant is being executed, the authorised person or a person assisting must make available to the person—

- (a) a copy of the warrant; and
- (b) a document setting out the rights and obligations of the person.

## **78 Occupier entitled to be present during search etc**

- (1) If the occupier of premises, or someone else who apparently represents the occupier, is present at the premises while a search warrant is being executed, the person is entitled to observe the search being conducted.
- (2) However, the person is not entitled to observe the search if—
  - (a) to do so would impede the search; or
  - (b) the person is under arrest, and allowing the person to observe the search being conducted would interfere with the objectives of the search.
- (3) This section does not prevent 2 or more areas of the premises being searched at the same time.

## **Division 6.5 Return and forfeiture of things seized**

### **79 Receipt for things seized**

- (1) As soon as practicable after an authorised person seizes a thing under this part, the authorised person must give a receipt for it to the person from whom it was seized.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the authorised person must leave the receipt, secured conspicuously, at the place of seizure under section 71 (Power to seize things).
- (3) A receipt under this section must include the following:
  - (a) a description of the thing seized;
  - (b) an explanation of why the thing was seized;
  - (c) the authorised person's name, and how to contact the authorised person;
  - (d) if the thing is moved from the place of seizure—where the thing is to be taken.

**80 Access to things seized**

A person who would, apart from the seizure, be entitled to inspect a thing seized under this part may—

- (a) inspect it; and
- (b) if it is a document—take extracts from it or make copies of it.

**81 Moving things to another place for examination or processing under search warrant**

- (1) A thing found at premises entered under a search warrant may be moved to another place for examination or processing to decide whether it may be seized under the warrant if—
  - (a) both of the following apply:
    - (i) there are reasonable grounds for believing that the thing is or contains something to which the warrant relates;
    - (ii) it is significantly more practicable to do so having regard to the timeliness and cost of examining or processing the thing at another place and the availability of expert assistance; or
  - (b) the occupier of the premises agrees in writing.
- (2) The thing may be moved to another place for examination or processing for no longer than 72 hours.
- (3) An authorised person may apply to a magistrate for an extension of time if the authorised person believes, on reasonable grounds, that the thing cannot be examined or processed within 72 hours.
- (4) The authorised person must give notice of the application to the occupier of the premises, and the occupier is entitled to be heard on the application.

- (5) If a thing is moved to another place under this section, the authorised person must, if practicable—
  - (a) tell the occupier of the premises the address of the place where, and time when, the examination or processing will be carried out; and
  - (b) allow the occupier or the occupier’s representative to be present during the examination or processing.
- (6) The provisions of this part relating to the issue of search warrants apply, with any necessary changes, to the giving of an extension under this section.

## **82 Return of things seized**

- (1) A thing seized under this part must be returned to its owner, or reasonable compensation must be paid by the Territory to the owner for the loss of the thing, if—
  - (a) an infringement notice for an offence relating to the thing is not served on the owner within 90 days after the day of the seizure and—
    - (i) a prosecution for an offence relating to the thing is not begun within the 90-day period; or
    - (ii) a prosecution for an offence relating to the thing is begun within the 90-day period but the court does not find the offence proved; or
  - (b) an infringement notice for an offence relating to the thing is served on the owner within 90 days after the day of the seizure, the infringement notice is withdrawn and—
    - (i) a prosecution for an offence relating to the thing is not begun within the 90-day period; or

- (ii) a prosecution for an offence relating to the thing is begun within the 90-day period but the court does not find the offence proved; or
- (c) an infringement notice for an offence relating to the thing is served on the owner and not withdrawn within 90 days after the day of the seizure, liability for the offence is disputed in accordance with the *Magistrates Court Act 1930*, section 132 (Disputing liability for infringement notice offence) and—
  - (i) an information is not laid in the Magistrates Court against the person for the offence within 60 days after the day notice is given under section 132 that liability is disputed; or
  - (ii) an information is laid in the Magistrates Court against the person for the offence within the 60-day period, but the Magistrates Court does not find the offence proved.
- (2) If anything seized under this part is not required to be returned or reasonable compensation is not required to be paid under subsection (1), the thing—
  - (a) is forfeited to the Territory; and
  - (b) may be sold, destroyed or otherwise disposed of as the director-general directs.

## **Division 6.6                      Miscellaneous**

### **83                      Damage etc to be minimised**

- (1) In the exercise, or purported exercise, of a function under this part, an authorised person must take all reasonable steps to ensure that the authorised person, and a person assisting, causes as little inconvenience, detriment and damage as practicable.

- (2) If an authorised person, or a person assisting, damages anything in the exercise or purported exercise of a function under this part, the authorised person must give written notice of the particulars of the damage to the person the authorised person believes, on reasonable grounds, is the owner of the thing.
- (3) If the damage happens at premises entered under this part in the absence of the occupier, the notice may be given by leaving it, secured conspicuously, at the premises.

#### **84 Compensation for exercise of enforcement powers**

- (1) A person may claim compensation from the Territory if the person suffers loss or expense because of the exercise, or purported exercise, of a function under this part by an authorised person or a person assisting an authorised person.
- (2) Compensation may be claimed and ordered in a proceeding for—
  - (a) compensation brought in a court of competent jurisdiction; or
  - (b) an offence against this Act brought against the person making the claim for compensation.
- (3) A court may order the payment of reasonable compensation for the loss or expense only if it is satisfied it is just to make the order in the circumstances of the particular case.
- (4) A regulation may prescribe matters that may, must or must not be taken into account by the court in considering whether it is just to make the order.

## Part 7 Notification and review of decisions

### 85 Meaning of *reviewable decision*—pt 7

In this part:

*reviewable decision* means a decision prescribed by regulation.

### 86 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity prescribed by regulation in relation to the decision.

*Note 1* The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](#).

### 86A Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity prescribed by regulation in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the [ACT Civil and Administrative Tribunal Act 2008](#) for the application, the form must be used.

## Part 8 Miscellaneous

### 87 Noncompliance with directions and cost recovery

- (1) If a person contravenes a direction given by the chief veterinary officer or authorised person under this Act, the chief veterinary officer or authorised person may arrange for action to be taken to give effect to the direction.
- (2) The reasonable costs incurred by the chief veterinary officer or authorised person under subsection (1), are a debt payable to the Territory by the person to whom the direction was given.

### 87A Information exchange between jurisdictions

- (1) This section applies to any information collected in relation to—
  - (a) detection, prevention and control of outbreaks of endemic and exotic animal diseases in the ACT; and
  - (b) prevention and control of outbreaks of endemic and exotic animal diseases in other jurisdictions within Australia.
- (2) The chief veterinary officer may give the information to a corresponding administrative agency for the purposes of the corresponding administrative agency.
- (3) This section is additional to any other Act that provides for information to be given by, or to, a corresponding administrative body.
- (4) In this section:  
*agency*—
  - (a) means—
    - (i) an administrative unit; or
    - (ii) a statutory office-holder; or
    - (iii) any other entity established for a public purpose; and



(b) includes a member of, or a member of the staff of, the agency.

***corresponding administrative agency*** means the agency responsible for the administration of a corresponding law in another jurisdiction within Australia.

## **88 Determination of fees**

- (1) The Minister may determine fees for this Act.

*Note* The [Legislation Act](#) contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## **89 Approved forms**

- (1) The Minister may approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

*Note* For other provisions about forms, see the [Legislation Act](#), s 255.

- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

## **90 Regulation-making power**

- (1) The Executive may make regulations for this Act.

*Note* A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (2) A regulation may make provision in relation to the following:

- (a) prohibiting entry into the ACT of infected animals;
- (b) prohibiting movement of animals for a period of not longer than 72 hours;

- (c) the conditions under which animals may be brought into the ACT;
- (d) inspecting animals brought into the ACT;
- (e) preventing the introduction of, or the spread of, exotic diseases or endemic diseases;
- (f) the artificial breeding of stock;
- (g) detaining, treating, inoculating or isolating animals in a quarantine area;
- (h) moving animals within, into, or out of, a quarantine area;
- (i) seizing and destroying infected animals;
- (j) treating or decontaminating any premise or thing that may spread an exotic or endemic disease;
- (k) branding infected animals;
- (l) closing of any road in or adjacent to a quarantine area or erecting of fences or gates across any road to regulate or prevent the movement of animals;
- (m) the methods of diagnosing and discovering exotic and endemic diseases;
- (n) requirements for NLIS and permanent identifiers;
- (o) declarations to be given by sellers of animals about the health and welfare of the animals or farming practices, chemicals or biological products used with the animals; or
- (p) schemes of identification of stock (whether on a compulsory or voluntary basis).

- (3) A regulation may create offences and fix maximum penalties of not more than 10 penalty units for the offences.
- (4) In this section:
- farming practices* includes practices relating to—
- (a) disease management in animals; and
  - (b) the genetic modification of animals; and
  - (c) the breeding of animals.

## Dictionary

(see s 4)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- contravene
- Corporations Act
- director-general (see s 163)
- document
- exercise
- function
- home address
- police officer
- public notice
- reviewable decision notice
- State
- veterinary practitioner.

***agency***, of the Commonwealth or a State—

(a) means—

- (i) a department of the Commonwealth or State; or
- (ii) a statutory office-holder of the Commonwealth or State; or
- (iii) any other entity established for a public purpose under a law of the Commonwealth or State; and

(b) includes a member of, or a member of the staff of, the agency.

***agent identification code***, for part 4 (National livestock identification system)—see section 37.

***analyst***, for part 5 (Restricted animal material—ruminants)—see section 54.

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**animal** includes—

- (a) a vertebrate and an invertebrate; and
- (b) an egg, embryo, ovum or sperm, or other product, of an animal from which another animal could be produced; and
- (c) a dead animal;

but does not include a human being.

**animal product** includes—

- (a) a part of an animal or a secretion or thing that has at any time been part of an animal; and
- (b) a product or thing made or derived from an animal or a part of an animal.

**at premises** includes in or on the premises.

**authorised person** means an authorised person under section 64.

**bag**, for part 5 (Restricted animal material—ruminants)—see section 53.

**beekeeper**, for part 5A (Beekeepers)—see section 62A.

**breeder device** means an identifier containing the property identification code of the property on which the stock that is to carry the identifier was born.

**bulk**, for feed or meal, for part 5 (Restricted animal material—ruminants)—see section 53.

**camelids**, for part 4 (National livestock identification system)—see section 37.

**cattle**, for part 4 (National livestock identification system)—see section 37.

**chief veterinary officer** means the Chief Veterinary Officer appointed under section 7.

***compounded feed***, for part 5 (Restricted animal material—ruminants)—see section 53.

***connected***, for part 6 (Enforcement)—see section 63.

***corresponding law***, of a State, for part 5A (Beekeepers)—see section 62A.

***delivery information***, in relation to identifiable stock, for subdivision 4.4.1 (Provisions applying to all identifiable stock)—see section 52I.

***disease***, for part 6 (Enforcement)—see section 63.

***endemic disease*** means a disease declared under section 16 to be an endemic disease.

***endemic disease quarantine area*** means an area declared under section 20 to be an endemic disease quarantine area.

***equine***, for part 4 (National livestock identification system)—see section 37.

***exotic disease*** means a disease declared under section 12 to be an exotic disease.

***exotic disease quarantine area*** means an area declared under section 19 to be an exotic disease quarantine area.

***farm property***—

- (a) means a property for which a property identification code may be allocated; but
- (b) does not include—
  - (i) an abattoir; or
  - (ii) a saleyard; or
  - (iii) a property for which a property identification code may be allocated only because a stock event is held on the property.

**feed tag**, for part 5 (Restricted animal material—ruminants)—see section 53.

**hive records**, for part 5A (Beekeepers)—see section 62F (1).

**identifiable stock**, for part 4 (National livestock identification system)—see section 37.

**identifier**, for part 4 (National livestock identification system)—see section 37.

**infected**—see section 9.

**large poultry**, for part 4 (National livestock identification system)—see section 37.

**market value**, for compensation for an animal, premises or other thing, means the value that the animal, premises or other thing would have had if, at the time when the assessment for compensation is made—

- (a) it had not been infected with a disease; and
- (b) it had been offered for sale on the open market.

**meal**, for part 5 (Restricted animal material—ruminants)—see section 53.

**NLIS** means the national livestock identification system for identifying and tracing identifiable stock agreed to by the Commonwealth and the States under a resolution of the Primary Industries Ministerial Council of 2 October 2003.

**NLIS administrator** means Integrity Systems Company Limited (ACN 134 745 038).

**NLIS device** means a breeder device or post breeder device that is fully or conditionally accredited by the NLIS administrator as a permanent identifier for a particular species of stock.

**NLIS movement document** means the following:

- (a) for identifiable stock other than pigs—a national vendor declaration and waybill approved from time to time by SAFEMEAT (being the entity formed between industry and Australian governments to ensure the safety and hygiene of red meat and livestock) and Meat and Livestock Australia;
- (b) for pigs—a national vendor declaration (PigPass) approved by Australian Pork Limited;
- (c) a post-sale summary that contains the transaction information;
- (d) an exhibitor entry or registration form for an agricultural show that contains the delivery information.

**non-restricted animal material statement**, for part 5 (Restricted animal material—ruminants)—see section 55.

**occupier**, of premises, for part 6 (Enforcement)—see section 63.

**offence**, for part 6 (Enforcement)—see section 63.

**permanent identifier** means:

- (a) for cattle, sheep or goats—an NLIS device; or
- (b) for pigs weighing 25kg or less—an NLIS device; or
- (c) for pigs weighing more than 25kg—
  - (i) an NLIS device; or
  - (ii) a permanent identifier for pigs.

**permanent identifier for pigs** means a carbon based ink or paste brand—

- (a) containing the final 6 characters of the property identification code of the property on which the brand is applied—
  - (i) that is no more than 53mm wide; and
  - (ii) that has the characters set out on 2 equal rows one above the other; and



(iii) that is applied so the characters are clearly visible and are at least 20mm high with spaces between those characters of between 2mm and 3mm; or

(b) in a form approved by the chief veterinary officer.

**post breeder device** means an identifier containing the property identification code of a property other than the property on which the stock that is to carry the identifier was born.

**premises** includes land or a structure or vehicle and any part of an area of land or a structure or vehicle.

**previous property**, in relation to identifiable stock, means the last farm property at which the stock was held.

**properly identified**, for part 4 (National livestock identification system)—see section 47.

**property** for part 4 (National livestock identification system)—see section 47.

**property identification code**, for part 4 (National livestock identification system)—see section 37.

**quarantine area** means an exotic disease quarantine area or an endemic disease quarantine area.

**restricted animal material**, for part 5 (Restricted animal material—ruminants)—see section 53.

**related NLIS law**, for part 4 (National livestock identification system)—see section 37.

**relevant identification particulars** means—

(a) for cattle—

(i) the property identification code of each property in relation to which the cattle have been (or are required to be) permanently identified; and

- (ii) information allowing each animal to be individually identified; and
- (b) for sheep, goats or pigs—the property identification code of each property in relation to which the sheep, goats or pigs have been (or are required to be) permanently identified.

**responsible person**, for part 4 (National livestock identification system)—see section 37.

**restricted animal material statement**, for part 5 (Restricted animal material—ruminants)—see section 55.

**reviewable decision**, for part 7 (Notification and review of decisions)—see section 85.

**road** means any road, street, lane, thoroughfare or footpath open to, or used by, the public.

**saleyard** means premises on which identifiable stock is sold by public auction.

**small poultry**, for part 4 (National livestock identification system)—see section 37.

**stock and station agent** means a person who holds a licence as a stock and station agent under the [Agents Act 2003](#) or a corresponding law.

**stock event** means an event that involves identifiable stock being kept at premises for the purposes of an exhibition or competition.

**Example—stock event**

an agricultural show

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**supply**, for subdivision 4.3.2 (Permanent identifiers)—see section 51.

**transaction information**, for a reportable transaction, for subdivision 4.4.2 (Reporting to the NLIS administrator)—see section 52O.

**vehicle**—

- (a) see the *Road Transport (General) Act 1999*, dictionary; and
- (b) includes a boat or aircraft.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

#### **Animal Diseases Act 2005 A2005-18**

notified LR 13 April 2005

s 1, s 2 commenced 13 April 2005 (LA s 75 (1))

remainder commenced 13 October 2005 (s 2 and LA s 79)

as amended by

#### **Statute Law Amendment Act 2005 (No 2) A2005-62 sch 1 pt 1.1**

notified LR 21 December 2005

s 1, s 2 commenced 21 December 2005 (LA s 75 (1))

sch 1 pt 1.1 commenced 11 January 2006 (s 2 (1))

#### **Justice and Community Safety Legislation Amendment Act 2006 A2006-40 sch 2 pt 2.5**

notified LR 28 September 2006

s 1, s 2 commenced 28 September 2006 (LA s 75 (1))

sch 2 pt 2.5 commenced 29 September 2006 (s 2 (1))

#### **Statute Law Amendment Act 2007 (No 3) A2007-39 sch 3 pt 3.2**

notified LR 6 December 2007

s 1, s 2 commenced 6 December 2007 (LA s 75 (1))

sch 3 pt 3.2 commenced 27 December 2007 (s 2)

#### **Animal Diseases Amendment Act 2007 A2007-45**

notified LR 13 December 2007

s 1, s 2 commenced 13 December 2007 (LA s 75 (1))

remainder commenced 14 December 2007 (s 2)

#### **Medicines, Poisons and Therapeutic Goods Act 2008 A2008-26 sch 2 pt 2.1**

notified LR 14 August 2008

s 1, s 2 commenced 14 August 2008 (LA s 75 (1))

sch 2 pt 2.1 commenced 14 February 2009 (s 2 and LA s 79)

#### **Statute Law Amendment Act 2008 A2008-28 sch 1 pt 1.1**

notified LR 12 August 2008

s 1, s 2 commenced 12 August 2008 (LA s 75 (1))

sch 1 pt 1.1 commenced 26 August 2008 (s 2)

## Endnotes

3 Legislation history

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**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.6**

notified LR 4 September 2008  
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
sch 1 pt 1.6 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

**Animal Diseases Amendment Act 2009 A2009-14**

notified LR 29 June 2009  
s 1, s 2 commenced 29 June 2009 (LA s 75 (1))  
remainder commenced 6 July 2009 (s 2)

**Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.2**

notified LR 1 September 2009  
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))  
sch 3 pt 3.2 commenced 22 September 2009 (s 2)

**Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.1**

notified LR 26 November 2009  
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))  
sch 3 pt 3.1 commenced 17 December 2009 (s 2)

**Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.8**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.8 commenced 1 July 2011 (s 2 (1))

**Territory and Municipal Services Legislation Amendment Act 2013 A2013-42 sch 1 pt 1.1**

notified LR 6 November 2013  
s 1, s 2 commenced 6 November 2013 (LA s 75 (1))  
sch 1 pt 1.1 commenced 7 November 2013 (s 2)

**Territory and Municipal Services Legislation Amendment Act 2014 A2014-32 pt 2**

notified LR 20 August 2014  
s 1, s 2 commenced 20 August 2014 (LA s 75 (1))  
pt 2 commenced 21 August 2014 (s 2)

**Red Tape Reduction Legislation Amendment Act 2015 A2015-33  
sch 1 pt 1.5**

notified LR 30 September 2015  
s 1, s 2 commenced 30 September 2015 (LA s 75 (1))  
sch 1 pt 1.5 commenced 14 October 2015 (s 2)

**Animal Diseases (Beekeeping) Amendment Act 2015 A2015-53**

notified LR 26 November 2015  
s 1, s 2 commenced 26 November 2015 (LA s 75 (1))  
remainder commenced 24 May 2016 (s 2, [CN2016-10](#) and see  
LA s 77 (3))

**Animal Diseases Amendment Act 2018 A2018-28 pt 2**

notified LR 15 August 2018  
s 1, s 2 commenced 15 August 2018 (LA s 75 (1))  
pt 2 commenced 17 January 2019 (s 2 and [CN2019-1](#))

**Veterinary Practice Act 2018 A2018-32 sch 3 pt 3.1**

notified LR 30 August 2018  
s 1, s 2 commenced 30 August 2018 (LA s 75 (1))  
sch 3 pt 3.1 commenced 21 December 2018 (s 2 and [CN2018-12](#))

**Red Tape Reduction Legislation Amendment Act 2018 A2018-33  
sch 1 pt 1.1**

notified LR 25 September 2018  
s 1, s 2 commenced 25 September 2018 (LA s 75 (1))  
sch 1 pt 1.1 commenced 23 October 2018 (s 2 (4))

**Statute Law Amendment Act 2018 A2018-42 sch 3 pt 3.2**

notified LR 8 November 2018  
s 1, s 2 taken to have commenced 1 July 2018 (LA s 75 (2))  
sch 3 pt 3.2 commenced 22 November 2018 (s 2 (1))

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Commencement

s 2 om LA s 89 (4)

#### Objects of Act

s 3 sub [A2009-14](#) s 4

#### Dictionary

s 4 am [A2018-28](#) s 5

#### Chief veterinary officer

pt 2 hdg sub [A2009-14](#) s 5

#### Appointment of chief veterinary officer

s 7 sub [A2009-14](#) s 5  
am [A2011-22](#) amdt 1.32; [A2018-32](#) amdt 3.1

#### Delegation by chief veterinary officer

s 8 am [A2007-45](#) s 4  
sub [A2009-14](#) s 5

#### Meaning of *infected*

s 9 am [A2018-32](#) amdt 3.1

#### Declarations under pt 3

s 10 am [A2018-42](#) amdt 3.3

#### Certificate of freedom from disease

s 11 am [A2009-14](#) s 26

#### Declaration of exotic disease

s 12 am [A2018-42](#) amdt 3.12

#### Notification of exotic disease

s 13 am [A2009-14](#) s 26

#### Directions to control spread of exotic disease

s 14 am [A2009-14](#) s 6, s 7, s 26

#### Import restrictions

s 15 am [A2009-20](#) amdt 3.4; [A2015-33](#) amdt 1.11; [A2018-42](#)  
amdt 3.12

#### Declaration of endemic disease

s 16 am [A2018-42](#) amdt 3.12

#### Notification of endemic disease

s 17 am [A2009-14](#) s 26

#### Directions to control spread of endemic disease

s 18 am [A2009-14](#) s 8, s 9, s 26



**Exotic disease quarantine area**

s 19 am [A2009-14](#) s 10; [A2009-20](#) amdt 3.4; [A2015-33](#) amdt 1.12;  
[A2018-42](#) amdt 3.12

**Endemic disease quarantine area**

s 20 am [A2009-14](#) s 11; [A2018-42](#) amdt 3.12

**Content of quarantine declarations**

s 21 am [A2008-28](#) amdt 1.1

**Offence—contravening restriction in quarantine declaration**

s 22 am [A2009-14](#) s 12

**Quarantine notices**

s 23 hdg sub [A2015-33](#) amdt 1.13  
s 23 am [A2011-22](#) amdt 1.32, [A2013-42](#) amdt 1.14

**Offence—movement of animals**

s 24 am [A2009-14](#) s 26; [A2011-22](#) amdt 1.32

**Authorisation for activity movements in quarantine area**

s 24A ins [A2009-14](#) s 13  
am [A2018-42](#) amdt 3.12

**Person conducting activity to comply with conditions**

s 24B ins [A2009-14](#) s 13

**Person conducting activity to keep records**

s 24C ins [A2009-14](#) s 13

**Removal of refuse from quarantine area**

s 25 am [A2009-14](#) s 14, s 26

**Court proceedings about exotic disease declaration**

s 26 am [A2006-40](#) amdt 2.58

**Destruction of infected animals etc—endemic disease**

s 27 am [A2009-14](#) s 15, s 26

**Compensation for animal etc destroyed—endemic disease**

s 28 am [A2011-22](#) amdt 1.32; [A2018-42](#) amdt 3.4, amdt 3.5

**Destruction of infected animals etc—exotic disease**

s 29 am [A2009-14](#) s 16, s 26

**Compensation for animal etc destroyed—exotic disease**

s 30 am [A2011-22](#) amdt 1.32

**Compensation for death of animal from exotic disease**

s 31 am [A2011-22](#) amdt 1.32; [A2018-32](#) amdt 3.1

**Spreading disease**

s 32 am [A2009-14](#) s 26

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#### **Use of vaccines etc**

s 33 am [A2009-14](#) s 26

#### **Feeding of prohibited pig feed to controlled stock**

s 34 sub [A2014-32](#) s 4  
am [A2018-32](#) amdt 3.1

#### **Foot-and-mouth disease outbreak**

s 34A ins [A2014-32](#) s 4  
am [A2018-32](#) amdt 3.1

#### **Selling, disposing of or abandoning infected animals**

s 35 am [A2009-14](#) s 17, s 26

#### **Interference with structures securing infected animals**

s 36 am [A2009-14](#) s 26

#### **National livestock identification system**

pt 4 hdg sub [A2018-28](#) s 6

#### **General**

div 4.1 hdg ins [A2018-28](#) s 6

#### **Definitions—pt 4**

s 37 sub [A2018-28](#) s 6  
def **agent identification code** ins [A2018-28](#) s 6  
def **camelids** ins [A2018-28](#) s 6  
def **cattle** ins [A2018-28](#) s 6  
def **equine** ins [A2018-28](#) s 6  
def **identifiable stock** ins [A2018-28](#) s 6  
def **identifier** ins [A2018-28](#) s 6  
def **large poultry** ins [A2018-28](#) s 6  
def **property** ins [A2018-28](#) s 6  
def **property identification code** ins [A2018-28](#) s 6  
def **related NLIS law** ins [A2018-28](#) s 6  
def **responsible person** ins [A2018-28](#) s 6  
def **small poultry** ins [A2018-28](#) s 6

#### **Identification codes**

div 4.2 hdg ins [A2018-28](#) s 6

#### **Allocating identification codes**

s 38 am [A2018-42](#) amdt 3.12  
sub [A2018-28](#) s 6

#### **Applying for property identification code**

s 39 am [A2011-22](#) amdt 1.32, [A2013-42](#) amdt 1.14  
sub [A2018-28](#) s 6

**Responsible person for property with property identification code must update details**

s 40 am [A2011-22](#) amdt 1.32, [A2013-42](#) amdt 1.14  
sub [A2018-28](#) s 6

**Applying for agent identification code**

s 41 am [A2009-14](#) s 26  
sub [A2018-28](#) s 6

**Stock and station agent must update details of agent identification code**

s 42 am [A2009-49](#) amdt 3.1; [A2011-22](#) amdt 1.32, [A2013-42](#)  
amdt 1.14  
sub [A2018-28](#) s 6

**Transfer of identification codes**

s 43 am [A2011-22](#) amdt 1.32, [A2013-42](#) amdt 1.14; [A2018-42](#)  
amdt 3.12  
sub [A2018-28](#) s 6

**Inactivation or cancellation of identification codes**

s 44 am [A2011-22](#) amdt 1.32, [A2013-42](#) amdt 1.14  
sub [A2018-28](#) s 6

**Property identification code required if certain animals kept**

s 45 am [A2011-22](#) amdt 1.32, [A2013-42](#) amdt 1.14  
sub [A2018-28](#) s 6

**Property identification code required if certain activities happen**

s 46 sub [A2018-28](#) s 6

**Permanent identification of identifiable stock**

div 4.3 hdg ins [A2018-28](#) s 6

**Identifiable stock**

sdiv 4.3.1 hdg ins [A2018-28](#) s 6

**When identifiable stock is *properly identified*—pt 4**

s 47 sub [A2018-28](#) s 6

**Offences—identifiable stock not properly identified**

s 48 sub [A2018-28](#) s 6

**Exempt movements of identifiable stock**

s 49 sub [A2018-28](#) s 6

**Offence—required information if identifiable stock moved in extreme emergency**

s 50 am [A2011-22](#) amdt 1.32  
sub [A2018-28](#) s 6

**Identifiable stock**

sdiv 4.3.2 hdg ins [A2018-28](#) s 6

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**Meaning of *supply*—sdiv 4.3.2**

s 51 sub [A2018-28](#) s 6

**Offences—acquisition of permanent identifiers**

s 52 am [A2011-22](#) amdt 1.32, [A2013-42](#) amdt 1.14  
sub [A2018-28](#) s 6

**Directions for use of permanent identifiers in saleyard or abattoir**

s 52A ins [A2018-28](#) s 6

**Request for details on use and location of permanent identifier**

s 52B ins [A2018-28](#) s 6

**Records and provision of information to NLIS administrator**

s 52C ins [A2018-28](#) s 6

**Alteration or removal of permanent identifier**

s 52D ins [A2018-28](#) s 6

**Improper use of permanent identifiers**

s 52E ins [A2018-28](#) s 6

**Destruction of permanent identifiers removed from slaughtered stock**

s 52F ins [A2018-28](#) s 6

**Manufacture, sale, supply and use of counterfeit identifiers**

s 52G ins [A2018-28](#) s 6

**Loss or theft of unattached permanent identifier for cattle**

s 52H ins [A2018-28](#) s 6

**Information requirements—stock transactions**

div 4.4 hdg ins [A2018-28](#) s 6

**Provisions applying to all identifiable stock**

sdiv 4.4.1 hdg ins [A2018-28](#) s 6

**Meaning of *delivery information*—sdiv 4.4.1**

s 52I ins [A2018-28](#) s 6

**Owner of identifiable stock must prepare and retain delivery information etc**

s 52J ins [A2018-28](#) s 6

**Delivery information—stock and station agents and saleyards**

s 52K ins [A2018-28](#) s 6

**Delivery information—farm properties**

s 52L ins [A2018-28](#) s 6

**Delivery information—stock events**

s 52M ins [A2018-28](#) s 6

**Reporting to the NLIS administrator**

sdiv 4.4.2 hdg ins [A2018-28](#) s 6

**Application—sdiv 4.4.2**s 52N ins [A2018-28](#) s 6**Meaning of *transaction information*—sdiv 4.4.2**s 52O ins [A2018-28](#) s 6**Reportable transactions—saleyards**s 52P ins [A2018-28](#) s 6**Reportable transactions—stock and station agents**s 52Q ins [A2018-28](#) s 6**Reportable transactions—farm property**s 52R ins [A2018-28](#) s 6**Reportable transactions—stock event**s 52S ins [A2018-28](#) s 6**Reporting to NLIS administrator about live export**s 52T ins [A2018-28](#) s 6**Reporting to NLIS administrator about death of cattle**s 52U ins [A2018-28](#) s 6**Registers**div 4.5 hdg ins [A2018-28](#) s 6**Purposes of registers**s 52V ins [A2018-28](#) s 6**Territory register**s 52W ins [A2018-28](#) s 6**NLIS register**s 52X ins [A2018-28](#) s 6**Miscellaneous**div 4.6 hdg ins [A2018-28](#) s 6**Provision of information to NLIS administrator etc**s 52Y ins [A2018-28](#) s 6**Inspection of slaughtered stock**s 52Z ins [A2018-28](#) s 6**Evidentiary certificates**s 52ZA ins [A2018-28](#) s 6**Restricted animal material—ruminants**pt 5 hdg am [A2013-42](#) amdt 1.15

## Endnotes

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#### Definitions—pt 5

- s 53 def *non-restricted animal material statement* ins [A2013-42](#) amdt 1.1  
def *non-restricted feed material statement* om [A2013-42](#) amdt 1.2  
def *restricted animal material* ins [A2013-42](#) amdt 1.3  
def *restricted animal material statement* ins [A2013-42](#) amdt 1.4  
def *restricted feed material* om [A2013-42](#) amdt 1.5  
def *restricted feed material statement* om [A2013-42](#) amdt 1.6

#### Analysts for pt 5

- s 54 am [A2008-26](#) amdt 2.1; [A2009-14](#) s 26

#### Animal material statements

- s 55 sub [A2013-42](#) amdt 1.7

#### Offence—manufacture of ruminant food

- s 56 am [A2013-42](#) amdt 1.15

#### Offences—sale or supply of bulk or bagged compounded feed and meal

- s 57 am [A2013-42](#) amdt 1.15

#### Offence—obscuring of statements

- s 58 am [A2013-42](#) amdt 1.15

#### Offence—removal etc of feed tags

- s 59 am [A2013-42](#) amdt 1.15

#### Offences—feeding restricted animal material to ruminants

- s 60 hdg am [A2013-42](#) amdt 1.15  
s 60 am [A2009-14](#) s 26, [A2013-42](#) amdt 1.15

#### Procedure if samples taken for pt 5

- s 61 am [A2009-14](#) s 26, [A2013-42](#) amdt 1.15

#### Beekeepers

- pt 5A hdg ins [A2015-53](#) s 4

#### Definitions—pt 5A

- s 62A ins [A2015-53](#) s 4  
def *beekeeper* ins [A2015-53](#) s 4  
def *corresponding law* ins [A2015-53](#) s 4  
def *hive records* ins [A2015-53](#) s 4

#### Beekeepers to be registered

- s 62B ins [A2015-53](#) s 4

#### Application for registration

- s 62C ins [A2015-53](#) s 4

**Grounds for deciding an application**s 62D ins [A2015-53](#) s 4**Beekeeper must update details**s 62E ins [A2015-53](#) s 4**Beekeeper must keep records**s 62F ins [A2015-53](#) s 4**Beekeeper must display registration number**s 62G ins [A2015-53](#) s 4**Beekeeping code of practice**s 62H ins [A2015-53](#) s 4**Suspension of registration**s 62I ins [A2015-53](#) s 4**Cancellation of registration**s 62J ins [A2015-53](#) s 4  
am [A2018-42](#) amdt 3.6**Register of beekeepers**s 62K ins [A2015-53](#) s 4**Appointment of authorised people**s 64 am [A2007-45](#) s 5; [A2009-14](#) s 18, s 26; [A2011-22](#) amdt 1.32**Identity cards**s 65 am [A2007-45](#) s 6; [A2011-22](#) amdt 1.32**Power to enter premises**s 66 am [A2009-14](#) s 19**General powers on entry to premises**s 69 am [A2009-14](#) s 26; [A2018-28](#) s 7**Power to require name and address**s 70 am [A2009-49](#) amdt 3.2**Additional powers for travelling stock**s 72 am [A2018-42](#) amdt 3.7**Additional powers for honeybees**s 73 am [A2015-53](#) s 5**Warrants—application made other than in person**s 75 am [A2018-33](#) amdt 1.1, amdt 1.2**Return of things seized**s 82 am [A2011-22](#) amdt 1.32**Notification and review of decisions**pt 7 hdg sub [A2008-37](#) amdt 1.19

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### Meaning of *reviewable decision*—pt 7

s 85 am [A2007-39](#) amdt 3.5  
sub [A2008-37](#) amdt 1.19

### Reviewable decision notices

s 86 sub [A2008-37](#) amdt 1.19

### Applications for review

s 86A ins [A2008-37](#) amdt 1.19

### Noncompliance with directions and cost recovery

s 87 am [A2009-14](#) s 26

### Information exchange between jurisdictions

s 87A ins [A2009-14](#) s 20  
am [A2011-22](#) amdt 1.32, [A2013-42](#) amdt 1.14

### Determination of fees

s 88 am [A2018-42](#) amdt 3.12

### Approved forms

s 89 am [A2018-42](#) amdt 3.12

### Regulation-making power

s 90 am [A2005-62](#) amdt 1.1, amdt 1.2; [A2009-14](#) s 21, s 22;  
[A2018-28](#) s 8

### Transitional

pt 9 hdg exp 13 October 2007 (s 94)

### Definitions for pt 9

s 91 exp 13 October 2007 (s 94)

### Stock tag numbers

s 92 exp 13 October 2007 (s 94)

### Transitional regulations

s 93 exp 13 October 2007 (s 94)

### Expiry of pt 9

s 94 exp 13 October 2007 (s 94)

### Legislation repealed

s 95 om LA s 89 (3)

### Dictionary

dict am [A2007-45](#) s 7; [A2008-37](#) amdt 1.20; [A2009-14](#) s 23;  
[A2009-20](#) amdt 3.5; [A2009-49](#) amdt 3.3; [A2011-22](#)  
amdt 1.33; [A2015-33](#) amdt 1.14; [A2018-42](#) amdt 3.8;  
[A2018-32](#) amdt 3.1

def *abattoir* om [A2018-28](#) s 9

def *agency* ins [A2009-14](#) s 24

am [A2018-28](#) s 10



def **agent identification code** ins [A2018-28](#) s 11  
def **analyst** am [A2013-42](#) amdt 1.15  
def **approved tag** om [A2018-28](#) s 12  
def **bag** am [A2013-42](#) amdt 1.15  
def **beekeeper** ins [A2015-53](#) s 6  
def **breeder device** ins [A2018-28](#) s 13  
def **bulk** am [A2013-42](#) amdt 1.15  
def **camelids** ins [A2018-28](#) s 13  
def **cattle** ins [A2018-28](#) s 13  
def **chief veterinary officer** ins [A2009-14](#) s 24  
def **compensable disease** om [A2018-42](#) amdt 3.9  
def **compounded feed** am [A2013-42](#) amdt 1.15  
def **corresponding law** ins [A2015-53](#) s 6  
def **delivery information** ins [A2018-28](#) s 13  
def **director** om [A2009-14](#) s 25  
def **equine** ins [A2018-28](#) s 13  
def **farm property** ins [A2018-28](#) s 13  
def **feed tag** am [A2013-42](#) amdt 1.15  
def **hive records** ins [A2015-53](#) s 6  
def **holding** om [A2018-28](#) s 14  
def **identifiable stock** ins [A2018-28](#) s 15  
def **identifier** ins [A2018-28](#) s 15  
def **large poultry** ins [A2018-28](#) s 15  
def **meal** am [A2013-42](#) amdt 1.15  
def **NLIS** ins [A2018-28](#) s 15  
def **NLIS administrator** ins [A2018-28](#) s 15  
def **NLIS device** ins [A2018-28](#) s 15  
def **NLIS movement document** ins [A2018-28](#) s 15  
def **non-restricted animal material statement** ins [A2013-42](#)  
amdt 1.8  
def **non-restricted feed material statement** om [A2013-42](#)  
amdt 1.9  
def **permanent identifier** ins [A2018-28](#) s 15  
def **permanent identifier for pigs** ins [A2018-28](#) s 15  
def **post breeder device** ins [A2018-28](#) s 15  
def **previous property** ins [A2018-28](#) s 15  
def **properly identified** ins [A2018-28](#) s 15  
def **property** ins [A2018-28](#) s 15  
def **property identification code** ins [A2018-28](#) s 15  
def **register** om [A2018-28](#) s 16  
def **related NLIS law** ins [A2018-28](#) s 17  
def **relevant identification particulars** ins [A2018-28](#) s 17  
def **required media** am [A2009-20](#) amdt 3.6; [A2015-33](#)  
amdt 1.15  
om [A2018-42](#) amdt 3.10  
def **responsible person** ins [A2018-28](#) s 17  
def **restricted animal material** ins [A2013-42](#) amdt 1.10

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def **restricted animal material statement** ins [A2013-42](#) amdt 1.11  
def **restricted feed material** om [A2013-42](#) amdt 1.12  
def **restricted feed material statement** om [A2013-42](#) amdt 1.13  
def **reviewable decision** ins [A2008-37](#) amdt 1.21  
def **saleyard** ins [A2018-28](#) s 17  
def **small poultry** ins [A2018-28](#) s 17  
def **stock** om [A2018-28](#) s 18  
def **stock and station agent** ins [A2018-28](#) s 19  
def **stock event** ins [A2018-28](#) s 19  
def **supply** ins [A2018-28](#) s 19  
def **tag** sub [A2005-62](#) amdt 1.3  
om [A2018-28](#) s 20  
def **tagable stock** om [A2018-28](#) s 20  
def **tag number** om [A2018-28](#) s 20  
def **transaction information** ins [A2018-28](#) s 21  
def **travelling stock** om [A2018-42](#) amdt 3.11

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 13 Oct 2005	13 Oct 2005– 10 Jan 2006	not amended	new Act
R2 11 Jan 2006	11 Jan 2006– 28 Sept 2006	<a href="#">A2005-62</a>	amendments by <a href="#">A2005-62</a>
R3 29 Sept 2006	29 Sept 2006– 13 Oct 2007	<a href="#">A2006-40</a>	amendments by <a href="#">A2006-40</a>
R4 14 Oct 2007	14 Oct 2007– 13 Dec 2007	<a href="#">A2006-40</a>	commenced expiry
R5 14 Dec 2007	14 Dec 2007– 26 Dec 2007	<a href="#">A2007-45</a>	amendments by <a href="#">A2007-45</a>
R6 27 Dec 2007	27 Dec 2007– 25 Aug 2008	<a href="#">A2007-45</a>	amendments by <a href="#">A2007-39</a>
R7 26 Aug 2008	26 Aug 2008– 1 Feb 2009	<a href="#">A2008-28</a>	amendments by <a href="#">A2008-28</a>
R8 2 Feb 2009	2 Feb 2009– 13 Feb 2009	<a href="#">A2008-37</a>	amendments by <a href="#">A2008-37</a>
R9 14 Feb 2009	14 Feb 2009– 5 July 2009	<a href="#">A2008-37</a>	amendments by <a href="#">A2008-26</a>
R10 6 July 2009	6 July 2009– 21 Sept 2009	<a href="#">A2009-14</a>	amendments by <a href="#">A2009-14</a>
R11* 22 Sept 2009	22 Sept 2009– 16 Dec 2009	<a href="#">A2009-20</a>	amendments by <a href="#">A2009-20</a>
R12 17 Dec 2009	17 Dec 2009– 30 June 2011	<a href="#">A2009-49</a>	amendments by <a href="#">A2009-49</a>

## Endnotes

### 5 Earlier republications

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<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R13 1 July 2011	1 July 2011– 6 Nov 2013	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>
R14 7 Nov 2013	7 Nov 2013– 20 Aug 2014	<a href="#">A2013-42</a>	amendments by <a href="#">A2013-42</a>
R15 21 Aug 2014	21 Aug 2014– 13 Oct 2015	<a href="#">A2014-32</a>	amendments by <a href="#">A2014-32</a>
R16 14 Oct 2015	14 Oct 2015– 23 May 2016	<a href="#">A2015-33</a>	amendments by <a href="#">A2015-33</a>
R17 24 May 2016	24 May 2016– 22 Oct 2018	<a href="#">A2015-53</a>	amendments by <a href="#">A2015-53</a>
R18 23 Oct 2018	23 Oct 2018– 21 Nov 2018	<a href="#">A2018-33</a>	amendments by <a href="#">A2018-33</a>
R19 22 Nov 2018	22 Nov 2018– 20 Dec 2018	<a href="#">A2018-42</a>	amendments by <a href="#">A2018-42</a>
R20 21 Dec 2018	21 Dec 2018– 16 Jan 2019	<a href="#">A2018-42</a>	amendments by <a href="#">A2018-32</a>

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