

2009

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Territory and Municipal Services)

Animal Diseases Amendment Bill 2009

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Section 3	2
5 Part 2	3
6 Directions to control spread of exotic disease Section 14 (1) (b)	4
7 Section 14 (2)	4
8 Directions to control spread of endemic disease Section 18 (1) (b)	5
9 Section 18 (2)	5
10 Exotic disease quarantine area Section 19 (1)	5

Contents

	Page
11	Endemic disease quarantine area Section 20 (1) 5
12	Offence—contravening restriction in quarantine declaration New section 22 (2) 6
13	New sections 24A to 24C 6
14	Removal of refuse from quarantine area Section 25 (2) 8
15	Destruction of infected animals etc—endemic disease Section 27 (2) 9
16	Destruction of infected animals etc—exotic disease Section 29 (2) 9
17	Selling, disposing of or abandoning infected animals Section 35 (2) (e) (ii) 9
18	Appointment of authorised people Section 64 (1) 9
19	Power to enter premises Section 66 (8), definition of <i>at any reasonable time</i> , new paragraph (c) 10
20	New section 87A 10
21	Regulation-making power Section 90 (2) (o) 11
22	New section 90 (4) 12
23	Dictionary, note 2 12
24	Dictionary, new definitions 12
25	Dictionary, definition of <i>director</i> 12
26	Further amendments, mentions of <i>director</i> 13

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(Minister for Territory and Municipal Services)

Animal Diseases Amendment Bill 2009

A Bill for

An Act to amend the *Animal Diseases Act 2005*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Animal Diseases Amendment Act 2009*.

3 **2 Commencement**

4 This Act commences on the 7th day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see Legislation Act, s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Animal Diseases Act 2005*.

9 **4 Section 3**

10 *substitute*

11 **3 Objects of Act**

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

1 **5 Part 2**

2 *substitute*

3 **Part 2 Chief veterinary officer**

4 **7 Appointment of chief veterinary officer**

5 (1) The chief executive may appoint a public servant as the Chief
6 Veterinary Officer.

7 (2) However, the chief executive must not appoint a person as chief
8 veterinary officer unless the person is a veterinary surgeon.

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

11 **8 Delegation by chief veterinary officer**

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

14 (a) a public servant; or

15 (b) a police officer; or

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

20 *Note* *State* also includes the Northern Territory (see Legislation Act,
21 dict, pt 1).

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

5 *Note 1* For the making of delegations and the exercise of delegated functions,
6 see the Legislation Act, pt 19.4.

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

10 **6 Directions to control spread of exotic disease**
11 **Section 14 (1) (b)**

12 *substitute*

- 13 (b) the owner or person in charge of premises, an animal product
14 or other thing to take a stated action to—
15 (i) decontaminate the premises, product or thing; or
16 (ii) prevent the premises, product or thing contaminating or
17 infecting anything else; or

18 **7 Section 14 (2)**

19 *substitute*

- 20 (2) The chief veterinary officer may give a direction under
21 subsection (1) only if the officer has reasonable grounds for
22 believing that it is necessary to give the direction to prevent or
23 control the spread of an exotic disease.

1 **8** **Directions to control spread of endemic disease**
2 **Section 18 (1) (b)**

3 *substitute*

4 (b) the owner or person in charge of premises, an animal product
5 or other thing to take stated action to—

6 (i) decontaminate the premises, product or thing; or

7 (ii) prevent the premises, product or thing contaminating or
8 infecting anything else; or

9 **9** **Section 18 (2)**

10 *substitute*

11 (2) The chief veterinary officer may give a direction under
12 subsection (1) only if the officer has reasonable grounds for
13 believing that it is necessary to give the direction to prevent or
14 control the spread of an endemic disease.

15 **10** **Exotic disease quarantine area**
16 **Section 19 (1)**

17 *omit*

18 a stated area

19 *substitute*

20 the Territory, or a stated area in the Territory,

21 **11** **Endemic disease quarantine area**
22 **Section 20 (1)**

23 *omit*

24 an area

25 *substitute*

26 the Territory, or a stated area in the Territory,

1 **12 Offence—contravening restriction in quarantine**
2 **declaration**
3 **New section 22 (2)**

4 *insert*

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

12 **13 New sections 24A to 24C**

13 *insert*

14 **24A Authorisation for activity movements in quarantine area**

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

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

- 20 (2) However, the Minister may only authorise the entry, leaving or
21 movement for a stated activity in a stated area.
- 22 (3) An authorisation under this section must state—
- 23 (a) the activity to which the authorisation applies; and
24 (b) the quarantine declaration to which the authorisation relates;
25 and
26 (c) the area to which the authorisation applies; and

- 1 (d) the conditions on entry to, leaving and movement within the
2 area where the activity is undertaken; and
- 3 (e) the conditions on the conduct of the activity; and
- 4 (f) the records relating to the activity that are required to be kept
5 by the person conducting the activity.

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

- 7 1 The organiser of an activity must register the activity with the chief
8 veterinary officer before the activity takes place.
- 9 2 The organiser of an activity must implement decontamination procedures for
10 the activity.
- 11 3 Participants in an activity must undertake the decontamination procedures for
12 the activity before leaving the area where the activity happens.

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

- 16 (4) An authorisation under this section—
- 17 (a) is given for the period, not longer than 1 year, stated in the
18 authorisation; and
- 19 (b) expires when the quarantine declaration to which the
20 authorisation relates is revoked.

- 21 (5) An authorisation is a disallowable instrument.

22 *Note* A disallowable instrument must be notified, and presented to the
23 Legislative Assembly, under the Legislation Act.

- 24 (6) In this section:

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

27 **Example**

28 horse racing

1 **24B Person conducting activity to comply with conditions**

2 A person commits an offence if—

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

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

10 **24C Person conducting activity to keep records**

11 A person commits an offence if—

- 12 (a) the person conducts an activity to which an authorisation under
13 section 24A applies; and
- 14 (b) the person is required to keep a record stated in
15 section 24A (3) (f); and
- 16 (c) the person fails to keep the record for at least 1 year after the
17 day the authorisation expires.

18 Maximum penalty: 20 penalty units.

19 **14 Removal of refuse from quarantine area**
20 **Section 25 (2)**

21 *substitute*

- 22 (2) The chief veterinary officer may give a direction under
23 subsection (1) only if the officer has reasonable grounds for
24 believing that it is necessary to give the direction to prevent or
25 control the spread of an exotic disease.

1 **15 Destruction of infected animals etc—endemic disease**
2 **Section 27 (2)**

3 *substitute*

- 4 (2) The chief veterinary officer may give a direction under
5 subsection (1) only if the officer has reasonable grounds for
6 believing that it is necessary to give the direction to prevent or
7 control the spread of an endemic disease.

8 **16 Destruction of infected animals etc—exotic disease**
9 **Section 29 (2)**

10 *substitute*

- 11 (2) The chief veterinary officer may give a direction under
12 subsection (1) only if the officer has reasonable grounds for
13 believing that it is necessary to give the direction to prevent or
14 control the spread of an exotic disease.

15 **17 Selling, disposing of or abandoning infected animals**
16 **Section 35 (2) (e) (ii)**

17 *omit*

18 director's

19 *substitute*

20 chief veterinary officer's

21 **18 Appointment of authorised people**
22 **Section 64 (1)**

23 *substitute*

- 24 (1) The chief executive may appoint the following to be an authorised
25 person for this Act:

- 26 (a) a public servant;

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

5 *Note* **State** also includes the Northern Territory (see Legislation Act,
6 dict, pt 1).

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

11 **19 Power to enter premises**
12 **Section 66 (8), definition of *at any reasonable time*, new**
13 **paragraph (c)**

14 *insert*

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

22 **20 New section 87A**

23 *insert*

24 **87A Information exchange between jurisdictions**

- 25 (1) This section applies to any information collected in relation to—
26 (a) detection, prevention and control of outbreaks of endemic and
27 exotic animal diseases in the ACT; and

- 1 (b) prevention and control of outbreaks of endemic and exotic
2 animal diseases in other jurisdictions within Australia.
- 3 (2) The chief executive may give the information to a corresponding
4 administrative agency for the purposes of the corresponding
5 administrative agency.
- 6 (3) This section is additional to any other Act that provides for
7 information to be given by, or to, a corresponding administrative
8 body.
- 9 (4) In this section:
- 10 *agency*—
- 11 (a) means—
- 12 (i) an administrative unit; or
- 13 (ii) a statutory office-holder; or
- 14 (iii) any other entity established for a public purpose; and
- 15 (b) includes a member of, or a member of the staff of, the agency.
- 16 *corresponding administrative agency* means the agency responsible
17 for the administration of a corresponding law in another jurisdiction
18 within Australia.

19 **21 Regulation-making power**
20 **Section 90 (2) (o)**

21 *substitute*

- 22 (o) declarations to be given by sellers of animals about the health
23 and welfare of the animals or farming practices, chemicals or
24 biological products used with the animals; or

1 **22 New section 90 (4)**

2 *insert*

3 (4) In this section:

4 *farming practices* includes practices relating to—

5 (a) disease management in animals; and

6 (b) the genetic modification of animals; and

7 (c) the breeding of animals.

8 **23 Dictionary, note 2**

9 *insert*

- 10 • State

11 **24 Dictionary, new definitions**

12 *insert*

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

14 (a) means—

15 (i) an administrative unit of the Commonwealth or State; or

16 (ii) a statutory office-holder of the Commonwealth or State;
17 or

18 (iii) any other entity established for a public purpose under a
19 law of the Commonwealth or State; and

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

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

23 **25 Dictionary, definition of *director***

24 *omit*

- 1 **26 Further amendments, mentions of *director***
- 2 *omit*
- 3 director
- 4 *substitute*
- 5 chief veterinary officer
- 6 *in*
- 7 • section 11
 - 8 • section 13 (1)
 - 9 • section 14 (1)
 - 10 • section 17 (1)
 - 11 • section 18 (1)
 - 12 • section 24 (2)
 - 13 • section 25 (1)
 - 14 • section 27 (1) and (4)
 - 15 • section 29 (1) and (4)
 - 16 • section 32 (2)
 - 17 • section 33 (2)
 - 18 • section 35 (3)
 - 19 • section 36 (2)
 - 20 • section 41 (1)
 - 21 • section 54
 - 22 • section 60 (5)
 - 23 • section 61
 - 24 • section 64 (2)
 - 25 • section 69 (1) (f) (iii)
 - 26 • section 87

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2009.

2 Notification

Notified under the Legislation Act on 2009.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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