

**2014**

**THE LEGISLATIVE ASSEMBLY FOR  
THE AUSTRALIAN CAPITAL TERRITORY**

**TERRITORY AND MUNICIPAL SERVICES  
LEGISLATION AMENDMENT BILL 2014**

**EXPLANATORY STATEMENT**

**Presented by  
Shane Rattenbury MLA  
Minister for Territory and Municipal Services**

# TERRITORY AND MUNICIPAL SERVICES LEGISLATION AMENDMENT BILL 2014

## INTRODUCTION

This explanatory statement relates to the Territory and Municipal Services Legislation Amendment Bill 2014, as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the bill and help inform debate on it. It does not form part of the bill and has not been endorsed by the Assembly.

This statement must be read in conjunction with the bill. It is not, and is not intended to be, a comprehensive description of the bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

## OVERVIEW

The Territory and Municipal Services Legislation Amendment Bill 2014 (the Bill) makes minor and technical amendments to a number of laws within the Territory and Municipal Services and Justice and Community Safety portfolios.

The laws amended by the Bill are:

### ***Animal Diseases Act 2005***

The Bill amends the definition of 'swill' and 'swill feeding' with the nationally-agreed definition of 'prohibited pig feed' and 'feeding of prohibited pig feed' to harmonise the *Animal Disease Act 2005* with other jurisdictions.

### ***Domestic Animals Act 2000***

The Bill amends the *Domestic Animals Act 2000* to replace the term 'curfew' with 'cat containment', to better reflect the intention of the legislation for cat owners in designated areas to contain their cats to their property.

### ***Public Unleased Land Act 2013***

The Bill corrects minor drafting errors and amends the *Public Unleased Land Act 2013*, to clarify that it is an offence to place a fixed (as opposed to movable) sign on public unleased land without approval.

## OUTLINE OF PROVISIONS

### Part 1 Preliminary

#### Clause 1 Name of Act

This clause provides that the name of the Act is the *Territory and Municipal Services Legislation Amendment Act 2014*.

#### Clause 2 Commencement

This clause provides for the commencement of the Act. The Act will commence on the day after its notification day.

#### Clause 3 Legislation amended

This clause provides that the Act amends the:

- *Animal Diseases Act 2005*;
- *Domestic Animals Act 2000*;
- *Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005*; and
- *Public Unleased Land Act 2013*.

### Part 2 Animal Diseases Act 2005

#### Clause 4 Feeding of prohibited pig feed to controlled stock Section 34

This clause substitutes sections 34 of the *Animal Diseases Act 2005* with a new section 34.

This clause replaces the definition of 'swill' [anything containing material of placental mammal origin (other than milk or milk by products, properly rendered meal, or tallow)], with the nationally agreed definition of 'prohibited pig feed' and 'feeding of prohibited pig feed'.

This clause also provides a new provision which enables the Director-General of the Territory and Municipal Services Directorate to rapidly remove (within 12 hours), all exemptions to the definition of prohibited pig feed that are currently allowed under section 34, to support emergency animal disease control activities in the event of an outbreak of foot and mouth disease in Australia.

### **Part 3 Domestic Animals Act 2000**

#### **Clause 5 Section 4A, note 1 etc**

This clause substitutes the term 'curfew' with 'containment' in section 4A note 1; the dictionary definition of excluded offence; and the heading of section 81 and 82 of the *Domestic Animals Act 2000*.

### **Part 4 Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005**

#### **Clause 6 Schedule 1, part 1.1, item 38**

As a consequence of changes to the *Domestic Animals Act 2000*, the terms in the *Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005* also need to be amended.

This clause substitutes the term 'curfew' with 'containment' to bring it into line with changes to the *Domestic Animals Act 2000*.

### **Part 5 Public Unleased Land Act 2013**

#### **Clause 7 Offence-place sign on public unleased land without approval Section 26 heading**

This clause inserts the word *fixed* before *sign* in the heading of section 26 of the *Public Unleased Land Act 2013*, to clarify that it is an offence to place a fixed sign on public unleased land without approval.

#### **Clause 8 Section 26(1)(a)**

This clause inserts the word *fixed* before *sign* in section 26 of the *Public Unleased Land Act 2013*, to clarify that it is an offence to place a fixed sign on public unleased land without approval.

#### **Clause 9 Section 98 (4) (d) (i)**

This clause substitutes an incorrect reference to section 101 in section 98 (4) (d) (i) with the correct reference to section 99.