



AUSTRALIAN CAPITAL TERRITORY

## **Animal Diseases Amendment Act 1999**

**No. 65 of 1999**

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### **An Act to amend the *Animal Diseases Act 1993***

*[Notified in ACT Gazette No 45: 10 November 1999]*

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

**1 Name of Act**

This Act is the *Animal Diseases Amendment Act 1999*.

**2 Commencement**

This Act commences on the day it is notified in the *Gazette*.

**3 Act amended**

This Act amends the *Animal Diseases Act 1993*.

**4 Entry to premises**

Section 44 is amended by inserting after subsection (1) the following subsection:

“(1A) If an inspector believes on reasonable grounds that bees are being kept on premises, the inspector may enter the premises—

- (a) with the consent of the occupier; or
- (b) pursuant to a warrant issued under section 46.”.

**5 Consent to entry**

Section 45 is amended by inserting in subsections (1), (2), (3) and (4) “or (1A) (a)” after “44 (1) (e)”.

**6 Substitution**

Section 46 is repealed and the following section substituted:

**“46 Warrants**

**“(1)** A magistrate may issue a warrant if he or she is requested to do so and—

- (a) an information on oath is laid before him or her alleging that an inspector has reasonable grounds for believing that—
  - (i) an animal, animal product or thing on premises specified in the information is infected with a disease; or
  - (ii) bees are kept on premises specified in the information; and
- (b) the grounds for the inspector’s belief are set out in the information; and
- (c) the informant or some other person has given to the magistrate, either orally or by affidavit, such further information (if any) as the magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
- (d) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.

**“(2)** A warrant under this section authorises an inspector named in the warrant, with such assistance and by such force as is necessary and reasonable, to enter premises specified in the warrant for the purpose of—

- (a) searching for and seizing any animal, animal product or thing that the inspector believes on reasonable grounds is infected with a disease; and
- (b) inspecting any beehive on the premises; and
- (c) exercising any of the powers mentioned in section 47.

**“(3)** A warrant under this section shall state—

- (a) the purpose for which the warrant is issued, including a reference to any disease in relation to which the entry is authorised; and
- (b) whether the entry is authorised to be made at any time of the day or night or during specified hours of the day or night; and

- (c) a date upon which the warrant ceases to have effect (not being later than 7 days after the date of issue of the warrant).”.

## **7 Insertion**

After section 49 the following section is inserted:

### **“49A Directions to comply with regulations**

“(1) An inspector who is satisfied on reasonable grounds that a person who is keeping honeybees is contravening a regulation under this Act may direct the person in writing to take such action as is specified in the direction in order to remedy the contravention.

“(2) A direction under subsection (1) shall specify a reasonable period of time within which the direction is to be complied with.

“(3) The giving of a direction under subsection (1) does not prevent the institution of proceedings for an offence constituted by the contravention mentioned in the direction.”.

## **8 Regulations**

Section 64 is amended—

- (a) by omitting from paragraph (2) (n) “and”; and
- (b) by adding at the end of paragraph (2) (p) “and”; and
- (c) by adding at the end of subsection (2) the following paragraph:
  - “(q) the prevention of the introduction of exotic diseases into, or the spread of exotic diseases within, the Territory.”.

## **9 Insertion**

After section 78 the following section is inserted:

### **“79 Continuation of warrants**

“(1) This Act as in force immediately before the commencement of the *Animal Diseases (Amendment) Act 1999* continues to apply in relation to a warrant issued under section 46 but not executed before that commencement.

“(2) This section expires 7 days after it commences.”.

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**Endnote**

**Act amended**

- 1 Reprinted as at 1 March 1999.

*[Presentation speech made in Assembly on 26 August 1999]*