

2014

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Territory and Municipal Services)

# Territory and Municipal Services Legislation Amendment Bill 2014

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# **Territory and Municipal Services Legislation Amendment Bill 2014**

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## **A Bill for**

An Act to amend legislation about territory and municipal services

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Territory and Municipal Services Legislation*  
4 *Amendment Act 2014*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

7 *Note* The naming and commencement provisions automatically commence on  
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • *Animal Diseases Act 2005*
- 12 • *Domestic Animals Act 2000*
- 13 • *Magistrates Court (Domestic Animals Infringement Notices)*  
14 *Regulation 2005*
- 15 • *Public Unleased Land Act 2013*.

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## Part 2 Animal Diseases Act 2005

### 4 Section 34

*substitute*

#### 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](http://www.mincos.gov.au).

**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.

- 1            ***feed*** prohibited pig feed to controlled stock includes—
- 2            (a) feed, or allow or direct another person to feed, prohibited pig
- 3            feed to controlled stock; or
- 4            (b) allow controlled stock to have access to prohibited pig feed; or
- 5            (c) collect, store or possess prohibited pig feed on premises where
- 6            controlled stock is kept; or
- 7            (d) supply to another person prohibited pig feed for feeding
- 8            controlled stock.
- 9            ***prohibited pig feed*** means—
- 10           (a) material of mammalian origin, or any substance that has come
- 11           in contact with this material; but
- 12           (b) subject to section 34A, does not include—
- 13           (i) milk, milk products or milk by-products either of
- 14           Australian provenance or legally imported for stockfeed
- 15           use in Australia; or
- 16           (ii) material containing flesh, bones, blood, offal or mammal
- 17           carcasses that is treated by an approved process; or
- 18           (iii) a carcass or part of a domestic pig, born and raised on the
- 19           property on which the pig or pigs that are administered
- 20           the carcass or part are held, that is administered for
- 21           therapeutic purposes in accordance with the written
- 22           instructions of a veterinary surgeon.

1    **34A       Foot-and-mouth disease outbreak**

2       (1) This section applies if there is an outbreak of foot-and-mouth  
3       disease in Australia.

4       (2) The Minister may declare that prohibited pig feed includes—

5           (a) milk, milk products or milk by-products either of Australian  
6           provenance or legally imported for stockfeed use in Australia;  
7           or

8           (b) material containing flesh, bones, blood, offal or mammal  
9           carcasses that is treated by an approved process; or

10          (c) a carcass or part of a domestic pig, born and raised on the  
11          property on which the pig or pigs that are administered the  
12          carcass or part are held, that is administered for therapeutic  
13          purposes in accordance with the written instructions of a  
14          veterinary surgeon.

15       (3) A declaration is a disallowable instrument.

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

18       (4) In this section:

19           *approved process*—see section 34.

20           *prohibited pig feed*—see section 34.

1 **Part 3 Domestic Animals Act 2000**

2 **5 Offences against Act—application of Criminal Code etc**  
3 **Section 4A, note 1**

4 *omit*

5 curfew

6 *substitute*

7 containmentment

8 **6 Section 81 heading**

9 *substitute*

10 **81 Declaration of cat containmentment**

11 **7 Section 82 heading**

12 *substitute*

13 **82 Cats in breach of cat containmentment**

14 **8 Dictionary, definition of *excluded offence*,**  
15 **paragraph (b) (ii)**

16 *omit*

17 curfew

18 *substitute*

19 containmentment



1 **Part 4** **Magistrates Court (Domestic**  
2 **Animals Infringement Notices)**  
3 **Regulation 2005**

4 **9** **Domestic animals legislation infringement notice**  
5 **offences and penalties**  
6 **Schedule 1, part 1.1, item 38, column 3**

7 *omit*  
8 curfew  
9 *substitute*  
10 containment

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

2 **10** **Section 26 heading**

3 *substitute*

4 **26** **Offence—place fixed sign on public unleased land**  
5 **without approval**

6 **11** **Section 26 (1) (a)**

7 *before*

8 sign

9 *insert*

10 fixed

11 **12** **Direction to remove objects from public unleased land**  
12 **Section 98 (4) (d) (i)**

13 *omit*

14 section 101 (Offence—fail to comply with director-general's  
15 direction)

16 *substitute*

17 section 99 (Offence—fail to comply with removal direction)

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 8 May 2014.

**2 Notification**

Notified under the [Legislation Act](#) on 2014.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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