

**2005**

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**ANIMAL DISEASES BILL 2005**

**EXPLANATORY STATEMENT**

Circulated by authority of the  
Minister for Environment  
Mr Jon Stanhope MLA

This Explanatory Statement relates to the *Animal Diseases Bill 2005* (the Bill) as introduced into the Legislative Assembly.

## **Overview of Bill**

The purpose of this Bill is to repeal the *Animal Diseases Act 1993* to take account of developments in animal health issues such as the National Livestock Identification System (NLIS), banning the feeding of swill to livestock and to make a number of administrative reforms. Animal health matters which are part of the Stock Act are to be transferred into the *Animal Diseases Bill 2005*.

## **Summary**

The substantive changes in the Bill are:

### **Implementation of National Livestock Identification System (NLIS)**

The Bill will allow for application of the NLIS covering all livestock. This will build on existing systems for tracking stock transactions (ear tags and tail tags) and incorporate certain principles, which include for example a single national system for each terrestrial livestock species.

### **Banning of swill to livestock**

The Bill places a ban of swill feeding to livestock. A person will not be able to feed anything that contains swill for the feeding of livestock. This will ensure that the risk of disease is significantly reduced.

### **Stock standstill for Foot and Mouth Disease**

The Bill provides that a minimum 72 hour stock standstill be implemented when necessary particularly in emergency response situations. This will ensure that if there is an emergency, all movement of stock is banned for a defined period. This could for example be used on the diagnosis of foot and mouth disease or as a precautionary measure if a foot and mouth disease was strongly suspected. This will reduce the vectors of transmission of the disease while the source and likely areas of infection are identified.

### **Prevention and control of exotic and endemic diseases**

The Bill includes prevention and control measures that provide that a person commits an offence if they sell, move, dispose, bury, hide or otherwise attempt to suppress evidence of the animal. This will maximise the opportunity to deal with the disease and prevent losses to the wider community through the spread of disease.

### **Provision of strict liability to a specific element of the offence**

The Bill includes a number of offences where strict liability applies to a specific element of the offence or to the offence. Section 23 of the Criminal Code provides that if a law that creates an offence provides for strict liability, there are no fault elements for the

physical elements of the offence. Essentially, this means that conduct alone is sufficient to make the defendant culpable. However, if strict liability applies, the defence of mistake of fact is available where the person considered whether or not facts existed and was under a mistaken but reasonable belief about the facts.

Offences incorporating strict liability elements are carefully considered when developing legislation and generally arise in a regulatory context where for reasons such as public safety or protection of the public revenue, the public interest in ensuring that regulatory schemes are observed requires the sanction of criminal penalties. In particular, where a defendant can reasonably be expected, because of his or her professional involvement, to know what the requirements of the law are, the mental, or fault, element can justifiably be excluded. The rationale is that people engaged in the conduct of for example selling animals, can be expected to be aware of their duties and obligations. The provisions are drafted so that, if a particular set of circumstances exists, a specified person is guilty of an offence. Unless some knowledge or intention ought be required to commit a particular offence (in which case a specific defence is provided), the defendant's frame of mind at the time is irrelevant.

### **Revenue/Cost Implications**

The fees and charges that arise will primarily be related to the implementation of the National Livestock Identification Scheme (NLIS).

## **Summary on Clauses**

### **Part 1 – Preliminary**

#### **Clause 1 - Name of Act**

This clause sets out the name of the Act '*Animal Diseases Act 2005*'.

#### **Clause 2 – Commencement**

This clause provides for the Act to commence on a day fixed by the Minister by written notice.

#### **Clause 3 – Object of the Act**

This clause provides that the object of the Act is to protect human health and markets for animal products by preventing and controlling outbreaks of endemic and exotic animal diseases in the ACT and assisting in the prevention and control of outbreaks of endemic and exotic animal diseases in other jurisdictions.

#### **Clause 4 – Dictionary**

This clause states that the Dictionary at the end of this Act is part of this Act.

#### **Clause 5 – Notes**

This clause provides that a note included in this Act is explanatory and is not part of this Act.

#### **Clause 6 – Offences against Act – application of Criminal Code**

This clause provides that other legislation applies in relation to offences against this Act.

### **Part 2 – Director**

#### **Clause 7 – Director**

This clause provides that the chief executive may appoint a public servant as the director of veterinary hygiene. A public servant may only be appointed as the director if the person is a veterinary surgeon.

#### **Clause 8 – Delegation by director**

This clause provides that the director may delegate the director's functions under this Act or another Territory law to a public servant.

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

### **Division 3.1 – General**

#### **Clause 9 – Meaning of infected**

This clause provides that an animal is infected with a disease if it is suffering from the disease. This clause also provides that 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. For this Act, premises are infected with a disease if there is a reasonable basis for suspecting the premises are infected with a disease. 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.

#### **Clause 10 – Declarations under Part 3**

This clause has been amended to meet current drafting standards.

#### **Clause 11 – Certificate of freedom from disease**

This clause provides that an owner or occupier of premises may apply to the director in writing, for a certificate that the premises are not infected with an exotic disease or endemic disease.

This clause also provides that if the director is satisfied that the premises are not infected with disease, the director must, in writing, certify the premises to be free of the disease on the day of the certification. In a proceeding for an offence against this Act, a certificate given under this clause is evidence of the matters stated in it.

### **Division 3.2 – Exotic diseases**

#### **Clause 12 – Declaration of exotic disease**

This clause has been amended to meet current drafting standards.

#### **Clause 13 – Notification of exotic disease**

This clause has been amended to meet current drafting standards.

#### **Clause 14 – Directions to control spread of exotic disease**

This clause provides that the director may in writing direct an authorised person to seize an animal, animal product, vehicle or other thing. Direct the owner or person in charge of premises, an animal product or other thing to take stated action to decontaminate the premises, animal product or thing. Direct the owner or person in charge of the animal to take stated action to inoculate the animal or otherwise to produce immunity to the disease in the animal or take stated action to treat the animal to protect its welfare or an authorised person or anyone else to take any other stated action that the director considers necessary.

This clause also provides that the director may give a direction only if the director has reasonable grounds for believing that it is necessary to give the direction to prevent or control the spread of an exotic disease. 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 a stated premises for a stated reasonable time.

A person commits an offence if the person fails to take reasonable steps to comply with a direction. Maximum 50 penalty units or imprisonment for 6 months or both.

### **Clause 15 – Importation restriction**

This clause has been amended to meet current drafting standards.

## **Division 3.3 – Endemic diseases**

### **Clause 16 – Declaration of endemic disease**

This clause has been amended to meet current drafting standards.

### **Clause 17 – Notification of endemic disease**

This clause has been amended to meet current drafting standards.

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

This clause provides that the director may in writing direct an authorised person to seize an animal, animal product, vehicle or other thing or direct the owner or person in charge of the premises, an animal product or other thing to take stated action to decontaminate the premises, animal product or thing. Direct the owner or person in charge of an animal to take stated action to inoculate the animal or otherwise to produce immunity to the disease in the animal or take stated action to treat the animal or protect its welfare. Direct an authorised person or anyone else to take any other stated action that the director considers necessary.

This clause also provides that the director may give a direction only if the director has reasonable grounds for believing that it is necessary to give the direction to prevent or control the spread of an endemic disease. 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 a stated premises for a stated reasonable time.

A person commits an offence if the person fails to take reasonable steps to comply with a direction. Maximum 50 penalty units or imprisonment for 6 months or both.

## **Division 3.4 – Quarantine areas**

### **Clause 19 – Exotic disease quarantine area**

This clause provides that the Minister may in writing declare a stated area to be an exotic disease quarantine area if the Minister has reasonable grounds for believing that an animal is infected with an exotic disease and the declaration is necessary for the purpose of preventing the spread of the disease. A declaration is a disallowable instrument.

### **Clause 20 – Endemic disease quarantine area**

This clause provides that the Minister may in writing declare an area to be an endemic disease quarantine area if the Minister has reasonable grounds for believing that an animal is infected with an endemic disease and the declaration is necessary to prevent the spread of the disease. A declaration is a disallowable instrument.

### **Clause 21- Content of quarantine declarations**

This clause provides that a declaration under clause 19 or clause 20 must state the animals to which the declaration applies, the disease believed to be infecting the animals, the area to which the declaration applies, the restrictions on entry to, leaving and movement within the area, 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 if the declaration is to have effect for a limited period – the period.

### **Clause 22 – Offence – contravening restriction in quarantine declaration**

This clause provides that a person commits an offence if the person contravenes a restriction in a declaration under clause 19 or clause 20.

### **Clause 23 – Public notices for quarantine areas**

This clause provides that the chief executive may display any notices that the chief executive considers necessary for this Act, within or near the boundary of a quarantine area, on a public street that enters a quarantine area, or at the border of the ACT.

This clause also provides that a person commits an offence if a notice is displayed under clause 23(1) and the person removes, alters, damages, defaces or covers the notice while the notice is in force. Maximum penalty 10 penalty units.

### **Clause 24 – Offence – movement of animal**

This clause provides that 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.

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

This clause provides that the director may, in writing, direct the owner or occupier of premises in an exotic disease quarantine area to remove refuse from the premises. The direction must state when and how the refuse is to be removed. The director may give a direction if the director has reasonable grounds for believing that it is necessary to give the direction to control the spread of an exotic disease.

This clause also provides that a person commits an offence if the person contravenes a direction given to the person under this clause. Maximum penalty 50 penalty units.

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

This clause provides that while a declaration under clause 19 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 must not be challenged or called into question in any court and is not subject to prohibition, mandamus or injunction in any court on any account.

### **Division 3.5 – Destruction of animals and other things**

#### **Clause 27 – Destruction of infected animals etc – endemic disease**

This clause has been amended to meet current drafting standards.

#### **Clause 28 – Compensation for animal destroyed – endemic disease**

This clause applies if an animal or thing affected with a compensable endemic disease is destroyed under clause 27 and the Minister is satisfied that the animal was infected with a compensable endemic disease for this clause.

This clause also provides that the owner of the animal may apply to the chief executive for compensation, within 90 days, or any further period the chief executive approves, of the destruction of the animal. The chief executive must determine an amount of compensation (not more than the market value of the animal) payable to the applicant.

#### **Clause 29 – Destruction of infected animals etc – exotic disease**

This clause has been amended to meet current drafting standards.

#### **Clause 30 – Compensation for animal or thing destroyed – exotic disease**

This clause applies if an animal, premises or other thing has been destroyed under clause 29. A person may apply to the chief executive for compensation, within 90 days, or any further period the chief executive approves, of the destruction of the animal, thing or premises. The chief executive must determine the amount of compensation payable (not more than the market value of the animal) to the owner.



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

This clause applies if an animal dies and a veterinary surgeon has certified that the death was caused by an exotic disease. This clause also provides that the owner of the animal may apply to the chief executive for compensation. The application must be made within 90 days, or any further period the chief executive approves, after the death of the animal.

The chief executive must determine an amount of compensation (not more than the market value of the animal) payable to the applicant.

### **Division 3.6 –Offences generally**

#### **Clause 32 – Spreading disease**

This clause has been amended to meet current drafting standards.

#### **Clause 33 – Use of vaccines etc**

This clause has been amended to meet current drafting standards.

#### **Clause 34– Feeding of swill to livestock**

This clause provides that a person commits an offence if the person feeds swill to livestock. Maximum penalty 50 penalty units.

The definition of controlled stock means a pig or an animal declared by regulation to be controlled stock for the purposes of this clause.

#### **Clause 35 – Selling, disposing of or abandoning infected animals**

This clause has been amended to meet current drafting standards.

#### **Clause 36 – Interference with structures securing infected animals**

This clause provides that a person commits an offence if the person damages, interferes with or removes a fence or other structure securing an animal and the person is reckless about whether the animal is an infected animal. Maximum penalty is 50 penalty units.

## **Part 4        Stock Tags**

### **Clause 37 – Meaning of stock for Part 4**

For this part stock means any horse, cattle, sheep, alpaca, swine, goat or other animal declared by regulation to be stock for this definition.

### **Clause 38 – Tagable stock**

This clause provides that the Minister may, in writing, declare stock to be tagable stock for this Act. A declaration is a disallowable instrument.

### **Clause 39 – Register of tag numbers**

This clause has been amended to meet current drafting standards.

### **Clause 40 - Correction of register**

This clause provides that the chief executive may correct a mistake, error or omission in the register.

### **Clause 41 – Applications for tag numbers**

This clause has been amended to meet current drafting standards.

### **Clause 42 – Tag numbers**

This clause provides that the chief executive may, if satisfied that an application under this clause is the owner of tagable stock to which the application relates, will issue the applicant with a tag number for the stock and enter certain particulars that are required in the register. The chief executive may enter any other information the chief executive thinks relevant to contact the owner or person in charge of the stock.

### **Clause 43 – Approved manufactures**

This clause has been amended to meet current drafting standards.

### **Clause 44 – Approved tags**

This clause provides that the chief executive may approve a tag to be issued by an approved manufacturer.

### **Clause 45 – Unauthorised manufacture and issue of tags**

This clause provides that a person commits an offence if the person makes a tag and the person is not an approved manufacturer. Maximum penalty 50 penalty units and imprisonment for 6 months or both.

### **Clause 46 – Alternation of tags**

This clause has been amended to meet current drafting standards.

### **Clause 47 – Travelling tagable stock**

This clause provides that a person commits an offence if the person travels tagable stock to or from a place of sale and the stock is not tagged with an approved tag to the owner of the stock. Maximum penalty is 10 penalty units.

This clause also provides that if the stock is being travelled within 28 days after the day of sale, the approved tag may be a tag bearing the number issued to the previous owner of the stock.

#### **Clause 48 – Tags to remain with carcasses**

This clause provides that a person in charge of an abattoir commits an offence if the person fails to take reasonable steps to ensure that if an approved tag is removed from the carcass of an animal before the final inspection, the tag is kept with the carcasses until after the final inspection. Maximum penalty 100 penalty units.

#### **Clause 49 – Records of untagged stock**

This clause has been amended to meet current drafting standards.

#### **Clause 50 – Cancellation of tag numbers**

This clause provides that the person who is issued a tag number commits an offence if the tag number is cancelled under section 50 and the person fails to destroy each tag with the number as soon as practicable after being told about the cancellation. Maximum penalty is 50 penalty units.

#### **Clause 51 – Destruction of tag after cancellation**

This provides that a person commits an offence if the tag number is cancelled under section 50 and the person fails to destroy each tag with the number as soon as practicable after being told about the cancellation. Maximum penalty is 50 penalty units.

#### **Clause 52– Evidentiary certificates**

This clause has been amended to meet current drafting standards.

### **Part 5 – Restricted feed material – ruminants**

#### **Clause 53 – Interpretation for Part 5**

This clause provides for the definition of analyst, bag, bulk, compounded feed, feed tag, meal, non-restricted feed material statement, restricted feed material and restricted feed material statement.

#### **Clause 54 – Analysts for Part 5**

This clause provides that an analyst includes the government analyst under the *Drugs of Dependence Act 1989*, section 183A(2) or anyone else appointed in writing by the director.

### **Clause 55 – Feed statements**

This clause provides the meaning for restricted feed material statement and non-restricted feed material statement.

### **Clause 56 – Offence – manufacture of ruminant food**

This clause provides that a person commits an offence if the person manufactures compounded feed or meal that includes restricted feed material and fails to take reasonable steps to prevent the inclusion of restricted feed material in the feed or meal and is reckless about whether the feed or meal is to be fed to ruminants. Maximum penalty is 100 penalty units.

### **Clause 57 - Offences – sale or supply of bulk or bagged compounded feed and meal**

This clause provides that a person commits an offence if the person sells or supplies bulk feed or meal that contains restricted feed material and the invoice or other document does not contain a restricted feed material statement that complies with clause 57(5). Maximum penalty is 100 penalty units, imprisonment for 1 year or both.

This clause also provides that a person commits an offence if the person sells or supplies bulk feed or meal that does not contain a non-restricted feed material statement that complies with clause 57(5). Maximum penalty 100 penalty units, imprisonment for 1 year or both.

This clause further provides that a person commits an offence if the person sells or supplies a bag of compounded feed or meal that contains restricted feed material and the bag does not have a statement on the bag, or a feed tag attached to the bag, that contains a restricted feed material statement complying with subclause 57(3). Maximum penalty 100 penalty units, imprisonment for 1 year or both.

This clause also provides that a person commits an offence if the person sells or supplies in a bag compounded feed or meal that does not contain restricted feed material and the bag does not have a statement on the bag, or a feed tag attached to the bag, that contains non-restricted feed material statement that complies with subclause 57(5). Maximum penalty 100 penalty units, imprisonment for 1 year or both.

This clause also provides that pet food includes food for aquarium fish and caged birds other than poultry.

### **Clause 58 – Offence - obscuring of statements**

This clause provides that a person commits an offence if the person alters, damages or otherwise interferes with an invoice or other document relating to compounded feed or meal and the interference alters, obscures or removes a restricted feed material statement or a no-restricted statement contained in the invoice or other document. Maximum penalty 50 penalty units.

### **Clause 59 – Offence – removal of feed tags or labels**

This clause provides that a person commits an offence if the person removes or alters, a restricted feed material statement or a non-restricted feed material statement on a bag or a feed tag attached to a bag and the bag contains compounded feed or meal. Maximum penalty 50 penalty units.

This clause also provides that a person commits an offence if the person defaces, damages or otherwise interferes with a bag, or a feed tag attached to a bag, that contains compounded feed or meal and the interference alters, obscures or removes a restricted feed material statement or non-restricted feed material statement on the bag or feed tag. Maximum penalty 50 penalty units.

### **Clause 60 – Offences – feeding restricted feed material to ruminants**

This clause provides that a person commits an offence if the person feeds material to a ruminant and is reckless about whether the material contains restricted feed material. Maximum penalty 100 penalty units, imprisonment for 1 year or both.

This clause also provides that a person commits an offence if the person feeds bulk compounded feed or bulk meal to a ruminant and the invoice or other document about the sale or supply of the feed or meal contains a restricted feed material statement. Maximum penalty 100 penalty units, imprisonment for 1 year or both.

A person commits an offence if the person feeds bagged compounded feed or bagged meal to a ruminant, and a statement on the bag, a label on the bag, or a tag attached to the bag contains a restricted feed material statement. Maximum penalty is 100 penalty units, imprisonment for 1 year or both.

### **Clause 61 – Procedure if samples taken for Part 5**

This clause provides that if an authorised person takes a sample for Part 5 (Restricted feed material – ruminants) the authorised person must divide the sample into 3 parts and place each part in a separate container and seal the containers and 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 give 1 of the 3 containers to the occupier of the premises, an analyst and the director.

### **Clause 62 – Evidence of analysis**

This clause provides that an analyst may certify that the analyst analysed a sample from a sealed container to which was attached a label purporting to be signed by the authorised person named in the certificate and bearing particulars of when, and the place where, the sample was taken by the authorised person, the analysis to which the sample was subjected and the results of the analysis.

## **Part 6 – Enforcement**

### **Division 6.1 – General**

#### **Clause 63 – Definitions for Part 6**

This clause provides definitions of connected, disease, occupier, offence and premises.

### **Division 6.2 – Authorised People**

#### **Clause 64 – Appointment of authorised people**

This clause provides that the chief executive may appoint a public servant to be an authorised person for this Act. The director is an authorised person for this Act.

#### **Clause 65 – Identity cards**

This clause provides that the chief executive must give an authorised person an identity card stating the person's name and that the person is an authorised person. The identity card must show a recent photograph of the person, the card's date of issue and expiry and anything else prescribed by regulation. A person commits an offence if the person stops being an authorised person and the person does not return their identity card to the chief executive as soon as possible but not later than 7 days.

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

#### **Clause 66 – Power to enter premises**

This clause provides the powers that an authorised person has to enter premises if the authorised person suspects, on reasonable grounds, that an animal, animal product or thing at the premises is, or the premises are infected with a disease or that entry to the premises is necessary to prevent or control the spread of disease.

#### **Clause 67 – Production of identity card**

This clause provides that an authorised person may 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.

#### **Clause 68 – Consent to entry**

This clause has been amended to meet current drafting standards.

#### **Clause 69 – General powers on entry to premises**

This clause provides that an authorised person who enters premises under Part 6 of this Act may inspect or examine, take measurements or conduct tests, take samples, take photographs, films or audio, video or other recordings or require the occupier or anyone on the premises to give the authorised person reasonable help to exercise a

power under Part 6. This clause also allows an authorised person to seize an animal or animal product or other thing if the authorised person has reasonable grounds for suspecting that an animal or animal product or other thing may be infected with a disease.

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

This clause provides that 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, is about to commit, or has or may have committed, an offence against this Act. If an authorised person makes a requirement of a person the authorised person must tell the person the reasons for the requirement and as soon as practicable, record the reasons and the person may ask the authorised person to produce his or her identity card for inspection by the person. Maximum penalty is 10 penalty units.

#### **Clause 71 – Power to seize things**

This clause provides that an authorised person who enters premises under this part with the occupier's consent may seize anything at the premises if the authorised person is satisfied, on reasonable grounds, that the thing is concerned with an offence against this Act and seizure of the thing is consistent with the purpose of the entry told to the occupier when seeking the occupier's consent.

This clause also provides that an authorised person who enters premises under this part may seize anything on the premises if satisfied, on reasonable grounds, that the thing is connected with an offence against this Act and the seizure is necessary to prevent the thing from being concealed, lost or destroyed or used to commit, continue or repeat the offence. Having seized a thing an authorised person may remove the thing from the premises where it was seized to another place or leave the thing at the place of seizure but restrict access to it.

This clause provides that a person commits an offence if the person interferes with a seized thing, or anything containing a seized thing, to which access has been restricted under clause 71(4) and the person does not have an authorised persons approval to interfere with the thing. Maximum penalty 50 penalty units.

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

This clause has been amended to meet current drafting standards.

#### **Clause 73 – Additional powers honeybees**

This clause provides that if an authorised person believes on reasonable grounds that a person keeping honeybees engages in conduct that contravenes a regulation, the authorised person may direct the person, in writing, to comply with the regulation. The direction must state a reasonable period of compliance.

## **Division 6.4 – Search Warrants**

### **Clause 74 – Warrants generally**

This clause has been amended to meet current drafting standards.

### **Clause 75 – Warrants – application made other than in person**

This clause has been amended to meet current drafting standards.

### **Clause 76 – Search warrants – announcement before entry**

This clause has been amended to meet current drafting standards.

### **Clause 77 – Details of search warrant to be given to occupier**

This clause has been amended to meet current drafting standards.

### **Clause 78 – Occupier entitled to be present during search**

This clause has been amended to meet current drafting standards.

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

### **Clause 79 – Receipt of things seized**

This clause provides that as soon as practicable after a thing is seized by an authorised person under this part, the authorised person must give a receipt for it to the person from whom it was seized. If for any reason, it is not practicable to comply with clause 79(1), the authorised person must leave the receipt, secured conspicuously at the place of seizure. This clause also describes what a receipt must include.

### **Clause 80 – Access to things seized**

This clause provides that a person who would, apart from the seizure, be entitled to inspect a thing seized under this part may inspect it and if it is a document, take extracts from it or make copies of it.

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

This clause outlines the procedures and processes involved for things found at premises under a search warrant and the removal of those things to another place for examination or processing to decide whether it may be seized.

### **Clause 82 - Return of things seized**

This clause provides that a thing seized under this part must be returned to its owner, or reasonable compensation must be paid to the owner by the Territory for the loss of the thing, if a prosecution for an offence about the thing is not begun within 90 days



after the day of the seizure or if a prosecution is begun within the 90 days - the court does not find the offence proved.

This clause also provides if anything seized under this part is not required to be returned or reasonable compensation is not required to be paid the thing is forfeited to the Territory and may be sold, destroyed or otherwise disposed of as the chief executive directs.

## **Division 6.6 – Miscellaneous**

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

This clause has been amended to meet current drafting standards.

### **Clause 84 – compensation for exercise of enforcement powers**

This clause provides that a person may claim compensation from the Territory if the person suffers loss or expense because of the exercise, or purported exercise, a function under this part by an authorised person or a person assisting an authorised person. Compensation may be claimed for compensation brought in a court of competent jurisdiction or an offence against this Act brought against the person making the claim for compensation. A court may order the payment of reasonable compensation for the loss or expense only if it is satisfied that it is just to make the order in the circumstances of the particular case.

## **Part 7 –Review of decisions**

### **Clause 85 – Reviewable decisions**

This clause provides that a decision mentioned under clause 85 is a reviewable decision.

### **Clause 86 – Review of decisions**

This clause provides that if a person makes a reviewable decision, the decision maker must give written notice of the decision to each eligible person for the decision. The notice must comply with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B(1).

## **Part 8 – Miscellaneous**

### **Clause 87 – Noncompliance with directions and cost recovery**

This clause provides that if a person contravenes a direction given by an authorised person under this Act, the authorised person may arrange for action to be taken to give effect to the direction. The reasonable costs incurred by an authorised person under subclause 87(1) are a debt payable to the Territory by the person to whom the direction was given.

### **Clause 88 – Determination of fees**

This clause provides that the Minister may, in writing, determine fees for this Act.

### **Clause 89 – Approved forms**

This clause has been amended to meet current drafting standards.

### **Clause 90 – Regulation making power**

This clause has been amended to meet current drafting standards.

## **Part 9 – Transitional**

### **Clause 91 – Definitions for Part 9**

This clause provides that commencement day means the day when this Act commences and repealed Act means the *Animal Diseases Act 1993*.

### **Clause 92 – Stock tag numbers**

This clause provides that a tag number allocated to a person under the Repealed Act, clause 33 that has not been cancelled before the commencement day is taken to be a tag number issued to the person under clause 43.

### **Clause 93 – Transitional regulations**

This clause provides that a regulation may prescribe savings or transitional matters necessary or convenient to be prescribed because of the enactment of this Act.

### **Clause 94 – Modification of Part 9's operation**

This clause provides that a regulation may modify this part to make provision in relation to any matter that, in the Executive's opinion, is not, or is not adequately, dealt with in this part.

### **Clause 95 – Expiry of Part 9**

Part 9 expires 2 years after the day it commences.

### **Clause 96– Legislation repealed**

This Act repeals the *Animal Diseases Act 1993* and *Animal Diseases (Bees) Regulation 2000*.

## **Dictionary**

This Act provides a dictionary which contains definitions for the purposes of this Act.