

NORTHERN TERRITORY OF AUSTRALIA
STOCK DISEASES AMENDMENT ACT 1999

No. 32 of 1999

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NORTHERN TERRITORY OF AUSTRALIA

No. 32 of 1999

AN ACT

to amend the *Stock Diseases Act*

[Assented to 18 June 1999]
[Second reading 27 April 1999]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Stock Diseases Amendment Act 1999*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Stock Diseases Act* is in this Act referred to as the Principal Act.

4. Interpretation

Section 5 of the Principal Act is amended –

- (a) by omitting "In this Act" and substituting "(1) In this Act";
- (b) by inserting after the definition of "Chief Inspector" the following:

" 'compounded foodstuff means a foodstuff consisting (wholly or partially) of material of animal origin (other than fish or birds), whether or not it contains mammalian material;";

- (c) by omitting the definition of "fodder" and substituting the following:

" 'fodder' means any hay, straw, grass, green crop, root, vegetable, grain, corn, meal, licks, litter, manure, manufactured foodstuff, mammalian material or other thing that is used, or intended for use, as food or litter or as an ingredient of food or litter or that is found with or about stock;";

- (d) by inserting after the definition of "inspector" the following:

" 'mammalian material' means –

- (a) blood, bone, flesh or other tissue from mammals; or
- (b) meal obtained by rendering mammalian blood, bone, flesh or other tissue;

'meal' means meal produced from any blood, bone, flesh or other tissue from an animal (other than from a bird or fish);"; and

- (e) by adding at the end the following:

"(2) A reference in this Act to foodstuff or a class of foodstuff does not include a reference to –

- (a) foodstuff supplied or sold as pet food, including food for caged birds (other than poultry) and aquarium fish; or
- (b) tallow.".

5. Powers of inspectors

Section 42 of the Principal Act is amended –

- (a) by omitting from subsection (1) "An inspector may, at any time –" and substituting "For the purposes of the administration or enforcement of this Act and the Regulations, an inspector may –";

- (b) by omitting subsection (1)(a) and substituting the following:

"(a) enter any land, building, vehicle, vessel or aircraft and cross any land in order to enter that land, building, vehicle, vessel or aircraft;

- (aa) inspect or examine any land, building, vehicle, vessel or aircraft entered under paragraph (a) and any stock, fodder, fodder container, equipment, carcass, dung or documents found in or on there;";
- (c) by inserting after subsection (1)(b) the following:
 - "(ba) take samples of any stock, fodder, carcass or dung for analysis or for use as evidence of the presence or absence of a prescribed disease or evidence of the commission of an offence against this Act or the Regulations;";

(d) by omitting from subsection (1)(e) all the words after "possession" and substituting "or control of that person";

(e) by omitting from subsection (1)(f)(i) "fodder" and substituting "fodder, fodder container";

(f) by omitting subsection (1)(f)(ii) and substituting the following:

"(ii) to documents about any stock, fodder, fodder container, carcass or dung;";

(g) by omitting from subsection (1)(g) "disease" and substituting "disease or monitoring the presence or absence of disease"; and

(h) by adding at the end the following:

"(3) After taking a sample under subsection (1)(ba) or seizing any thing under subsection (1)(c), (t) or (v), an inspector must give a receipt for the sample or thing to –

(a) the occupier or a person apparently in charge of the land, building, vehicle, vessel or aircraft from which it was taken or seized; or

(b) the person who the inspector reasonably believes was in possession of the sample or thing immediately before it was taken or seized.

"(4) For the purposes of subsection (1), a positive reaction by any stock to a test approved by the Chief Inspector for application to that stock for the purpose of diagnosing, preventing or curing a prescribed disease –

(a) is evidence that the stock is infected with the prescribed disease and, in the absence of evidence to the contrary, is conclusive evidence of that fact; and

(b) is, without further evidence, reasonable cause for an inspector to believe that the stock is infected with the prescribed disease.

"(5) For the purposes of this section, the following applies:

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- (a) reason to believe that the agent of a prescribed disease may be present in any stock, fodder, equipment, carcass or dung is reasonable cause for an inspector to believe that the stock, fodder, equipment, carcass or dung is infected with the prescribed disease;
 - (b) it is not necessary for stock to exhibit symptoms of a prescribed disease for there to be reasonable cause for an inspector to believe that the stock is infected with the prescribed disease.
- "(6) Subsections (4) and (5) do not prejudice any other evidence or consideration because of which an inspector may have reasonable cause to believe that any stock, fodder, equipment, carcass or dung is infected or diseased.".
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