

NORTHERN TERRITORY OF AUSTRALIA
STOCK DISEASES AMENDMENT ACT 1996

No. 49 of 1996

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NORTHERN TERRITORY OF AUSTRALIA

No. 49 of 1996

AN ACT

to amend the *Stock Diseases Act*

[Assented to 31 October 1996]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Stock Diseases Amendment Act 1996*.

2. COMMENCEMENT

This Act shall come into operation on a date to be 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. CLASSIFICATION OF HOLDINGS IN RESPECT OF PRESCRIBED DISEASES

Section 27 of the Principal Act is amended -

(a) by omitting subsections (1) and (2) and substituting the following:

"(1) The Chief Inspector may, by notice in the *Gazette*, determine the classifications in relation to a prescribed disease that may be given to a holding.

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"(1A) A notice under subsection (1) shall specify the criteria by which the Chief Inspector is to apply a classification to a holding.

"(1B) Where the Chief Inspector has reasonable cause to believe that the criteria in respect of a classification determined under subsection (1) apply to a holding, the Chief Inspector may, by notice in writing to the owner, give the holding the classification.

"(2) The Chief Inspector may, for the purpose of controlling a prescribed disease, by notice in the Gazette, specify prohibitions or restrictions that apply (whether absolutely or conditionally) to or in relation to stock, or a class of stock, in the Territory (including the movement in or into the Territory), and the restrictions may be expressed to relate to the disease status of a holding."; and

(b) by omitting subsection (4) and substituting the following:

"(4) A person shall not contravene or fail to comply with a prohibition or restriction specified in a notice under subsection (2).

Penalty: \$20,000."

5. DETERMINATION OF COMPENSATION ON FAILURE OF PANEL TO AGREE

Section 34 of the Principal Act is amended -

(a) by omitting from subsection (3) -

(i) "to the Regulations" and substituting "to this Part and the Regulations"; and

(ii) ", and that determination shall be final and conclusive"; and

(b) by adding at the end the following:

"(4) For the purpose of determining compensation under this section, a reference in a notice under section 32(2), or in the Regulations, to a panel appointed under section 33(1) shall be taken to be a reference to the person appointed under subsection (2)."

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6. NEW SECTION

The Principal Act is amended by inserting after section 34 the following:

"34AA. REVIEW OF PANEL'S DETERMINATION OF COMPENSATION

"(1) Where compensation for stock is determined as provided by section 33 or 34 and the owner of the stock or the Minister considers that the compensation determined is not in accordance with this Part or the Regulations, the owner or the Minister may, not later than 7 days after receiving notification of the panel's determination, by notice in writing to the Chief Inspector, request a review of the panel's determination.

"(2) Subject to this section, the Chief Inspector shall, in consultation with the owner of the stock, select a person to review the determination of compensation.

"(3) Where, within 7 days of receiving a request under subsection (1), the Chief Inspector and the owner of the stock fail to agree as to who is to be appointed to review the panel's determination, the Chief Inspector shall forward the request to the President of the N.T. Cattlemen's Association who shall, as soon as practicable after receiving the request, subject to this section, appoint a person to review the determination of compensation.

"(4) A person shall not be appointed to review a determination under this section unless he or she -

- (a) has knowledge of, and experience in, the pastoral industry and the current stock values relevant to the stock; and
- (b) does not have any pecuniary interest (other than by way of a fee or commission for the person's selection) in or in relation to the stock.

"(5) A person appointed under this section shall, subject to this Part and the Regulations, confirm or vary the compensation the subject of the review, and such confirmation or variation of the compensation shall, subject to section 47A, be final and conclusive.

"(6) For the purpose of the conduct of a review under this section, a reference in a notice under section 32(2), or in the Regulations, to a panel appointed under section 33(1) shall be taken to be a reference to a person appointed under this section."

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7. REGULATORY OFFENCES

Section 43A of the Principal Act is amended -

(a) by omitting "An offence" and substituting
"(1) An offence"; and

(b) by adding at the end the following:

"(2) The Regulations may designate an offence against the Regulations to be a regulatory offence."

8. NEW SECTION

The Principal Act is amended by inserting after section 43B the following:

"43C. INFRINGEMENT OFFENCES AND NOTICES

"(1) An inspector may serve an infringement notice on a person if it appears to the inspector that the person has committed an offence against this Act or the Regulations, being an offence prescribed as an infringement offence.

"(2) An infringement notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may, within the time and to the person specified in the notice, pay the prescribed penalty for the alleged offence.

"(3) If the person served with an infringement notice pays the prescribed penalty for the alleged offence, the person is not liable to any further proceedings for the alleged offence.

"(4) Payment under this section is not to be regarded as an admission of liability for the purposes of, nor in any way to affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.

"(5) Subject to this section, Division 2A of Part IV of the *Justices Act* applies to an infringement notice under this section as if this section is a prescribed provision for the purposes of the definition of 'infringement notice' in section 60A of that Act."

9. REGULATIONS

Section 48(1) of the Principal Act is amended by omitting paragraphs (a) and (b) and substituting the following:

"(a) regulating or prohibiting, whether absolutely or conditionally, the feeding of a foodstuff or a class of foodstuff to stock and the sale and

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supply of the foodstuff or class of foodstuff, including the form and content of labels and invoices;".

10. SAVINGS

A notice in respect of the prescribed diseases of Brucellosis or Tuberculosis under section 27(1) or (2) of the Principal Act as in force immediately before the commencement of this Act shall continue in force as if the notice were a notice under section 27(1) or (2) of the Principal Act as amended by this Act, and may be varied, amended or revoked as if it were such a notice.
