

NORTHERN TERRITORY OF AUSTRALIA
STOCK DISEASES AMENDMENT ACT 1989

No. 80 of 1989

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. New Part:

"PART VA - DISEASE CONTROL PROGRAMME

- "28. DECLARATION OF DISEASE CONTROL PROGRAMME
- "29. POWERS OF CHIEF INSPECTOR UNDER DECLARED PROGRAMME
- "30. COSTS MAY BE RECOVERED
- "31. MONEY TO BE PAID TO OWNER OF SLAUGHTERED STOCK
- "32. COMPENSATION FOR DESTROYED STOCK
- "33. VALUATION PANEL
- "34. DETERMINATION OF COMPENSATION ON FAILURE OF PANEL TO AGREE
- "34A. CLAIM FOR COMPENSATION"

5. Powers of an inspector
6. Regulatory offences
7. New section:

"43B. CONTINUING OFFENCES"

8. New section:

"47A. ACQUISITION TO BE ON JUST TERMS"

9. Regulations
10. Further amendments

SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

No. 80 of 1989

AN ACT

to amend the *Stock Diseases Act*

[Assented to 22 December 1989]

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* 1989.

2. COMMENCEMENT

This Act shall, or shall be deemed to have, come into operation on 1 January 1990.

3. PRINCIPAL ACT

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

4. NEW PART

The Principal Act is amended by inserting after Part V the following:

"PART VA - DISEASE CONTROL PROGRAMME

"28. DECLARATION OF DISEASE CONTROL PROGRAMME

"(1) The Minister may, by notice in the *Gazette*, declare a programme to control, eradicate or prevent the spread of, a prescribed disease to be a disease control programme for the purposes of this Part.

Stock Diseases Amendment

"(2) A notice under subsection (1) shall specify -

- (a) the prescribed disease; and
- (b) the species or class of stock to which the disease control programme applies.

"(3) The Minister may, in a notice under subsection (1), or, from time to time by notice in the *Gazette*, specify a test to be used to determine whether stock of a species or class specified in a notice under subsection (1) are infected with a prescribed disease specified in that notice.

"29. POWERS OF CHIEF INSPECTOR UNDER DECLARED PROGRAMME

"(1) In addition to any other powers which the Chief Inspector has under this Act, the Chief Inspector may, at any time, for the purposes of a disease control programme declared under section 28 and in respect of a species or class of stock specified in a notice declaring a disease control programme under that section -

- (a) order the owner, or a person in charge or apparently in charge, of stock, including travelling stock, to -
 - (i) muster the stock for the purpose of testing, inspecting or treating the stock;
 - (ii) test the stock using a test specified in a notice under section 28;
 - (iii) erect or maintain facilities to be used for testing the stock;
 - (iv) erect, repair or maintain fences or other structures or barriers, to ensure the stock are contained within an area bounded by the fences, structures or barriers;
 - (v) produce any documents or papers in the possession of the owner or person relating to the stock;
 - (vi) move or restrict the movement of the stock;
 - (vii) move the stock to an abattoir for the purpose of having the stock slaughtered at the abattoir;
 - (viii) mark, brand or affix tags to the stock for the purpose of identifying the stock; or
 - (ix) destroy the stock;

Stock Diseases Amendment

- (b) order the owner of land, on which have been depastured any stock to disinfect the land and any buildings, yards, pens or fittings on the land;
- (c) order the owner or person in charge of any yard, pen, enclosure, place or building on or in which have been any stock, to disinfect the yard, pen, enclosure, place or building, together with any fittings;
- (d) order the owner or any person in possession of any fodder or fitting, or the carcass or dung of stock, to treat or destroy it;
- (e) muster or cause to be mustered any stock for the purpose of testing, inspecting or treating the stock;
- (f) test or cause to be tested any stock using a test specified in a notice under section 28;
- (g) move or cause to be moved, or restrict or cause to be restricted the movement of, any stock;
- (h) move or cause to be moved any stock to an abattoir for the purpose of having the stock slaughtered at the abattoir;
- (j) mark, brand or affix tags to, or cause to be marked, branded or to have tags affixed to, any stock for the purpose of identifying the stock; or
- (k) destroy or cause to be destroyed any stock.

"(2) For the purposes of subsection (1), the Chief Inspector may, on giving an order under that subsection, give such directions as the Chief Inspector thinks fit to or in relation to the carrying out of that order by the person to whom it is given.

"(3) A person to whom an order under subsection (1) is given shall comply with, and not contravene -

- (a) the order; or
- (b) any directions given under subsection (2).

Penalty: \$ 10,000.

"30. COSTS MAY BE RECOVERED

"Where, in pursuance of section 29, expenses are incurred by the Chief Inspector in the exercise of a power under that section, those expenses shall, unless the Minister otherwise directs, be met by the owner of the stock in respect of which the power was exercised, and

Stock Diseases Amendment

those expenses shall be a debt due and payable to the Territory by the owner of the stock.

"31. MONEY TO BE PAID TO OWNER OF SLAUGHTERED STOCK

"(1) Notwithstanding anything to the contrary in this Act, but subject to section 30, where, in pursuance of section 29, stock are slaughtered at an abattoir any money payable on the sale of the stock for slaughter shall be paid to the owner of the stock.

"(2) Where compensation, as determined under this Part, is paid to the owner of stock, the compensation shall be reduced by the amount, if any, paid to the owner of the stock under subsection (1).

"32. COMPENSATION FOR DESTROYED STOCK

"(1) Where, in pursuance of section 29, stock are destroyed, the owner of the stock shall be paid compensation for the stock as determined -

- (a) in respect of stock referred to in subsection (2), by the Minister; or
- (b) in any other case, as provided by section 33 or 34.

"(2) For the purposes of subsection (2)(a), the Minister shall, from time to time by notice in the Gazette, determine compensation in respect of -

- (a) buffalo;
- (b) stock which have reacted to a test of a type specified in a notice under section 28; and
- (c) unmustered stock.

"33. VALUATION PANEL

"(1) The Chief Inspector shall, for the purpose of determining compensation for stock (other than stock referred to in section 32(2)), appoint a panel in accordance with subsection (2).

"(2) A panel referred to in subsection (1) shall be constituted by 3 members of whom, subject to subsection (3) -

- (a) one shall be a person who has -
 - (i) experience in valuing stock; and
 - (ii) a knowledge of current stock values relevant to the stock for which compensation is to be determined by the panel;

Stock Diseases Amendment

- (b) one shall be a person nominated by the owner of the stock; and
- (c) one shall be a person who has knowledge of, and experience in, the pastoral industry.

"(3) A person shall not be appointed to a panel by reference to subsection (2)(a) or (c) if the person, or the person's employer, if any, has any pecuniary interest, (other than by way of a fee or commission for the person's membership of the panel) in or in relation to the stock for which compensation is to be determined by the panel.

"(4) Subject to this Part and the Regulations, the procedure for determining compensation for stock by a panel appointed under subsection (1) shall be as is agreed by the members of the panel.

"(5) Any decision of a panel appointed under subsection (1), including a determination of compensation for stock, shall be by a majority of the members appointed to the panel.

"34. DETERMINATION OF COMPENSATION ON FAILURE OF PANEL TO AGREE

"(1) Where a majority of the members of a panel appointed under section 33(1) are unable to agree on compensation for any stock, they shall notify the Chief Inspector.

"(2) The Chief Inspector, on being notified under subsection (1), shall appoint a person who has a knowledge of, and experience in, the pastoral industry, and who is generally held in high regard by members of that industry, to determine compensation for the stock.

"(3) A person appointed under subsection (2) shall, subject to the Regulations, determine compensation for the stock, and that determination shall be final and conclusive.

"34A. CLAIM FOR COMPENSATION

"(1) The owner of stock destroyed under section 29 may, not later than 60 days after the stock are destroyed, apply in writing to the Chief Inspector for compensation for the stock.

"(2) An application under subsection (1) shall be in a form approved by the Chief Inspector.

"(3) The Chief Inspector, on receiving an application for compensation under this section, shall, subject to this Part, pay to the owner of the stock compensation as determined under this Part."

Stock Diseases Amendment

5. POWERS OF AN INSPECTOR

Section 42(1) of the Principal Act is amended -

- (a) by omitting from paragraph (a) "for the purpose of inspecting," and substituting "for the purpose of inspecting, testing, destroying,"; and
- (b) by omitting paragraph (y) and substituting the following:
 - "(y) if the inspector has reasonable cause to believe that any stock are suffering unduly, whether as a result of disease, injury, neglect, drought or other cause -
 - (i) destroy the stock, or take any other action that the inspector thinks fit; or
 - (ii) order the owner, or the person in charge, of the stock to destroy the stock, or to take any other action that the inspector thinks fit and so orders,

including but not limited to the provision of food, water, shelter or treatment to alleviate the suffering of the stock."

6. REGULATORY OFFENCES

Section 43A of the Principal Act is amended by omitting "26" and substituting "26, 29".

7. NEW SECTION

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

"43B. CONTINUING OFFENCES

"Where a court, on convicting a person of an offence against a provision of this Act, is satisfied that the person has continued in breach of, or has not complied with, as the case may be, that provision after the date on which the offence was committed, the court may impose, in addition to the penalty specified in the provision, a further penalty, not exceeding \$1,000 for each day, after the first day, during which the offence continues."

Stock Diseases Amendment

8. NEW SECTION

The Principal Act is amended by inserting after section 47 the following:

"47A. ACQUISITION TO BE ON JUST TERMS

"Where the application of a provision of this Act (whether enacted before or after the commencement of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth) would, but for this section, result in an acquisition of property otherwise than on just terms, the person from whom the property is acquired shall be entitled to receive just compensation for the acquisition and a court of competent jurisdiction may determine the amount of the compensation or make such order as, in its opinion, is necessary to ensure that the acquisition is on just terms."

9. REGULATIONS

Section 48(1) of the Principal Act is amended by inserting after paragraph (ea) the following:

"(eb) prescribing procedures and principles for and in relation to determining compensation for stock under Part VA;"

10. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

Stock Diseases Amendment

SCHEDULE

Section 10

AMENDMENTS

Provision	Amendment	
	omit	substitute
Section 10	"Chief Inspector" (twice occurring)	"Minister or the Chief Inspector"
Section 13	"\$600"	"\$50,000"
Section 14	"\$600"	"\$10,000"
Sections 16, 20, 21 and 22	"\$600"	"\$5,000"
Section 18	"\$600"	"\$20,000"
Sections 22C, 22E, 26 and 38	"\$400"	"\$5,000"
Sections 22G and 23	"\$400"	"\$20,000"
Section 24	"\$100"	"\$5,000"
Section 27	"\$1,000 or imprisonment for 6 months"	"\$20,000"
Section 35	"\$200"	"\$10,000"
Sections 36(1) and (2)	"\$200"	"\$5,000"
Section 37	"\$400"	"\$10,000"
Sections 39 and 40	"\$200"	"\$10,000"
Section 48(1)(g)	"\$1,000"	"\$5,000"