

Serial 188
Stock Diseases Amendment Bill 2003
Dr Burns

**A BILL
for
AN ACT**

to amend the *Stock Diseases Act*

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NORTHERN TERRITORY OF AUSTRALIA
STOCK DISEASES AMENDMENT ACT 2003

No. of 2003

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SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

No. of 2003

AN ACT

to amend the *Stock Diseases Act*

[Assented to 2003]
[Second reading, 2003]

16 OCTOBER

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Stock Diseases Amendment Act 2003*.

2. Commencement

The provisions of this Act come into operation on the date, or respective dates, 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. New section

The Principal Act is amended by inserting after section 2 the following:

"3. Objects

"The objects of this Act are –

- (a) to provide for the detection, prevention, control and eradication of diseases that affect stock;

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- (b) to safeguard the health and welfare of stock;
- (c) to establish procedures to regulate the movement of stock and things associated with stock;
- (d) to protect and facilitate domestic and export trade in stock and animal products; and
- (e) to promote a sustainable livestock industry."

5. Interpretation

Section 5 of the Principal Act is amended –

- (a) by inserting before the definition of "carcass" in subsection (1) the following:

" 'animal pathogen' means a prion, virus, rickettsia, bacterium, protozoon, fungus, helminth, arthropod, insect or other pathogen or organism that is capable of causing a disease in stock;

'animal product' includes the following:

- (a) the carcass or a portion of the carcass of stock;
 - (b) the meat, blood, hide, skin, wool, hair, feathers, beaks, horns, antlers, hooves, feet or offal of stock;
 - (c) fat, milk, whey, cream, butter, cheese, eggs or other food or foodstuffs derived from stock;
 - (d) the semen, ova or embryo of stock;
 - (e) the secretions or excretions, including manure and other wastes, from stock;
 - (f) honey or other products from honey bees;"
- (b) by omitting from the definition of "Chief Inspector" in subsection (1) "him" and substituting "the person by the Chief Inspector";
 - (c) by inserting after the definition of "domestic pet" in subsection (1) the following:

" 'emergency disease' means a prescribed disease declared under section 11B(2) to be an emergency disease;

'endemic disease' means a prescribed disease declared under section 11B(2) to be an endemic disease;"

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- (d) by inserting after the definition of "equipment" in subsection (1) the following:

" 'exotic disease' means a prescribed disease declared under section 11B(2) to be an exotic disease;"
- (e) by inserting after the definition of "meal" in subsection (1) the following:

" 'movement permit' means a movement permit issued under section 29B;"
- (f) by omitting from the definition of "owner" in subsection (1) "his" and substituting "the owner's";
- (g) by inserting after the definition of "owner" in subsection (1) the following:

" 'pigs' includes wild pigs;"
- (h) by omitting the definition of "prescribed disease" in subsection (1) and substituting the following:

" 'prescribed disease' means a prescribed disease declared under section 11B(1);"
- (i) by inserting after the definition of "sheep" in subsection (1) the following:

" 'standstill zone' means an area in respect of which a declaration under section 29A is in force;"
- (j) by omitting from the definition of "stock" in subsection (1) "swine" and substituting "pigs";
- (k) by omitting from subsection (1) the definition of "swine"; and
- (l) by inserting after the definition of "travelling stock" in subsection (1) the following:

" 'valuation panel' means a valuation panel appointed under section 33(1);"

6. New Part

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

"PART IIA – PRESCRIBED DISEASES

"11B. Declaration of prescribed diseases

"(1) The Minister may, by notice in the *Gazette*, declare any of the following to be a prescribed disease:

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- (a) a disease or condition;
- (b) an animal pathogen;
- (c) a chemical or substance that exceeds the maximum residue limit specified in the notice.

"(2) In a declaration of a prescribed disease, the Minister must declare whether the prescribed disease is an endemic disease, exotic disease or emergency disease.

"(3) If the Minister declares a prescribed disease to be an emergency disease, the declaration is to specify the following:

- (a) the persons who are required to give notice of the presence or suspected presence of the emergency disease and the circumstance in which notice is to be given;
- (b) that the persons required to give notice must do so within 24 hours of first becoming aware of the presence of the emergency disease or first suspecting its presence;
- (c) the person to whom notice of the presence or suspected presence of the emergency disease is to be given;
- (d) the maximum penalty that may be imposed under section 11D for a contravention of or non-compliance with the notification requirements.

"(4) The declaration may apply, adopt or incorporate (either wholly or in part or with or without modification) a standard, code, specification or other document as in force at a particular time or as in force from time to time.

"11C. Public information

"(1) The Minister may, by notice in a newspaper circulating in the Territory or by public broadcast in the Territory, publish a declaration of a prescribed disease or any information contained in the declaration.

"(2) The Chief Inspector must publish on the Internet a list of all prescribed diseases, specifying the endemic diseases, exotic diseases and emergency diseases.

"(3) The Chief Inspector must, without charge, make hard copies of the list of prescribed diseases available to the public.

"11D. Offence in connection with non-notification of emergency disease

"A person must comply with and not contravene the notification requirements imposed on the person by a declaration under section 11B.

Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

7. Offence to drive or move stock into, out of or within quarantine area

Section 13 of the Principal Act is amended –

(a) by omitting "shall" and substituting "must"; and

(b) by omitting "Penalty: \$50,000." and substituting the following:

"Penalty: If the offender is a natural person – 2 500 penalty units.

If the offender is a body corporate – 12 500 penalty units."

8. Repeal and substitution

Section 14 of the Principal Act is repealed and the following substituted:

"14. Offences in connection with quarantine area

"A person must not, without the written permission of an inspector –

(a) enter or leave a quarantine area;

(b) move or drive a vehicle into, out of or within a quarantine area; or

(c) move any fodder, equipment or animal product into, out of or within a quarantine area.

Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

9. Offences in connection with protected area

Section 18 of the Principal Act is amended –

(a) by omitting "shall" and substituting "must"; and

(b) by omitting "Penalty: \$20,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

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10. Movement of stock into or out of quarantine area

Section 20 of the Principal Act is amended –

- (a) by omitting "shall" and substituting "must"; and
- (b) by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.
If the offender is a body corporate – 2 500 penalty units."

11. Movement generally into or out of quarantine area

Section 21 of the Principal Act is amended –

- (a) by omitting "shall" and substituting "must";
- (b) by omitting from paragraph (a) "the carcass or dung of an animal" and substituting "any animal product"; and
- (c) by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.
If the offender is a body corporate – 2 500 penalty units."

12. Entry of specified stock into protected area

Section 22 of the Principal Act is amended –

- (a) by omitting "shall" and substituting "must"; and
- (b) by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.
If the offender is a body corporate – 2 500 penalty units."

13. Direction or order to be complied with

Section 22C of the Principal Act is amended –

- (a) by omitting "shall" and substituting "must";
- (b) by omitting from paragraph (a) "him or to an animal or thing of which he" and substituting "the person or to an animal or thing of which the person";
- (c) by omitting from paragraph (b) "him" and substituting "the person"; and

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- (d) by omitting "Penalty: \$5,000." and substituting the following:
"Penalty: If the offender is a natural person – 500 penalty units.
If the offender is a body corporate – 2 500 penalty units."

14. Offence to obstruct person carrying out disinfection or treatment

Section 22E of the Principal Act is amended –

- (a) by omitting "shall" and substituting "must"; and
(b) by omitting "Penalty: \$5,000." and substituting the following:
"Penalty: If the offender is a natural person – 500 penalty units.
If the offender is a body corporate – 2 500 penalty units."

15. Offence to drive or move animal into or out of restricted area

Section 22G of the Principal Act is amended –

- (a) by omitting "shall" and substituting "must"; and
(b) by omitting "Penalty: \$20,000." and substituting the following:
"Penalty: If the offender is a natural person – 2 500 penalty units.
If the offender is a body corporate – 12 500 penalty units."

16. Prohibition or restriction of importation of stock

Section 23 of the Principal Act is amended –

- (a) by omitting from subsection (1) "he" and substituting "the Minister";
(b) by omitting from subsection (2) "shall not import into the Territory" and substituting "must not import into the Territory or a part of the Territory"; and
(c) by omitting from subsection (2) "Penalty: \$20,000." and substituting the following:
"Penalty: If the offender is a natural person – 500 penalty units.
If the offender is a body corporate – 2 500 penalty units."

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17. Notice to be given and interstate health certificate obtained before stock imported

Section 24 of the Principal Act is amended –

- (a) by omitting "shall" and substituting "must";
- (b) by omitting from paragraph (a)(iii) and (v) "he" and substituting "the person"; and
- (c) by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.
If the offender is a body corporate – 500 penalty units."

18. Stock to enter Territory at appointed places

Section 26 of the Principal Act is amended –

- (a) by omitting "shall" and substituting "must"; and
- (b) by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.
If the offender is a body corporate – 2 500 penalty units."

19. Classification of holdings in respect of prescribed diseases

Section 27 of the Principal Act is amended –

- (a) by omitting from subsection (1A) "shall" and substituting "is to";
- (b) by omitting from subsection (4) "shall" and substituting "must"; and
- (c) by omitting from subsection (4) "Penalty: \$20,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.
If the offender is a body corporate – 2 500 penalty units."

20. New Division heading

Part VA of the Principal Act is amended by inserting after the heading the following:

"Division 1 – Declaration of disease control programme".

21. Declaration

Section 28 of the Principal Act is amended by omitting from subsection (2) all the words from and including "shall" to and including "disease;" and substituting the following:

"is to specify –

- (a) the prescribed disease and whether it is an endemic disease, exotic disease or emergency disease;"

22. Chief Inspector's powers

Section 29 of the Principal Act is amended –

- (a) by omitting from subsection (1)(a)(viii) "or" (second reference);
- (b) by omitting from subsection (1)(a)(ix) "stock;" and substituting "stock; or";
- (c) by adding at the end of subsection (1)(a) the following:
 - "(x) treat or vaccinate the stock;"
- (d) by inserting after subsection (1)(c) the following:
 - "(ca) if the disease control programme relates to an emergency disease – order the owner referred to in paragraph (b) or the owner or person referred to in paragraph (c) to destroy any building, yard, pen, enclosure, place or equipment;"
- (e) by omitting from subsection (1)(d) "fodder or equipment, or the carcass or dung of stock," and substituting "fodder, equipment or animal product";
- (f) by omitting from subsection (1)(k) "or" (second reference);
- (g) by inserting after subsection (1)(k) the following:
 - "(l) if the disease control programme relates to an emergency disease – destroy or cause to be destroyed any building, yard, pen, enclosure, place, equipment or animal product; or";
- (h) by omitting from subsection (3) "shall" and substituting "must";

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- (i) by omitting from subsection (3) "Penalty: \$10,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.
If the offender is a body corporate – 2 500 penalty units.";
and

- (j) by omitting from subsection (4) "he" and "shall, for the purposes of this Act, be" and substituting "he or she" and "is, for the purposes of this Act," respectively.

23. New Division

The Principal Act is amended by inserting after section 29 the following:

"Division 2 – Declaration of standstill zone

"29A. Declaration

"(1) For the purposes of a disease control programme that relates to an emergency disease, the Minister may, by notice in the *Gazette*, declare an area to be a standstill zone if the Minister is satisfied –

- (a) the emergency disease is or may be present in the area; or
- (b) there is a real possibility the emergency disease may be introduced into the area.

"(2) The declaration of a standstill zone is to –

- (a) specify the emergency disease in respect of which the declaration is made;
- (b) describe the area of land to which the declaration applies; and
- (c) state that while the declaration is in force, all movement within or out of the standstill zone of a thing specified in the declaration is prohibited except in accordance with a movement permit.

"(3) The declaration of a standstill zone may apply in relation to any of the following:

- (a) the species or class of stock to which the declaration of the disease control programme applies, any other species or class of stock or all stock;
- (b) all animal products or a particular animal product;
- (c) any other thing or class of things.

"(4) The Minister must revoke the declaration of a standstill zone if the Minister is satisfied that the emergency disease is not present in, and is not likely to be introduced into, the standstill zone.

"29B. Movement permits

"(1) The Chief Inspector may regulate the movement of any stock, animal product or other thing to which a declaration of a standstill zone applies by issuing a movement permit to the owner or person in charge of the stock, animal product or thing, specifying the movement that is permitted.

"(2) The Regulations may prescribe the matters that may be specified in a movement permit and may provide for any other matter relevant to the issuing, variation or revocation of a movement permit.

"29C. Offences in connection with standstill zone

"(1) A person must not, except in accordance with a movement permit, move stock, an animal product or other thing to which a declaration of a standstill zone applies –

- (a) from a holding, premises or other place within the standstill zone to any other place within or outside the standstill zone; or
- (b) from any place outside the standstill zone into the standstill zone.

Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units.

"(2) While a movement permit is in force, subsection (1) applies in relation to the movement of the stock, animal product or other thing specified in the permit –

- (a) to the exclusion of any provision of this Act or the Regulations; and
- (b) to the exclusion of any order or permission given under this Act,

that is inconsistent with the movement permit.

"Division 3 – Expenses and compensation

"29D. Interpretation

"In this Division, a reference to stock that are destroyed includes a reference to stock that are slaughtered at an abattoir."

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24. Compensation payable

Section 32 of the Principal Act is amended –

- (a) by omitting from subsection (1)(b) "33 or 34" and substituting "33, 34 or 34AA"; and
- (b) by adding at the end the following:
 - "(3) If –
 - (a) stock infected with an emergency disease are destroyed in pursuance of section 29; and
 - (b) the cost of replacing the stock will be more than the amount of compensation determined under section 33, 34 or 34AA (as applicable),

the Minister may approve the payment of additional compensation of an amount equal to the difference between the amount of compensation determined under the applicable section and the cost of replacing the stock.

"(4) Compensation is payable to the owner of stock that are certified by a veterinary officer employed as such by the Government of any State or Territory of the Commonwealth –

- (a) as having died during the occurrence of an emergency disease; and
- (b) as having been, at the time of their death, in a quarantine area, restricted area or standstill zone in relation to the emergency disease or as having been sent to an abattoir directly from such an area or zone.

"(5) Compensation is payable to the owner of an animal product or other thing destroyed or rendered unfit for use in pursuance of section 29 for the purposes of a disease control programme relating to an emergency disease."

25. New section

The Principal Act is amended by inserting after section 32 the following:

"32A. When compensation not payable

"(1) The owner of stock, an animal product or other thing destroyed in pursuance of section 29 is not entitled to compensation for the stock, animal product or thing if –

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- (a) the Chief Inspector is satisfied –
 - (i) the destruction was necessary because of an act or omission of the owner; and
 - (ii) the act or omission caused or contributed to, or was likely to cause or contribute to, the spread of a prescribed disease; and
- (b) the owner is found guilty of an offence against this Act arising from or in connection with the act or omission.

"(2) A person is not entitled to compensation for loss as a result of the presence of an emergency disease if the person is found guilty of an offence against section 11D in relation to that emergency disease.

"(3) A person is not entitled to compensation for loss as a result of stock being infected with an endemic disease or exotic disease if the person is found guilty of an offence against section 35 or 36 in relation to that disease.

"(4) A person is not entitled to compensation for –

- (a) loss of profit or production;
- (b) loss as a result of a breach of a contract or another consequential loss; or
- (c) any other loss for which compensation is not expressly provided by this Act or the Regulations."

26. Repeal and substitution

The Principal Act is amended by repealing sections 33, 34 and 34AA and substituting the following:

"33. Valuation panel to determine applications for compensation

- "(1) An application for compensation –
 - (a) made under section 34A in relation to the destruction of stock other than stock referred to in section 32(2); or
 - (b) made under section 34AB,

is to be determined by a valuation panel appointed by the Chief Inspector in accordance with this section.

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"(2) The valuation panel is to be constituted by –

- (a) a person who has valuation experience, and a knowledge of current values, relevant to the stock, animal product or other thing to which the application relates;
- (b) a person nominated by the owner of the stock, animal product or other thing to which the application relates; and
- (c) a person who has a knowledge of and experience in the pastoral industry.

"(3) A person to whom subsection (2)(a) or (c) applies is not to be appointed to the valuation panel if the person or the person's employer (if any) has a pecuniary interest in relation to the stock, animal product or other thing to which the application relates.

"(4) Subject to this Division and the Regulations, the procedure for determining the application is to be as agreed by the members of the valuation panel.

"(5) A decision of the valuation panel, including a determination of the compensation payable to the applicant or a determination that the applicant is not entitled to compensation, is to be by a majority of the members.

"(6) A reference in subsection (3) to a pecuniary interest does not include a fee or commission payable for membership of the valuation panel.

"34. Determination if valuation panel fails to agree

"(1) If a majority of members of a valuation panel fail to agree on the determination of an application for compensation, they must notify the Chief Inspector.

"(2) Following notification of the valuation panel's failure to agree, the Chief Inspector must 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 the industry, to determine the application.

"(3) The person appointed to determine the application must do so in accordance with this Division and the Regulations.

"(4) The prescribed procedures and principles that apply in relation to a valuation panel's determination of an application under section 33 also apply in relation to the determination of an application by a person appointed under this section.

"34AA. Review of determination

"(1) If an application for compensation is determined under section 33 or 34 and the Minister or applicant considers the determination is not in accordance with this Division or the Regulations, the Minister or applicant may request a review of the determination.

"(2) The request is to be made in writing to the Chief Inspector not later than 7 days after notice of the determination is received.

"(3) The Chief Inspector must consult with the applicant in selecting a person to review the determination and, if agreement is reached within 7 days after receipt of the request, the Chief Inspector must appoint the selected person to conduct the review.

"(4) If the Chief Inspector and the applicant fail to reach agreement under subsection (3), the Chief Inspector must forward the request to the President of the N.T. Cattlemen's Association who must, as soon as practicable, appoint a person to conduct the review.

"(5) A person is not to be appointed to review the determination unless the person –

- (a) has knowledge of and experience in the pastoral industry and a knowledge of current values relevant to the stock, animal product or other thing to which the determination relates; and
- (b) has no pecuniary interest in relation to that stock, animal product or other thing.

"(6) The person appointed to review the determination may confirm or vary the determination in accordance with this Division and the Regulations and that confirmation or variation is, subject to section 47A, a final and conclusive determination of the application for compensation.

"(7) A reference in subsection (5)(b) to a pecuniary interest does not include a fee or commission payable for reviewing the determination.

"(8) The prescribed procedures and principles that apply in relation to a valuation panel's determination of an application under section 33 also apply in relation to the determination of an application by a person appointed under this section."

27. Claim for compensation for destroyed stock

Section 34A of the Principal Act is amended –

- (a) by omitting from subsection (1) "destroyed under" and substituting "destroyed in pursuance of";

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- (b) by omitting from subsection (2) "shall" and substituting "is to"; and
- (c) by omitting from subsection (3) "shall" and "Part" (all references) and substituting "must" and "Division" respectively.

28. New section

The Principal Act is amended by inserting after section 34A in Part VA the following:

"34AB. Compensation for destroyed or damaged property

"(1) The owner of an animal product or other thing destroyed or rendered unfit for use in pursuance of section 29 for the purposes of a disease control programme relating to an emergency disease, may apply for compensation for the loss suffered by the owner.

"(2) The application is to be made to the Chief Inspector, in a form approved by the Chief Inspector, not later than 60 days after the loss.

"(3) The amount of compensation payable under this section is the market value of the animal product or other thing immediately before it was destroyed or rendered unfit for use, as determined under this Division."

29. Repeal and substitution

Sections 34B, 35 and 36 of the Principal Act are repealed and the following substituted:

"34B. Pig swill

"(1) A person in charge of pigs must not –

- (a) feed swill to the pigs or permit another person to feed swill to the pigs; or
- (b) keep swill on the holding where the pigs are kept.

Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units.

"(2) A person in charge of pigs must take all reasonable steps to prevent the pigs from having access to swill.

Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units.

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"(3) The Chief Inspector may, by written notice, order a person in charge of pigs to take one or both of the following actions:

- (a) treat food scraps in a specified manner to avoid the unintentional feeding of swill to the pigs;
- (b) take specified action to exclude feral pigs from places where there are food scraps.

"(4) A person must not supply swill to another person if the supplier intends the swill to be fed to pigs or knows that the other person intends to feed the swill to pigs.

Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units.

"(5) In this section –

'supply' includes sell and exchange;

'swill' means material originating from a placental mammal or poultry or which has come into contact with material originating from a placental mammal or poultry, but does not include any of the following:

- (a) mammalian material or poultry material that has been rendered in accordance with the Australian Standard for the Hygienic Rendering of Animal Products AS 5008:2001 as in force from time to time;
- (b) mammalian material or poultry material that is derived from a commercial product that has been cooked to an internal temperature of 70 degrees centigrade for a minimum of 30 minutes;
- (c) milk or milk by-products originating from a farm, place or area of milk production that is approved by notice in the *Gazette* by the Chief Inspector.

"35. Notice of travelling stock infected with endemic or exotic disease

"(1) A person in charge of travelling stock must notify an inspector immediately if the person knows or has reason to suspect that any of the

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travelling stock are infected with an endemic disease or exotic disease.

Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units.

"(2) It is a defence to a prosecution for an offence against subsection (1) if the person charged with the offence proves that, within a period of 2 days immediately preceding the date of the alleged offence, there was no reason to suspect the travelling stock were infected with an endemic disease or exotic disease.

"36. Notice of stock infected with endemic or exotic disease

"(1) An owner of land on which stock are depastured must notify an inspector immediately if the owner knows or has reason to suspect that any of the stock are infected with an endemic disease or exotic disease.

Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units.

"(2) A person in charge of stock that are depastured on land must, as soon as practicable, notify an inspector if the person knows or has reason to suspect that any of the stock are infected with an endemic disease or exotic disease.

Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units.

"(3) It is a defence to a prosecution for an offence against subsection (1) or (2) if the person charged with the offence proves that, within a period of 7 days immediately preceding the date of the alleged offence, there was no reason to suspect the stock were infected with an endemic disease or exotic disease.

"(4) A person is not required to notify an inspector under this section if the person knows that another person required by this Act to notify the inspector has already done so.

"36A. Notice by veterinarian of stock infected with endemic or exotic disease

"(1) A registered veterinarian (within the meaning of the *Veterinarians Act*) must notify an inspector immediately if the veterinarian knows or has reason to suspect that any stock or travelling stock are infected with an endemic disease

or exotic disease.

Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units.

"(2) A registered veterinarian is not required to notify an inspector under this section if the veterinarian knows that another person required by this Act to notify the inspector has already done so."

30. Repeal and substitution

Section 37 of the Principal Act is repealed and the following substituted:

"37. Offence to sell or offer for sale infected stock etc.

"A person must not, except with the written approval of the Chief Inspector and in accordance with any conditions specified in that approval, sell or offer for sale –

- (a) stock that are infected; or
- (b) an animal product obtained from stock that is, or before its death was, infected.

Penalty: If the offender is a natural person – 2 500 penalty units.

If the offender is a body corporate – 12 500 penalty units."

31. Owner etc. to comply with notice requiring stock to be dipped

Section 38 of the Principal Act is amended –

- (a) by omitting "shall" and substituting "must"; and
- (b) by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

32. No obstruction of officers

Section 39 of the Principal Act is amended –

- (a) by omitting "shall" and substituting "must"; and

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- (b) by omitting "Penalty: \$10,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.
If the offender is a body corporate – 500 penalty units."

33. Person must comply with requirements of inspector's order

Section 40 of the Principal Act is amended –

- (a) by omitting "shall not fail to" and substituting "must"; and
(b) by omitting "Penalty: \$10,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.
If the offender is a body corporate – 500 penalty units."

34. Prohibition or restriction of use of specified substances

Section 41A of the Principal Act is amended –

- (a) by omitting from subsection (2) "shall" and substituting "must"; and
(b) by omitting "Penalty: \$10,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.
If the offender is a body corporate – 500 penalty units."

35. Powers of inspectors

Section 42 of the Principal Act is amended –

- (a) by omitting from subsection (1)(aa) "carcass, dung" and substituting "animal product";
(b) by omitting from subsection (1)(ba) "fodder, carcass or dung" and substituting "fodder or animal product";
(c) by omitting from subsection (1)(c) and (d) "fodder or equipment, or the carcass or dung of an animal," and "he" and substituting "fodder, equipment or animal product" and "the inspector" respectively;
(d) by omitting from subsection (1)(f) "him" and substituting "the person";
(e) by omitting from subsection (1)(f)(i) "container or equipment, or to the carcass or dung of an animal," and substituting "container, equipment or animal product";

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- (f) by omitting from subsection (1)(f)(ii) "container, carcass or dung" and substituting "container or animal product";
- (g) by omitting from subsection (1)(g) "stock" (all references) and substituting "stock or animal products";
- (h) by omitting from subsection (1)(h) "he" and "him" and substituting "the inspector" and "him or her" respectively;
- (i) by omitting from subsection (1)(i) "he" and substituting "the inspector";
- (j) by omitting from subsection (1)(p) and (q) "fodder or equipment, or the carcass or dung of an animal," and substituting "fodder, equipment or animal product";
- (k) by omitting from subsection (2) "he shall" and substituting "the inspector must";
- (l) by inserting after subsection (3) the following:

"(3A) For the control, eradication or prevention of an emergency disease, the Chief Inspector may –

- (a) order the owner or person in charge referred to in subsection (1)(m) or (n) to destroy, in the manner and within the time specified by the Chief Inspector, any building, yard, pen, enclosure, place or equipment referred to in those subsections; and
- (b) order the person in charge referred to in subsection (1)(q) to destroy, in the manner and within the time specified by the Chief Inspector, a vehicle, vessel or aircraft and its fittings referred to in that subsection."; and
- (m) by omitting from subsections (5)(a) and (6) "equipment, carcass or dung" (all references) and substituting "equipment or animal product".

36. New section

The Principal Act is amended by inserting after section 45 the following:

"46. No review of decision relating to emergency disease

"(1) If the Chief Inspector makes a decision for the purpose of controlling, eradicating or preventing the spread of an emergency disease, that decision –

- (a) is final and conclusive;

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- (b) is not to be challenged, appealed against, reviewed, quashed or called into question in any court; and
- (c) is not subject to prohibition, mandamus, injunction, declaration or certiorari in any court on any ground.

"(2) Without limiting subsection (1), the making of a decision referred to in that subsection includes any of the following:

- (a) making an order;
- (b) giving a direction;
- (c) issuing or varying a movement permit under Part VA, Division 2;
- (d) destroying stock or any other thing, or causing that destruction;
- (e) failing to make a decision or take an action.

"46A. Testing for emergency disease

"(1) The Chief Inspector may, on application in writing by the owner or person in charge of a veterinary diagnostic laboratory, approve the laboratory for the purposes of this section.

"(2) A person must not test, analyse or undertake any diagnostic examination of a sample or specimen taken from stock or an animal product to determine whether it is infected with an emergency disease other than at an approved veterinary diagnostic laboratory.

Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

"(3) A person must not submit a sample or specimen taken from stock or an animal product to another person for the other person to test, analyse or undertake a diagnostic examination of the sample or specimen to determine whether it is infected with an emergency disease unless the other person is to undertake the test, analysis or examination at an approved veterinary diagnostic laboratory.

Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

"(4) The owner or person in charge of an approved veterinary diagnostic laboratory must ensure that –

- (a) only approved tests are used for the detection of an emergency disease;

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- (b) all analysis or diagnostic examination of a sample or specimen is carried out in accordance with approved standards; and
- (c) the approved records are kept and submitted to the Chief Inspector in the approved time and approved manner.

"(5) The owner or person in charge of an approved veterinary diagnostic laboratory must –

- (a) ensure that the facilities and operational practices used in the laboratory comply with any approved standards of accreditation; and
- (b) comply with written directions of the Chief Inspector for persons to take part in a programme to assess the proficiency of the facilities and operational practices used in the laboratory (including taking part jointly or collaboratively with persons from any other approved veterinary diagnostic laboratory).

"(6) Anything required by this section to be approved is to be approved by the Chief Inspector by notice in the *Gazette*.

"(7) In this section –

'biological preparations' means any of the following:

- (a) products prepared in any manner from animal tissue (including blood, lymph or glandular secretion), or produced in any manner by the agency of any microscopic or ultramicroscopic organisms or ferments, that are –
 - (i) used for or in relation to the diagnosis, prevention, alleviation or cure of a disease or abnormal conditions in stock; or
 - (ii) used in stock production to promote growth or to change the physiological state of stock;
- (b) synthetic compounds identical with or closely related to the products referred to in paragraph (a) and having or alleged to have comparable uses;
- (c) substances prescribed by the Regulations to be biological preparations;

'test' does not include a test referred to in section 25(b), 28(3), 42(1)(g) or 48(1)(c);

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'veterinary diagnostic laboratory' means premises used for any of the following purposes:

- (a) the manufacture of biological preparations;
- (b) the pathological examination of sick or infected stock or stock suspected of being infected or of animal products;
- (c) the examination of stock for internal or external parasites;
- (d) the analysis of toxic substances that may affect stock;
- (e) the testing or use of animal pathogens or biological preparations;
- (f) the examination or testing of specimens from stock or from animal products or for the storage or processing of such specimens."

37. New section

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

"47B. Protection from liability

"(1) This section applies to a person who is or has been –

- (a) the Chief Executive Officer of the Agency administering this Act;
- (b) an inspector; or
- (c) a person assisting an inspector under section 42.

"(2) The person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.

"(3) Subsection (2) does not affect any liability the Territory would, apart from that subsection, have for the act or omission."

38. Regulations

Section 48 of the Principal Act is amended –

- (a) by inserting after subsection (1)(a) the following:
 - "(b) providing for the registration of bee hives;

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- (ba) providing for the labelling of animal products, whether in relation to the control of a prescribed disease or the provision of information about that animal product;"
- (b) by omitting from subsection (1)(e) "carcasses" and substituting "animal products";
- (c) by omitting from subsection (1)(eb) all the words after "principles" and substituting "applicable in relation to the determination of an application for compensation made under Part VA, Division 3";
- (d) by omitting subsection (1)(g) and substituting the following:
 - "(g) prescribing penalties for offences against the Regulations not exceeding 200 penalty units for a natural person and 1 000 penalty units for a body corporate."; and
- (e) by omitting from subsection (2) "authorized by him" (all references) and substituting "authorised by him or her".

39. Further amendments

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

40. Transitional provision

Section 32A(1) of the Principal Act as amended by this Act applies only in relation to compensation for stock, an animal product or other thing that is destroyed after the commencement of that subsection, whether the act or omission of the owner of the stock, animal product or other thing occurred before or after that commencement.

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SCHEDULE

Section 39

Provision	Amendment	
	omit	substitute
Section 7(2)	he	he or she
Section 8(1)(b)	his	
Section 9	(1) The his (all references) (2)	The his or her
Section 10(1)	his	his or her
Section 11(1)	he	he or she
Section 11(2)	shall perform such duties and functions as are imposed upon him by this Act and such other duties as he	must perform the duties and functions conferred on him or her by this Act and any other duties he or she
Section 12	he	the Minister
Section 15	shall	must
Section 16	the whole section	
Section 19	he	the Minister
Section 22A(1)	he	he or she
Section 31(2)	Part	Division
Section 43A(1)	16,	
Section 43B	\$1,000	1% of the specified penalty