

Serial 13
Livestock Bill 2008
Mr Vatskalis

A Bill for an Act relating to livestock and associated matters

NORTHERN TERRITORY OF AUSTRALIA

LIVESTOCK ACT 2008

Act No. [] of 2008

TABLE OF PROVISIONS

Part 1	Preliminary matters	
1	Short title	1
2	Commencement	1
3	Object	1
4	Definitions	2
5	Livestock	7
6	Application of Criminal Code	8
7	Act binds Crown	8
Part 2	Identification of livestock, properties and other things	
Division 1	Brands and earmarks	
8	Prescription of livestock for this Division.....	8
9	Registration of 3-letter brand, symbol brand and earmark.....	8
10	Limit on number of brands to be registered for property	8
11	Transfer of registered 3-letter brand	9
12	Cancellation of registration, substitution and re-registration	9
13	Registration of symbol brand for Chief Inspector.....	9
14	Brands for public pounds	9
Division 2	Identification of properties and other things	
15	System for identifying certain properties.....	9
16	Approval of identification devices and marks.....	10
Part 3	Travelling livestock and stray livestock	
Division 1	Prescribed imported livestock	
17	Prescribed imported livestock and health certificate.....	10
18	Notice of restrictions	10
19	No purchase without health certificate.....	11

Division 2	Prescribed travelling livestock	
20	Prescribed travelling livestock and waybill.....	11
21	No purchase without waybill	12
Division 3	Use of stock routes	
22	Closure of stock route.....	12
23	Prescribed rate of travel	13
24	Travelling livestock not to be left unattended.....	13
Division 4	Travelling livestock and stray livestock on or near properties	
25	Owner of property may examine travelling livestock.....	13
26	Notification of escape of travelling livestock	14
27	Owner may retrieve stray livestock from property.....	14
Division 5	Inspector's powers relating to travelling livestock	
28	Powers	15
Part 4	Disease control	
Division 1	Preliminary matters	
29	Infected livestock and other things	16
30	Declaration and classification of notifiable diseases.....	16
31	Publication of list of notifiable diseases	17
32	Approval of laboratories and tests	17
Division 2	General powers for investigation and protection	
33	Inspectors may investigate and destroy	18
34	Inspectors may mark or treat livestock and other things.....	18
35	Inspector may order destruction of carcasses	19
36	Chief Inspector may order erection or maintenance of facilities	19
37	Chief Inspector may order general protection measures	19
38	Chief inspector may order detention.....	19
39	Chief Inspector may seize and order destruction or removal.....	19
40	Order for destruction or disposal to minimise risk of disease.....	20
41	Offence to contravene order	20
Division 3	Quarantine orders	
42	Quarantine orders relating to land and other things.....	20
43	Quarantine orders relating to persons and vehicles	21
44	Period of quarantine order	21
45	Offence to contravene quarantine order	21

Division 4	Classification of properties	
46	Determination of classifications for properties	21
47	Classification of property	21
48	Restrictions and requirements for classified property	22
Division 5	Disease control programs	
49	Object of Division.....	22
50	Establishment of control program	22
51	Requirement for particular test	23
52	Approvals.....	23
53	Orders	23
54	Emergency disease: treatment or destruction of certain structures.....	25
55	Emergency disease: standstill zone declaration	26
56	Standstill zone movement permit.....	26
57	Reimbursement of expenses	27
Division 6	Declared areas	
58	Declaration	27
59	Restriction of movement.....	28
60	Destruction of abandoned or stray livestock.....	28
61	Offences relating to fences and gates	28
Division 7	Miscellaneous offences	
62	Emergency disease infection notice – owner.....	29
63	Endemic or exotic disease infection notice – owner	29
64	Notifiable disease infection notice – travelling livestock	30
65	Notifiable disease infection notice – veterinarian.....	30
66	Contact with animal pathogen	31
67	Sale of infected livestock or animal products.....	31
68	Misleading statement about disease status.....	31
Part 5	Compensation	
Division 1	Preliminary matters	
69	Destroyed livestock and destroyed things	32
Division 2	General entitlement to compensation and other money	
70	When compensation payable	32
71	Approval of additional compensation.....	33
72	When compensation not payable	33
73	Sale money to be paid to owner of slaughtered livestock.....	34

Division 3	Compensation for particular destroyed livestock	
74	Application of Division	34
75	Determination of amount of compensation	35
76	Application for compensation.....	35
Division 4	Compensation for other destroyed livestock and destroyed things	
77	Application of Division	35
78	Determination of amount of compensation	35
79	Application for compensation.....	36
80	Appointment of and determination by valuation panel	36
81	Determination by valuer if valuation panel cannot agree	37
82	Request for review of determination	37
83	Selection of valuation reviewer	37
84	Determination by valuation reviewer.....	38
85	Payment of compensation	38
Part 6	Administration and enforcement	
Division 1	Registrar and registers	
86	Office of Registrar.....	38
87	Registers to be kept and information to be provided	39
88	Inspections and copies of register and publication of information.....	39
89	Approval of documents and codes	39
Division 2	Chief Inspector and inspectors	
90	Appointment of Chief Inspector	40
91	Appointment of inspectors	40
92	Identity cards	40
Division 3	General powers and functions of inspectors	
93	Chief Inspector's powers and functions	41
94	Inspector's powers and functions	41
95	Chief Inspector may approve form of documents	41
96	Chief Inspector may require information or documents	41
97	Chief Inspector may give orders about seized things	42
98	Chief Inspector may restrict use of biological preparation and drugs	42
99	Inspector may authorise person to assist	42
100	Inspector may require name and address	42
101	Inspector may use reasonable force.....	43
102	Inspector may place notices on land	43
103	Inspector may muster livestock	44

Division 4	Inspector's powers of entry, search and seizure	
104	Entry of premises generally	44
105	Application for and issue of warrant.....	44
106	Effect and term of warrant	45
107	Powers on entry of premises	45
108	Powers of seizure following entry	47
109	Procedure generally following seizure	47
110	Retention of things seized if connected with offence	48
111	Seizure and destruction of wildlife requires approval.....	48
Division 5	Orders, notices and authorisations	
112	Giving orders	49
113	Action and recovery of expense if contravention of order.....	49
114	Authorisations.....	49
115	Orders and notices may apply other documents	50
Division 6	Miscellaneous matters	
116	Delegation by Minister or Chief Executive Officer.....	50
117	Protection from liability	50
Part 7	Review of decisions	
118	No review of certain decisions relating to emergency disease	51
119	Reviewable decisions of Registrar.....	51
120	Reviewable decisions of Chief Inspector	52
121	Reviewable decisions of inspectors.....	52
122	Notice of reviewable decision	52
123	Application for review	53
124	Review by Chief Executive Officer.....	53
125	Appeal against decision of Chief Executive Officer	53
Part 8	Miscellaneous offences and legal proceedings	
Division 1	Miscellaneous offences	
126	Misleading information and document.....	54
127	Impersonation.....	55
128	Obstruction and abusive language	55
129	Interference with notice or sign.....	56
Division 2	Legal proceedings	
130	Prosecutions.....	56
131	When thing connected with offence.....	56
132	Evidence in relation to brands and earmarks.....	56
133	Evidentiary certificate by Chief Inspector.....	57

134	Liability of executive officers of body corporate	57
135	Self-incrimination	58
136	Continuing offences	58

Part 9 Miscellaneous matters

137	Territory not required to provide water or fodder on stock route	58
138	Acquisition on just terms	58
139	Regulations	58

Part 10 Repeals and transitional matters for Livestock Act 2008

140	Definition	60
141	Repeals	60
142	Brands, certificates and registers	60
143	Decisions relating to brands	60
144	Property and livestock identification	61
145	Determination of compensation	61
146	Waybills and interstate health certificates	61

Part 11 Consequential amendments

147	Amendment of <i>Agricultural and Veterinary Chemicals (Control of Use) Act</i>	61
148	Amendment of <i>AustralAsia Railway (Special Provisions) Act</i>	62
149	Amendment of <i>Bushfires Act</i>	62
150	Amendment of <i>Fences Act</i>	62
151	Amendment of <i>Fines and Penalties (Recovery) Regulations</i>	63
152	Amendment of <i>Fisheries Regulations</i>	63
153	Amendment of <i>Meat Industries Act</i>	64
154	Amendment of <i>Pounds Act</i>	64
155	Amendment of <i>Veterinarians Act</i>	65
156	Amendment of <i>Veterinarians Regulations</i>	65
157	Expiry of Part	65

Schedule Repealed Acts



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2008

An Act relating to livestock and associated matters

[Assented to [] 2008]
[Second reading [] 2008]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Livestock Act 2008*.

2 Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

3 Object

The object of this Act is to promote a sustainable livestock industry and associated industries by:

- (a) establishing methods of identifying and tracing livestock; and
- (b) supporting market access to, and product integrity of, livestock and livestock products; and
- (c) regulating the movement of livestock, animal products and other things associated with livestock; and

- (d) protecting the health and welfare of livestock by establishing standards and procedures for managing livestock, controlling diseases and implementing the national biosecurity strategy and by other means; and
- (e) providing compensation for losses caused by certain livestock diseases.

4 Definitions

In this Act:

3-letter brand means a brand consisting of 3 letters, including the letter "T", of a size prescribed by regulation.

abattoir means an establishment at which the slaughter of livestock is licensed under the *Meat Industries Act*.

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 livestock.

animal product includes the following:

- (a) the carcass or a portion of a carcass of livestock;
- (b) the meat, blood, hide, skin, wool, hair, feathers, beaks, horns, antlers, hooves, feet and offal of livestock;
- (c) fat, milk, whey, cream, butter, cheese, eggs and other food or foodstuffs derived from livestock;
- (d) honey and other products from honey bees;
- (e) the semen, ova or embryo of livestock;
- (f) the secretions and excretions, including manure and other wastes, from livestock.

approved form means a form approved under section 89(1) or 95.

authorisation means an authorisation in accordance with section 114.

biological preparation means any of the following:

- (a) a product used in relation to the diagnosis, prevention, alleviation or cure of a disease or abnormal condition in livestock that is:
 - (i) prepared in any manner from animal tissue (including blood, lymph or glandular secretion); or
 - (ii) produced in any manner by the agency of any microscopic or ultramicroscopic organisms or ferments;
- (b) a synthetic compound identical with or closely related to a product mentioned in paragraph (a) and having or claimed to have a comparable use;
- (c) a substance prescribed by regulation.

brand means a 3-letter brand or symbol brand.

buffalo means animals of the species *Bubalus bubalis*.

carcass includes the hide, skin, wool, hair and viscera of an animal.

cattle means bovine animals but does not include buffalo.

Chief Inspector means the person holding or occupying the office of Chief Inspector of Livestock mentioned in section 90.

classified property means a property given a classification under section 47(1).

control, of a disease, includes the following:

- (a) investigating the existence of the disease;
- (b) monitoring the extent of the disease;
- (c) preventing the occurrence or spread of the disease;
- (d) preventing the disease entering the Territory;
- (e) eradicating the disease.

control program means a disease control program established under section 50(1).

controlled livestock, see section 50(2)(b).

Crown lands, see the *Crown Lands Act*.

declared area means an area or zone declared under section 58(1)(a), (b) or (c).

destroyed livestock, for Part 5, see section 69(1).

destroyed things, for Part 5, see section 69(2).

determination of classifications, see section 46(1).

determination of compensation means a determination of compensation payable under Part 5, Division 4.

disease means a disease or condition capable of affecting livestock.

earmark means a mark made on the ear of an animal.

emergency disease, see section 30(3).

endemic disease, see section 30(4).

enter includes board.

exotic disease, see section 30(5).

fence includes a wall, railing and any similar fixed or portable barrier or structure.

fodder means hay, straw, grass, green crop, root, vegetable, grain, corn, meal, licks, litter, manure, manufactured foodstuff, mammalian material or other similar thing:

- (a) used, or intended for use, as food or litter for livestock; or
- (b) used, or intended for use, as an ingredient of food or litter for livestock; or
- (c) found with or near livestock.

health certificate, for prescribed imported livestock, means a health certificate in accordance with section 17(2).

horse means an equine animal.

infected, see section 29(1).

inspector means a person holding or occupying the office of an inspector of livestock mentioned in section 91, and includes the Chief Inspector.

livestock, see section 5.

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.

notifiable disease, see section 30(2).

obstruct includes resist and hinder.

owner includes the following:

- (a) in relation to premises – a person who holds an estate in fee simple in, or a lease or licence over, the premises and a person who manages or has control over the premises;
- (b) in relation to livestock or other things – an agent or employee of the owner and a person who has control of the livestock or thing.

pecuniary interest, for Part 5, Division 4, does not include a fee or commission payable to a member of a valuation panel, valuer or valuation reviewer.

possession includes custody, care, control and supervision.

poultry includes all species of domestic ducks, geese and turkeys.

premises means any of the following:

- (a) a property;
- (b) a building or other structure and the land on which it is situated, irrespective of whether the building or structure is affixed to the land;
- (c) a vehicle, including an aircraft, vessel and rolling stock operating on or using a railway track.

prescribed imported livestock means livestock prescribed under section 17(1).

prescribed travelling livestock means livestock prescribed under section 20(1).

program area, see section 50(2)(c).

property means land held by a person under any form of tenure.

quarantine order means an order made under Part 4, Division 3.

reasonably believes means believes on reasonable grounds.

reasonably suspects means suspects on reasonable grounds.

registered, in relation to a person, thing or matter, means information about the person, thing or matter entered in a register kept under this Act.

registered veterinarian, see the *Veterinarians Act*.

Registrar means the person holding or occupying the office of Registrar mentioned in section 86.

residential premises means premises used exclusively or primarily as a residence, and includes a private room in (but not any other part of) a motel, hotel or guesthouse.

review means the review of a reviewable decision conducted under section 124.

reviewable decision means a decision mentioned in section 119, 120 or 121.

sell means dispose of for valuable consideration, and includes the following:

- (a) barter;
- (b) consign to an agent for sale;
- (c) offer for sale;
- (d) receive or possess for sale;
- (e) expose for sale;
- (f) send or deliver for sale;
- (g) permit to be sold, offered or exposed for sale.

standstill zone means an area declared under section 55(1) to be a standstill zone.

standstill zone movement permit means a permit issued under section 56(1).

stock route means land:

- (a) reserved under the *Crown Lands Act* for a stock route and travelling stock; or

- (b) declared under the *Crown Lands Act* to be a route for the passage of travelling stock.

structure includes a yard, pen and enclosure but does not include a building used as residential premises.

symbol brand means a brand consisting of a symbol.

travelling livestock means livestock driven on the hoof, or transported by road, rail, water or air in the Territory, outside the property on which the livestock are usually kept.

test includes analysis, examination, experiment and investigation.

treat means to dip, drench, dress, rub, spray, spot, vaccinate, inject, implant, disinfect, fumigate or otherwise treat or clean with a substance or mixture of substances.

valuation panel means the valuation panel constituted under section 80.

valuation reviewer means a person selected under section 83 to review a determination of compensation.

valuer means a person appointed under section 81 to make a determination of compensation.

warrant means a warrant to enter residential premises issued under section 105(2).

waybill means an approved form of waybill.

5 Livestock

- (1) The following animals are livestock:
- (a) crocodiles, cattle, buffalo, horses, camels, sheep, goats, pigs (including wild pigs), deer, llamas, alpacas, poultry and honey bees;
 - (b) any other animals declared to be livestock under subsection (2).
- (2) The Minister may, by *Gazette* notice, declare animals to be livestock.

6 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

7 Act binds Crown

This Act binds the Crown in right of the Territory and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

Part 2 Identification of livestock, properties and other things

Division 1 Brands and earmarks

8 Prescription of livestock for this Division

The regulations may prescribe the livestock for which the Registrar may register 3-letter brands under this Division.

9 Registration of 3-letter brand, symbol brand and earmark

- (1) On application by a person in accordance with the regulations, the Registrar may register a 3-letter brand to the person:
 - (a) for use on a particular property; and
 - (b) to be applied to particular livestock prescribed under section 8.
- (2) On application by the registered owner of a 3-letter brand, the Registrar may register a symbol brand or earmark (or both) in connection with the 3-letter brand.

10 Limit on number of brands to be registered for property

- (1) A person may have only one 3-letter brand registered to the person for use on a particular property.
- (2) The registered owner of a 3-letter brand may have no more than 3 symbol brands registered in connection with the 3-letter brand.

11 Transfer of registered 3-letter brand

- (1) The registered owner of a 3-letter brand may apply to the Registrar to register the transfer of the brand to another person.
- (2) The transfer of a 3-letter brand operates as a transfer of all symbol brands and earmarks registered in connection with the 3-letter brand.

12 Cancellation of registration, substitution and re-registration

- (1) The Registrar must cancel the registration of a 3-letter brand as soon as practicable after the registered owner of the brand applies for its cancellation.
- (2) The Registrar may cancel the registration of a 3-letter brand on the Registrar's initiative only in accordance with the regulations.
- (3) If the registration of a 3-letter brand is cancelled, the registration of a symbol brand or earmark in connection with the cancelled 3-letter brand is also cancelled unless the Registrar registers another 3-letter brand in substitution for the cancelled brand.
- (4) The Registrar may re-register a 3-letter brand 5 or more years after the date on which the registration of the brand was cancelled.

13 Registration of symbol brand for Chief Inspector

On application by the Chief Inspector, the Registrar may register a symbol brand to be used in connection with the testing or treatment of particular livestock.

14 Brands for public pounds

- (1) If a public pound is established in the Territory, the Registrar must allot a brand to the pound for use on impounded horses or cattle.
- (2) The Registrar must keep a register of brands allotted to public pounds.

Division 2 Identification of properties and other things

15 System for identifying certain properties

- (1) The Registrar may establish and administer a system to identify each property on which livestock prescribed by regulation are kept.
- (2) The Registrar must allot a property identification code to each property identified by the system and keep a register of allotted codes.

16 Approval of identification devices and marks

- (1) The Registrar may, by *Gazette* notice, approve identification devices or identification marks to be attached or applied to, or used on, livestock or things associated with livestock.
- (2) An approval by the Registrar may be in connection with the property identification system established under section 15 or for any other system of identification under this Act.

Part 3 Travelling livestock and stray livestock

Division 1 Prescribed imported livestock

17 Prescribed imported livestock and health certificate

- (1) The regulations may prescribe the livestock that require a health certificate before being brought into the Territory from a State or another Territory.
- (2) A health certificate for prescribed imported livestock:
 - (a) must be in an approved form; and
 - (b) must be completed and signed by a veterinary officer, or inspector of livestock (however described), employed by the State or Territory where the travel of the livestock begins.
- (3) The health certificate may be included in a waybill issued for the prescribed imported livestock.
- (4) The owner of prescribed imported livestock commits an offence if the owner does not, before the livestock enter the Territory, ensure there is a health certificate for the livestock.

Fault element: Strict liability offence.

Maximum penalty: 100 penalty units.

18 Notice of restrictions

- (1) The Chief Inspector may, by *Gazette* notice, impose restrictions in relation to the prescribed imported livestock specified in the notice.
- (2) The notice may require the owner of the livestock to do any of the following:
 - (a) ensure the livestock enter the Territory at a specified place;

- (b) before the livestock enter the Territory – test or treat them as specified in the notice;
 - (c) before the livestock enter the Territory – identify them or their disease status (or both) as specified in the notice.
- (3) The owner of prescribed imported livestock must not contravene a notice under subsection (1).

Fault element: Intention.

Maximum penalty: 200 penalty units.

19 No purchase without health certificate

A person must not purchase prescribed imported livestock during their travel in the Territory, or at the place of their destination in the Territory, if there is no health certificate for the livestock.

Fault element: Knowledge that there is no health certificate for the livestock.

Maximum penalty: 200 penalty units.

Division 2 Prescribed travelling livestock

20 Prescribed travelling livestock and waybill

- (1) The regulations may prescribe the livestock for which a waybill must be issued before the livestock begin travelling.
- (2) The owner of prescribed travelling livestock commits an offence if the owner does not issue a completed waybill for the livestock before they begin travelling.

Fault element: Strict liability offence.

Maximum penalty: 100 penalty units.

- (3) Subsection (2) does not apply if:
- (a) the livestock are being returned to the property on which they are usually kept after straying beyond the boundaries of the property; or
 - (b) the owner of the livestock has authorisation from the Registrar to move the livestock without a waybill.

- (4) The Registrar may authorise the owner of prescribed travelling livestock to move the livestock without a waybill if the Registrar considers it is reasonable in the circumstances to do so.

21 No purchase without waybill

A person must not purchase prescribed travelling livestock during their travel in the Territory, or at the place of their destination in the Territory, if there is no completed waybill for the livestock.

Fault element: Knowledge that there is no waybill for the livestock.

Maximum penalty: 200 penalty units.

Division 3 Use of stock routes

22 Closure of stock route

- (1) The Chief Inspector may close all or part of a stock route if the Chief Inspector considers it should not be used by travelling livestock.
- (2) The closure may be because of (but is not limited to) any of the following:
- (a) drought;
 - (b) the destruction of pasture;
 - (c) the need to control a notifiable disease.
- (3) Notice of the closure must be published in the *Gazette* and a newspaper circulating in the Territory, and the closure takes effect on the later date of publication.
- (4) A person must not drive travelling livestock on the hoof on a part of a stock route that is closed under subsection (1).

Fault elements:

The person:

- (a) intentionally drives the livestock on the hoof on that part of the stock route; and
- (b) is reckless in relation to the circumstance of the closure.

Maximum penalty: 200 penalty units.

23 Prescribed rate of travel

- (1) The regulations may prescribe a rate of travel for specified travelling livestock being driven on the hoof on a stock route (***specified travelling livestock***).
- (2) A person in charge of specified travelling livestock commits an offence if the person does not move the livestock towards their destination at the rate of travel prescribed for the livestock.

Fault element: The person knows or ought to know the livestock are not moving at the prescribed rate of travel.

Maximum penalty: 100 penalty units.

- (3) Subsection (2) does not apply if the person has authorisation from the Registrar, in accordance with the regulations, to move the livestock at a slower rate of travel than is prescribed.

24 Travelling livestock not to be left unattended

A person in charge of travelling livestock must not leave any of the livestock unattended on a stock route.

Fault elements:

The person:

- (a) intentionally leaves the livestock on a stock route; and
- (b) is reckless in relation to the circumstance that the livestock are unattended.

Maximum penalty: 100 penalty units.

Division 4 Travelling livestock and stray livestock on or near properties

25 Owner of property may examine travelling livestock

- (1) This section applies if the owner of a property through which, or along the boundary of which, travelling livestock are being driven on the hoof reasonably believes it is necessary or desirable to examine the livestock to prevent the spread of a disease.
- (2) The owner of the property may:
 - (a) tell the person in charge of the travelling livestock of the owner's belief and the grounds for it; and

- (b) request the person to do any of the following:
 - (i) allow the owner to inspect a waybill, health certificate, permit or authorisation relating to the livestock;
 - (ii) allow the owner to examine the livestock;
 - (iii) assist the owner by mustering and controlling the livestock for examination.
- (3) The person in charge of the travelling livestock must comply with the property owner's request under subsection (2)(b).

Fault element: Intention.

Maximum penalty: 100 penalty units.

26 Notification of escape of travelling livestock

A person in charge of travelling livestock commits an offence if:

- (a) any of the livestock escape from the person's control on or onto a property; and
- (b) the person does not, as soon as reasonably practicable, notify the owner of the property and an inspector of the escape.

Fault element: Knowledge of the escape of the livestock.

Maximum penalty: 100 penalty units.

27 Owner may retrieve stray livestock from property

- (1) This section applies if the owner of livestock (the **livestock owner**) reasonably believes the livestock are on a property owned by someone else (the **property owner**).
- (2) The livestock owner may give written notice to the property owner that the livestock owner intends to:
 - (a) enter the property at a place specified in the notice, at a time specified in the notice (which must be no earlier than 2 days after the day on which notice is given); and
 - (b) muster the livestock specified in the notice; and
 - (c) leave the property (with or without the livestock), within 7 days after entering it, at a place specified in the notice.
- (3) The property owner may inspect the livestock before they leave the property.

- (4) The livestock owner commits an offence if the livestock owner:
- (a) enters the property other than in accordance with the notice;
or
 - (b) does not leave the property within 7 days after entering it.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

- (5) It is a defence to a prosecution for an offence against subsection (4) if the defendant establishes a reasonable excuse.

Division 5 Inspector's powers relating to travelling livestock

28 Powers

- (1) For this Act, an inspector may do any of the following:
- (a) order a person who is accompanying travelling livestock to state the name of the person who is in charge of the livestock;
 - (b) order the person in charge of travelling livestock to do any of the following:
 - (i) provide the name and address of the owner of the livestock or the agent of the owner, or both;
 - (ii) state the place from which the livestock have travelled;
 - (iii) state the place to which the livestock are being delivered;
 - (iv) give other information concerning the livestock that the inspector requires;
 - (v) produce a completed waybill for the livestock;
 - (vi) drive or transport the livestock to a place specified by the inspector and hold them at that place for the period the inspector specifies;
 - (vii) move the livestock to a place where the livestock may lawfully continue travelling if the inspector reasonably believes they are at a place in contravention of this Act;
 - (viii) clean up and destroy any litter or refuse left by the person or any other person accompanying the livestock;

- (ix) repair to the satisfaction of the inspector any damage to installations or equipment on a stock route caused by the livestock, the person in charge or any other person accompanying the livestock;
 - (x) destroy or dispose of carcasses of any of the livestock;
 - (xi) destroy livestock the inspector reasonably believes are injured.
- (2) A person given an order under subsection (1) must not contravene the order.
- Fault element: Strict liability offence.
- Maximum penalty: 100 penalty units.
- (3) It is a defence to a prosecution for an offence against subsection (2) if the defendant establishes a reasonable excuse.

Part 4 Disease control

Division 1 Preliminary matters

29 Infected livestock and other things

Livestock, premises, animal products or other things are infected if they:

- (a) are suffering from or affected by a notifiable disease; or
- (b) have been in contact with anything that, at the time of contact, was suffering from or affected by a notifiable disease; or
- (c) react to a test, approved by the Chief Inspector by *Gazette* notice, for a notifiable disease.

30 Declaration and classification of notifiable diseases

- (1) The Chief Executive Officer may, by *Gazette* notice, declare a disease or animal pathogen to be a notifiable disease and classify it as an emergency disease, endemic disease or exotic disease.
- (2) A **notifiable disease** is a disease or animal pathogen that poses a threat to the livestock industry.
- (3) An **emergency disease** is a disease specified as such under an agreement between the State and Territory Governments.

- (4) An **endemic disease** is a notifiable disease endemic to Australia.
- (5) An **exotic disease** is a notifiable disease originating outside Australia.

31 Publication of list of notifiable diseases

- (1) The Chief Inspector must publish on the Agency's website a list of all notifiable diseases and their classifications as emergency diseases, endemic diseases or exotic diseases.
- (2) The Chief Inspector must make hard copies of the list of notifiable diseases available to the public free of charge.

32 Approval of laboratories and tests

- (1) The owner of a veterinary diagnostic laboratory may apply in writing to the Chief Inspector to approve the laboratory for the testing of samples or specimens taken from livestock or animal products to determine whether they are infected.
- (2) The Chief Inspector may approve the laboratory by *Gazette* notice.
- (3) The Chief Inspector may, by *Gazette* notice, approve tests for the detection of an emergency disease that may be used in a laboratory approved under subsection (1).
- (4) In this section:

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

Division 2 General powers for investigation and protection

33 Inspectors may investigate and destroy

- (1) An inspector may do any of the following:
 - (a) search for, trap and destroy vectors of disease;
 - (b) investigate the following:
 - (i) the cause of a disease in livestock or other things;
 - (ii) whether or not livestock or other things are infected;
 - (iii) a source that is likely to cause or to have caused livestock or other things to be infected;
 - (c) inspect or examine a thing or place for the presence of a disease or animal pathogen.
- (2) An inspector may take a sample of a carcass, tissue of livestock or any other thing to be tested for the presence of a disease, biological preparation, chemical or veterinary drug.
- (3) In exercising a power under this section, an inspector may destroy an animal or animal product only if:
 - (a) it is necessary to do so to enable a proper diagnosis or investigation to be made; and
 - (b) the Chief Inspector or owner of the animal or animal product consents to its destruction.

34 Inspectors may mark or treat livestock and other things

- (1) An inspector who reasonably suspects livestock are infected, may do any of the following:
 - (a) mark the livestock in a way approved by the Chief Inspector or order the owner of the livestock to do so;
 - (b) treat the livestock or order the owner of the livestock to do so.
- (2) An inspector who reasonably suspects any other animal or an animal product is infected, may treat the animal or animal product or order the owner of the animal or animal product to do so.
- (3) An inspector may vaccinate livestock or any other animals against a disease or order the owner of the livestock or animals to do so.

35 Inspector may order destruction of carcasses

If an inspector considers it necessary to prevent the spread of a disease, the inspector may order the owner of livestock that have died or been destroyed to destroy the carcasses of the livestock in a specified manner.

36 Chief Inspector may order erection or maintenance of facilities

The Chief Inspector may order the owner of livestock to erect or maintain any of the following in accordance with the specifications of the Chief Inspector:

- (a) facilities for testing livestock for a disease;
- (b) a fence to contain livestock for testing for a disease.

37 Chief Inspector may order general protection measures

The Chief Inspector may order the owner of livestock to protect, in a specified manner, livestock or any other thing from the risk of infection.

38 Chief inspector may order detention

The Chief Inspector may order the owner of livestock to detain and hold any of the following:

- (a) infected livestock or livestock the Chief Inspector reasonably suspects are infected or may have come into contact with a biological preparation;
- (b) an animal product from infected livestock or from livestock the Chief Inspector reasonably suspects are infected or may have come into contact with a biological preparation;
- (c) things used in connection with anything mentioned in paragraph (a) or (b);
- (d) fodder that may have come into contact with anything mentioned in paragraphs (a) to (c).

39 Chief Inspector may seize and order destruction or removal

- (1) The Chief Inspector may seize any of the following:
 - (a) anything mentioned in section 38(a) to (d), regardless of whether it is being held by the owner of livestock;
 - (b) animal pathogens;

(c) biological preparations.

- (2) The Chief Inspector may order the owner of livestock to destroy an animal pathogen or biological preparation or remove it from a property and take it to a place specified in the order.

40 Order for destruction or disposal to minimise risk of disease

In addition to specific powers of destruction or disposal under this Act, the Chief Inspector may order the destruction or disposal of anything (including livestock) seized under this Act if:

- (a) the Chief Inspector reasonably believes the action will assist in minimising the risk of a disease spreading; and
(b) the Chief Executive Officer approves the order.

41 Offence to contravene order

A person given an order under this Division must not contravene the order.

Fault element: Intention.

Maximum penalty: 500 penalty units.

Division 3 Quarantine orders

42 Quarantine orders relating to land and other things

- (1) An inspector who reasonably suspects the presence of a disease on a property may order the owner of the property:
- (a) not to allow anything (including livestock) specified in the order to enter or leave the property; or
(b) not to allow anything (including livestock) specified in the order to enter or leave the property except in accordance with the conditions specified in the order.
- (2) An inspector who reasonably suspects the presence of a disease in anything (including livestock) may order the owner of the thing:
- (a) to keep the thing contained within a specified area; or
(b) to move the thing to a specified place and keep it there in accordance with the conditions specified in the order.

- (3) The quarantine order may also include an order that the owner of the property or thing must establish, repair or maintain a fence to ensure compliance with the order.

43 Quarantine orders relating to persons and vehicles

An inspector who reasonably suspects the presence of a disease on an area of land may order that a person or vehicle must not enter or leave the area except in accordance with the conditions specified in the order.

44 Period of quarantine order

- (1) A quarantine order remains in force for the period specified in the order, which must not be more than 40 days.
- (2) An inspector may revoke a quarantine order before the end of the specified period if the inspector is satisfied a disease is not present on the property, in the thing or on the area of land to which the order relates.

45 Offence to contravene quarantine order

A person given a quarantine order must not contravene the order.

Fault element: Intention.

Maximum penalty: 500 penalty units or imprisonment for
2 years.

Division 4 Classification of properties

46 Determination of classifications for properties

- (1) The Chief Inspector may, by *Gazette* notice, determine the classifications that may be given to properties in relation to a notifiable disease specified in the notice (a **determination of classifications**).
- (2) A determination of classifications must specify the criteria or circumstances that must apply in relation to a property before it may be given a classification.

47 Classification of property

- (1) If the Chief Inspector reasonably believes that any of the criteria or circumstances specified in a determination of classifications apply in relation to a property, the Chief Inspector may give the property a classification by reference to the determination.

- (2) The Chief Inspector must give the owner of a classified property written notice of the classification.

48 Restrictions and requirements for classified property

- (1) For the control of a notifiable disease specified in a determination of classifications, the Chief Inspector may give the owner of a property classified by reference to the determination a notice specifying the restrictions or requirements applicable to:
- (a) the classified property; and
 - (b) the persons, vehicles, livestock, animal products or other things specified in the notice.
- (2) The notice may include (but is not limited to) the following:
- (a) restrictions relating to entry into, exit from, or movement within the classified property;
 - (b) requirements relating to the treatment of the specified livestock.
- (3) The owner of the classified property must not contravene the notice.

Fault element: Intention.

Maximum penalty: 500 penalty units or imprisonment for
2 years.

Division 5 Disease control programs

49 Object of Division

The object of this Division is to permit a variety of actions to be taken to control a disease, particularly for the testing, treatment or destruction of infected livestock and other things, if:

- (a) the disease is present in the Territory; or
- (b) there is a serious threat of the occurrence of the disease in the Territory.

50 Establishment of control program

- (1) The Minister may, by *Gazette* notice, establish a disease control program for the control of a disease specified in the notice.

- (2) The notice must include the following information:
- (a) if the specified disease is a notifiable disease – its classification as an emergency disease, endemic disease or exotic disease;
 - (b) the livestock, including travelling livestock, to which the control program applies (***controlled livestock***);
 - (c) the area or areas of the Territory to which the control program applies (the ***program area***).

51 Requirement for particular test

- (1) The Minister may require a particular test to be used to determine whether controlled livestock are infected with a disease to which the control program relates.
- (2) The requirement may be included in the notice establishing the control program or published in a *Gazette* notice at any time during the control program.

52 Approvals

For a control program, the Chief Inspector may approve any of the following:

- (a) methods for locating and assembling livestock in the program area;
- (b) treatments to be used on controlled livestock or things, places and structures in the program area;
- (c) methods of disposal or destruction of livestock or other things in the program area.

53 Orders

- (1) For a control program, the Chief Inspector may make any of the following orders:
 - (a) the owner of controlled livestock must take any of the following actions:
 - (i) locate and assemble the controlled livestock for testing, inspection, treatment or valuation;
 - (ii) mark, brand or affix tags to the controlled livestock for their identification;

- (iii) erect or maintain facilities to be used for testing the controlled livestock;
 - (iv) test the controlled livestock using a test specified in a notice under section 51;
 - (v) treat the controlled livestock;
 - (vi) erect, repair or maintain fences or structures to ensure the controlled livestock are contained;
 - (vii) move or restrict the movement of the controlled livestock;
 - (viii) move the controlled livestock to an abattoir for slaughter;
 - (ix) destroy the controlled livestock;
- (b) the owner of livestock in the program area that are not controlled livestock must destroy livestock specified in the order to protect the health and welfare of other livestock;
 - (c) the owner of a property on which controlled livestock are kept, or have been kept, must treat the land and any structure or equipment on the property;
 - (d) the owner of a property in the program area must erect, repair or maintain fences;
 - (e) the owner of a structure or place with which controlled livestock have been in contact must treat the structure or place and any equipment in or on the structure or at the place;
 - (f) the owner of fodder, equipment or an animal product in the program area must treat or destroy it.

Example for subsection (1)(b)

An order may be that certain livestock be destroyed because of overcrowding resulting from actions taken under the control program.

- (2) Instead of ordering a person to take an action under subsection (1), the Chief Inspector may take the action.
- (3) The Chief Inspector may, by *Gazette* notice and a notice published in a newspaper circulating in the program area, give an order mentioned in subsection (1) to a class of owners.

- (4) A person given an order under this section must not contravene the order.

Fault element: Intention.

Maximum penalty: 500 penalty units or imprisonment for
2 years.

54 Emergency disease: treatment or destruction of certain structures

- (1) The Chief Executive Officer may make an order under this section if the following circumstances apply:

(a) a control program is established to control an emergency disease;

(b) the Chief Executive Officer is satisfied:

(i) a structure in the program area used as residential premises (a **residence**) or mentioned in section 53(1)(c) or (e) (a **structure**) is infected with the emergency disease; and

(ii) making the order is necessary to prevent the spread of the emergency disease.

- (2) The Chief Executive Officer may make any of the following orders:

(a) the owner or another person must treat the residence in a specified manner;

(b) if the residence has been treated and the Chief Executive Officer is satisfied the treatment is inadequate to prevent the spread of the emergency disease – the owner or another person must destroy the residence;

(c) if the residence has not been treated and the Chief Executive Officer is satisfied that treatment would be inadequate to prevent the spread of the emergency disease – the owner or another person must destroy the residence.

- (3) The Chief Executive Officer may order the owner of a structure, or another person, to destroy the structure if the Chief Executive Officer is satisfied treatment of the structure under section 53(1)(e) has been, or would be, inadequate to prevent the spread of the emergency disease.

- (4) If the Chief Executive Officer makes an order under subsection (3), the Chief Executive Officer may also order the destruction of any equipment in or on the structure.

55 Emergency disease: standstill zone declaration

- (1) For a control program established to control an emergency disease, the Minister may, by *Gazette* notice, 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 must:
- (a) specify the emergency disease to which the declaration applies; and
 - (b) describe the area of land to which the declaration applies; and
 - (c) state that while the declaration is in force, all movement into, out of or within the standstill zone of livestock or a thing specified in the declaration is prohibited except in accordance with a standstill zone movement permit issued by the Chief Inspector.
- (3) The declaration of a standstill zone may apply in relation to the movement of any of the following:
- (a) the controlled livestock, any other livestock or all livestock;
 - (b) a particular animal product or all animal products;
 - (c) any other thing or class of things.
- (4) The Minister must revoke the declaration of a standstill zone if the Minister is satisfied the emergency disease is not present in, and is not likely to be introduced into, the standstill zone.

56 Standstill zone movement permit

- (1) The Chief Inspector may regulate the movement of anything to which a declaration of a standstill zone applies by issuing a standstill zone movement permit to the owner of the thing, specifying the movement that is permitted.

- (c) any other type of area or zone (except a standstill zone) named in the declaration.
- (2) The declaration must be by *Gazette* notice and state whether the notifiable disease is classified as an emergency disease, endemic disease or exotic disease.

59 Restriction of movement

- (1) The Chief Inspector may, by *Gazette* notice, restrict the movement of persons, vehicles, livestock, animal products or other things entering, leaving or within a declared area.
- (2) The notice may also specify the circumstances in which a person is required to apply to an inspector for a declared area movement permit before entering, leaving or moving within the declared area.
- (3) A person must not contravene:
 - (a) a restriction or requirement specified in a notice under subsection (1); or
 - (b) a declared area movement permit issued by an inspector.

Fault element: Intention.

Maximum penalty: 500 penalty units or imprisonment or
2 years.

60 Destruction of abandoned or stray livestock

The Chief Inspector may destroy livestock that have been abandoned on or strayed onto a property or stock route within a declared area.

61 Offences relating to fences and gates

- (1) A person must not, without authorisation from an inspector, destroy, remove or damage a fence in or surrounding a declared area.

Fault elements:

The person:

- (a) intentionally destroys, removes or damages the fence; and
- (b) is reckless in relation to the circumstance that the fence is in a declared area.

Maximum penalty: 200 penalty units.

- (2) A person commits an offence if:
- (a) the person uses a gate in a fence that is preventing livestock leaving a declared area; and
 - (b) the gate, immediately after the person has used it, is not closed and securely fastened.

Fault elements:

The person:

- (a) knows the gate is in a fence preventing livestock leaving a declared area; and
- (b) is reckless in relation to the circumstance that the gate is not closed and securely fastened.

Maximum penalty: 200 penalty units.

Division 7 Miscellaneous offences

62 Emergency disease infection notice – owner

The owner of premises, livestock or other things commits an offence if the owner:

- (a) becomes aware or suspects that the premises, livestock or things are infected with an emergency disease; and
- (b) does not, within 24 hours after becoming aware of or forming the suspicion about the infection, notify the Chief Inspector of the awareness or suspicion and the grounds for it.

Fault element: Knowledge of grounds for the awareness of or suspicion about the infection.

Maximum penalty: 500 penalty units.

63 Endemic or exotic disease infection notice – owner

The owner of premises, livestock or other things commits an offence if the owner:

- (a) becomes aware or suspects that the premises, livestock or things are infected with an endemic disease or exotic disease; and

- (b) does not, as soon as practicable after becoming aware of or forming the suspicion about the infection, notify the Chief Inspector of the awareness or suspicion and the grounds for it.

Fault element: Knowledge of grounds for the awareness of or suspicion about the infection.

Maximum penalty: 500 penalty units.

64 Notifiable disease infection notice – travelling livestock

A person in charge of travelling livestock commits an offence if the person:

- (a) becomes aware or suspects that any of the livestock are infected with a notifiable disease; and
- (b) does not, as soon as practicable after becoming aware of or forming the suspicion about the infection, notify the Chief Inspector of the awareness or suspicion and the grounds for it.

Fault element: Knowledge of grounds for the awareness of or suspicion about the infection.

Maximum penalty: 500 penalty units.

65 Notifiable disease infection notice – veterinarian

A registered veterinarian commits an offence if the veterinarian:

- (a) becomes aware or suspects that livestock are infected with a notifiable disease; and
- (b) does not notify the Chief Inspector of the awareness of or suspicion about the infection and the grounds for the awareness or suspicion:
 - (i) in relation to an emergency disease – within 24 hours after becoming aware of it or forming the suspicion about it; or
 - (ii) in relation to an endemic disease or exotic disease – as soon as practicable after becoming aware of it or forming the suspicion about it.

Fault element: Knowledge of grounds for the awareness of or suspicion about the infection.

Maximum penalty: 500 penalty units.

66 Contact with animal pathogen

- (1) The owner of livestock must not, without authorisation from the Chief Inspector, allow an animal pathogen to come into contact with any of the livestock.

Fault element: Intentionally allowing the contact.

Maximum penalty: 500 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant establishes a reasonable excuse.

67 Sale of infected livestock or animal products

A person must not, without authorisation from the Chief Inspector, sell:

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

Fault elements:

The person:

- (a) intentionally sells the livestock or animal product; and
- (b) is reckless in relation to the infection.

Maximum penalty: 500 penalty units or imprisonment for 2 years.

68 Misleading statement about disease status

- (1) A person commits an offence if the person:
- (a) makes a statement to the following effect:
 - (i) livestock are free from all disease or a particular disease;
 - (ii) livestock have or have not been on land that is affected by disease;
 - (iii) the owner of livestock has stated or certified that the livestock do not have any disease or a particular disease;

(iv) livestock have or have not been treated for a disease;
and

(b) the statement is misleading.

Fault element: Intention to mislead.

Maximum penalty: 500 penalty units or imprisonment for
2 years.

(2) For this section, a statement is misleading if it is misleading in a material particular or by omission of a material particular.

Part 5 Compensation

Division 1 Preliminary matters

69 Destroyed livestock and destroyed things

(1) ***Destroyed livestock*** are:

(a) livestock destroyed, or moved to an abattoir for slaughter, under section 53; or

(b) livestock certified by a person employed by a State or another Territory as a veterinary officer (however described):

(i) as having died during the occurrence of an emergency disease; and

(ii) as having been, at the time of their death, in a quarantine area, control area or restricted area (however described) in relation to the emergency disease or as having been moved to an abattoir directly from such an area.

(2) ***Destroyed things*** are animal products or other things destroyed or made unfit for use under a control program relating to an emergency disease.

Division 2 General entitlement to compensation and other money

70 When compensation payable

(1) Subject to this Division, the owner of destroyed livestock or destroyed things is entitled to be paid compensation for the livestock or things, as determined under Division 3 or 4.

- (2) An entitlement to be paid compensation does not affect an owner's obligation under section 57 to reimburse expenses incurred by the Chief Inspector or Chief Executive Officer in relation to destroyed livestock or destroyed things.

71 Approval of additional compensation

- (1) If an amount of compensation is determined to be payable for destroyed livestock infected with an emergency disease and the cost of replacing the livestock will be more than the compensation payable, the Minister may approve the payment of additional compensation of an amount equal to the difference between:
- (a) the amount of compensation payable; and
 - (b) the cost of replacing the destroyed livestock.
- (2) For subsection (1)(b), the cost of replacing destroyed livestock does not include freight and purchasing costs such as agent fees and yard fees.

72 When compensation not payable

- (1) The owner of destroyed livestock or destroyed things is not entitled to be paid compensation for the livestock or things if:
- (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 notifiable 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 be paid compensation for destroyed livestock if:
- (a) the livestock were destroyed or moved to an abattoir for slaughter under a control program relating to a notifiable disease; and
 - (b) the person is found guilty of an offence against section 62, 63, or 64 in relation to the notifiable disease.

- (3) A person is not entitled to be paid compensation for the following:
- (a) loss of profit or production;
 - (b) loss as a result of a breach of a contract or another consequential loss;
 - (c) any other loss for which compensation is not expressly provided under this Act.

73 Sale money to be paid to owner of slaughtered livestock

- (1) If destroyed livestock are slaughtered at an abattoir, any money payable on the sale of the livestock for slaughter must be paid to the owner of the livestock.
- (2) If compensation for the slaughtered livestock is paid to their owner, the compensation must be reduced by any amount paid to the owner on the sale of the livestock.

Division 3 Compensation for particular destroyed livestock

74 Application of Division

- (1) This Division applies in relation to the following destroyed livestock:
 - (a) buffalo;
 - (b) livestock that reacted to a test under section 53(1)(a)(iv);
 - (c) unmustered livestock;
 - (d) livestock to which a declaration under subsection (2) applies.
- (2) If the Minister considers it necessary, the Minister may, by *Gazette* notice, declare that this Division applies in relation to particular livestock destroyed under a control program for an emergency disease.

Note for subsection (2)

The intention is that most determinations of compensation for livestock destroyed under such a control program will be made under Division 4. However, it may be necessary for the Minister to make this declaration in certain situations, for example if there are insufficient people with the necessary qualifications to constitute a valuation panel or if the Minister is satisfied the fees or commissions payable to the members of a valuation panel are likely to exceed the amount of compensation payable for the destroyed livestock.

75 Determination of amount of compensation

The amount of compensation payable for the destroyed livestock must be determined by the Minister by *Gazette* notice.

76 Application for compensation

- (1) The owner of the destroyed livestock may apply to the Chief Inspector for compensation for the livestock:
 - (a) no later than 60 days after the date of destruction; and
 - (b) in the approved form.
- (2) If the Chief Inspector is satisfied the applicant is entitled to be paid compensation for the destroyed livestock, the Chief Inspector must arrange for payment to the applicant.
- (3) The Chief Inspector may decide:
 - (a) the applicant is not entitled to be paid compensation; or
 - (b) to defer consideration of the application during an investigation or prosecution of the applicant in connection with an offence mentioned in section 72.

Division 4 Compensation for other destroyed livestock and destroyed things

77 Application of Division

This Division applies in relation to the following:

- (a) destroyed livestock to which Division 3 does not apply;
- (b) destroyed things.

78 Determination of amount of compensation

- (1) The amount of compensation payable for the destroyed livestock must be determined in accordance with this Division and the regulations.
- (2) The amount of compensation payable for a destroyed thing is the market value of the thing immediately before it was destroyed or rendered unfit for use, as determined in accordance with this Division.

79 Application for compensation

- (1) The owner of destroyed livestock or destroyed things may apply to the Chief Inspector for compensation for the livestock or things:
 - (a) no later than 60 days after the date of destruction; and
 - (b) in the approved form.
- (2) If the Chief Inspector is satisfied the applicant is entitled to be paid compensation, the Chief Inspector must appoint a valuation panel to determine the amount payable.
- (3) The Chief Inspector may decide:
 - (a) the applicant is not entitled to be paid compensation; or
 - (b) to defer consideration of the application during an investigation or prosecution of the applicant in connection with an offence mentioned in section 72.

80 Appointment of and determination by valuation panel

- (1) A valuation panel is constituted of the following members appointed in writing by the Chief Inspector:
 - (a) a person who has valuation experience, and a knowledge of current values, relevant to the destroyed livestock or destroyed things to which the panel's determination relates;
 - (b) a person who has a knowledge of and experience in the industry most relevant to the destroyed livestock or thing;
 - (c) a person nominated by the owner of the destroyed livestock or destroyed things.
- (2) The Chief Inspector must not appoint a person mentioned in subsection (1)(a) or (b) if the person or the person's employer has a pecuniary interest in relation to the destroyed livestock or destroyed things.
- (3) Subject to the regulations, the following matters must be determined by agreement of all or a majority of the members of the valuation panel:
 - (a) the procedure to be followed by the valuation panel;
 - (b) the amount of compensation payable.
- (4) The valuation panel must give the Chief Inspector a written notice if the panel is unable to reach a consensus or majority agreement.

- (5) If the panel makes a determination of compensation, it must give the Chief Inspector a written notice, in accordance with the regulations, and the Chief Inspector must give a copy to the applicant and Chief Executive Officer.

81 Determination by valuer if valuation panel cannot agree

- (1) If the Chief Inspector is given a notice under section 80(4), the Chief Inspector must appoint a valuer to make the determination of compensation.
- (2) The valuer must be a person who:
 - (a) has knowledge of and experience in the relevant industry and is generally held in high regard by members of that industry; and
 - (b) does not have, and whose employer does not have, a pecuniary interest in relation to the destroyed livestock or destroyed things.
- (3) The valuer must give the Chief Inspector written notice of the determination of compensation, in accordance with the regulations, and the Chief Inspector must give a copy to the applicant and Chief Executive Officer.

82 Request for review of determination

- (1) The applicant or Chief Executive Officer may request a review of the determination of compensation by the valuation panel or valuer if the applicant or Chief Executive Officer considers the determination was made otherwise than in accordance with this Division or the regulations.
- (2) The request must be in writing and given to the Chief Inspector no later than 7 days after receipt of the notice of the determination.

83 Selection of valuation reviewer

- (1) As soon as practicable after receiving a request for a review of a determination of compensation, the Chief Inspector must consult with the applicant to select a person to review the determination.
- (2) If agreement about the person to be selected is reached within 7 days after consultation begins, the Chief Inspector must appoint the selected person as the valuation reviewer.
- (3) If agreement about the person to be selected is not reached within 7 days after consultation begins, the Chief Inspector must give the request for a review to the Minister.

- (4) As soon as practicable after receiving the request, the Minister must select a person to be the valuation reviewer.
- (5) The valuation reviewer must be a person who:
 - (a) has knowledge of and experience in the relevant industry; and
 - (b) has knowledge of current values relevant to the destroyed livestock or destroyed things to which the determination relates; and
 - (c) does not have, and whose employer does not have, a pecuniary interest in relation to the destroyed livestock or destroyed things.

84 Determination by valuation reviewer

- (1) The valuation reviewer may make a determination of compensation that confirms or varies the determination under review and must give the Chief Inspector written notice of the valuation reviewer's determination in accordance with the regulations.
- (2) As soon as practicable after receiving the notice, the Chief Inspector must inform the applicant and Chief Executive Officer of the decision.
- (3) Subject to section 138, the determination of compensation made by the valuation reviewer is final and conclusive.

85 Payment of compensation

- (1) If no request for a review is made under section 82 within the period specified by the section, the Chief Inspector must, as soon as practicable after the end of that period, arrange payment of the compensation as determined by the valuation panel or valuer.
- (2) As soon as practicable after giving notice to the applicant under section 84(2), the Chief Inspector must arrange payment of the compensation as determined by the valuation reviewer.

Part 6 Administration and enforcement

Division 1 Registrar and registers

86 Office of Registrar

- (1) The Chief Executive Officer must, in writing, appoint a public sector employee to the office of Registrar.

- (2) A person must not hold office as Registrar at the same time as holding office as Chief Inspector.
- (3) The Registrar has the functions conferred on the Registrar under this Act.
- (4) The Registrar has the powers necessary or convenient for the performance of the functions of office.
- (5) In exercising a power or performing a function under this Act, the Registrar is subject to the direction of the Chief Inspector.
- (6) The Registrar may, in writing, delegate to a public sector employee any of the Registrar's powers or functions under this Act.

87 Registers to be kept and information to be provided

- (1) In addition to the registers the Registrar is required or permitted to keep under this Act, the Registrar may keep the registers necessary or convenient to be kept for the proper performance of the Registrar's functions.
- (2) Subject to the regulations, the Registrar may decide the appropriate form and manner in which a register must be kept and the information to be given to the Registrar in connection with an entry in a register.

88 Inspections and copies of register and publication of information

- (1) A person may inspect a register during the normal business hours of the Agency.
- (2) The Registrar may give a person a copy or summary of a register or part of a register and charge a reasonable fee for the copy or summary.
- (3) The regulations may specify the information in a register that may be made public on the Internet or in another way.

89 Approval of documents and codes

- (1) The Registrar may approve the form of notices, applications, certificates and other documents in connection with a matter for which the Registrar may perform a function under this Act.
- (2) The Registrar may approve codes, as in force at a particular time or as in force from time to time, to be used to illustrate or describe earmarks.

Division 2 Chief Inspector and inspectors

90 Appointment of Chief Inspector

- (1) The Chief Executive Officer must, in writing, appoint a person to the office of Chief Inspector of Livestock.
- (2) The Chief Inspector of Livestock must be a public sector employee who is a registered veterinarian.
- (3) Notice of the appointment must be given in the *Gazette*.

91 Appointment of inspectors

- (1) The Chief Inspector may, in writing, appoint a public sector employee to the office of an inspector of livestock.
- (2) A person appointed to the office of an inspector of livestock also holds office as an inspector under the *Meat Industries Act*.
- (3) The Chief Inspector may, in writing, appoint another person to be an inspector:
 - (a) for a specified period; and
 - (b) to perform specified functions.

92 Identity cards

- (1) The Chief Executive Officer must issue to a person appointed as Chief Inspector or an inspector an identity card specifying the person's name and office and including a recent photograph and the signature of the person.
- (2) A person must, on ceasing to be the Chief Inspector or an inspector, return the identity card to the Chief Executive Officer.

Fault element: Strict liability offence.

Maximum penalty: 20 penalty units.

- (3) It is a defence to a prosecution for an offence against subsection (2) if the defendant establishes a reasonable excuse.

Division 3 General powers and functions of inspectors

93 Chief Inspector's powers and functions

- (1) In addition to the powers and functions conferred on the Chief Inspector under other provisions of this Act, the Chief Inspector has:
 - (a) the function of administering this Act; and
 - (b) the functions conferred on the Chief Inspector under any other Act; and
 - (c) the powers necessary or convenient for the performance of those functions.
- (2) The Chief Inspector also has the powers and functions of an inspector.
- (3) In exercising a power or performing a function under this or any other Act, the Chief Inspector is subject to the direction of the Minister.
- (4) The Chief Inspector may, in writing, delegate to a public sector employee any of the Chief Inspector's powers or functions under this or any other Act.

94 Inspector's powers and functions

- (1) In addition to the powers conferred on an inspector under other provisions of this Act, an inspector has the powers necessary and convenient for the performance of the inspector's functions under this Act.
- (2) In exercising a power or performing a function, the inspector is subject to the direction of the Chief Inspector.

95 Chief Inspector may approve form of documents

The Chief Inspector may approve the form of notices, applications, permits and other documents to be used under Part 4 or 5 or this Part.

96 Chief Inspector may require information or documents

- (1) The Chief Inspector may, by written notice, require a person to answer questions, provide information or produce a document, as specified in the notice, if the Chief Inspector considers the answer, information or document is relevant to the administration or enforcement of this Act.

- (2) The person must not contravene the notice.

Fault element: Intention.

Maximum penalty: 100 penalty units.

97 Chief Inspector may give orders about seized things

- (1) The Chief Inspector may give the following orders:

- (a) livestock seized under this Act must be sold by private sale or public auction;
- (b) any other thing seized under this Act must be confiscated, destroyed or sold by private sale or public auction.

- (2) A person given an order under subsection (1) must not contravene the order.

Fault element: Intention.

Maximum penalty: 100 penalty units.

98 Chief Inspector may restrict use of biological preparation and drugs

- (1) The Chief Inspector may, by *Gazette* notice directed to a class of persons or an order given to the owner of livestock, restrict the use of a biological preparation, chemical or veterinary drug in the treatment of livestock.

- (2) A person must not contravene a notice or order directed or given to the person under subsection (1).

Fault element: Intention.

Maximum penalty: 500 penalty units.

99 Inspector may authorise person to assist

An inspector may authorise a person to assist the inspector in the exercise of a power or performance of a function under this Act.

100 Inspector may require name and address

- (1) A inspector may require a person to state the person's name and address if the inspector:

- (a) reasonably suspects the person is committing an offence against this Act; or

- (b) finds the person in circumstances that lead, or has information that leads, the inspector to reasonably suspect the person has recently committed an offence against this Act.
- (2) The inspector may require the person to provide evidence of the person's name and address if the inspector reasonably doubts the truth of the person's response.
- (3) When requiring the person to state or provide evidence of the person's name and address, the inspector must also issue a warning that it is an offence to contravene the requirement without a reasonable excuse.
- (4) A person must not contravene a requirement under this section.

Fault element: Strict liability offence.

Maximum penalty: 100 penalty units.
- (5) It is a defence to a prosecution for an offence against subsection (4) if the defendant establishes a reasonable excuse.

101 Inspector may use reasonable force

If an inspector considers it necessary, the inspector may use reasonable force:

- (a) to prevent a person who is apparently contravening this Act from continuing to do so; or
- (b) to prevent a person who is apparently obstructing another person from complying with this Act, or rendering assistance to an inspector in accordance with this Act, from continuing to do so.

102 Inspector may place notices on land

An inspector may place notices in an approved form at any of the following places:

- (a) at or near the boundary of a property or other area of land to which a declaration or restriction under this Act applies to indicate the boundaries of, or any restriction relating to, the property or area;
- (b) at a border of the Territory to indicate the border;
- (c) at any place considered appropriate to indicate the effect of an order or other notice given under this Act;

- (d) on or near a road to indicate that traffic along the road must stop.

103 Inspector may muster livestock

An inspector may muster livestock or order the owner or person in charge of the livestock to do so.

Division 4 Inspector's powers of entry, search and seizure

104 Entry of premises generally

- (1) An inspector may do any of the following:
 - (a) enter any premises with the consent of the occupier or a person apparently in charge of the premises;
 - (b) enter at any reasonable time, without consent, premises that are not residential premises;
 - (c) enter residential premises under a warrant.
- (2) An inspector may enter premises with the assistance that is necessary and reasonable.
- (3) An inspector who enters premises must not remain on the premises if, when requested by the occupier or a person apparently in charge of the premises, the inspector does not produce his or her identity card.
- (4) In order to enter a vehicle, an inspector may require the driver of the vehicle to stop the vehicle, keep the vehicle stationary or move the vehicle to a specified place.
- (5) The driver must not contravene the requirement.

Fault element: Intention.

Maximum penalty: 100 penalty units.

105 Application for and issue of warrant

- (1) An inspector may apply to a magistrate for a warrant to enter residential premises:
 - (a) by appearing in person before the magistrate; or
 - (b) if it is not practicable to appear in person – by telephoning the magistrate.

- (2) If the magistrate is satisfied there are reasonable grounds to permit the inspector to enter the residential premises, the magistrate may issue a warrant directed to the inspector.
- (3) If the magistrate issues a warrant on an application made by telephone:
 - (a) the magistrate must complete and sign the warrant (the **original warrant**), inform the inspector by telephone of its terms and record on the original warrant the magistrate's reasons for issuing it; and
 - (b) the inspector must do the following:
 - (i) complete 2 copies of a form of warrant in the terms provided by the magistrate;
 - (ii) write on each copy the name of the magistrate and the date and time of issue of the original warrant;
 - (iii) forward 1 copy to the magistrate.
- (4) On receiving the copy, the magistrate must:
 - (a) compare it with the original warrant; and
 - (b) if the copy is in substance identical to the original warrant, the copy has the same authority as the original warrant.

106 Effect and term of warrant

- (1) A warrant permits the inspector to whom it is directed, and any person authorised under section 99 to assist the inspector, to do the following:
 - (a) enter the residential premises specified in the warrant;
 - (b) exercise any of the powers specified in sections 107 and 108.
- (2) The warrant remains in force for 1 month from the date of issue.

107 Powers on entry of premises

- (1) An inspector who enters premises in accordance with section 104 may do any of the following:
 - (a) inspect, examine and search the premises and inspect anything found on the premises;

- (b) open (including by breaking open) a container or package found on the premises in order to inspect or examine the contents;
- (c) take photographs, films or audio, video or other recordings of the premises or anything found on the premises;
- (d) take copies of, or extracts from, a document found on the premises;
- (e) require a person on the premises to do any of the following:
 - (i) answer questions or provide information;
 - (ii) produce, within a reasonable time, documents kept on the premises;
 - (iii) provide reasonable assistance to the inspector in the exercise of a power under this section;
- (f) subject to section 108, seize anything;
- (g) if the inspector reasonably believes anything found on the premises may be connected with an offence against this Act – order the occupier or a person apparently in charge of the premises not to remove the thing for the period of not more than 14 days specified in the order;
- (h) destroy or render harmless, or order the occupier or a person apparently in charge of the premises to destroy or render harmless, anything found in or on the premises that poses, or is likely to pose, a threat to the health or safety of persons;
- (i) order the owner of livestock to maintain or repair a fence for containing livestock within an area.

(2) An inspector may destroy an animal or animal products under subsection (1)(h) only with the consent of the owner or the Chief Inspector.

(3) A person must not contravene a requirement or order given under this section.

Fault element: Strict liability offence.

Maximum penalty: 100 penalty units.

(4) It is a defence to a prosecution for an offence against subsection (3) if the defendant establishes a reasonable excuse.

108 Powers of seizure following entry

An inspector who enters premises in accordance with section 104 may seize anything found on the premises if the inspector reasonably believes the thing:

- (a) is connected with an offence against this Act and the seizure is necessary to prevent it being:
 - (i) concealed, lost, damaged or destroyed; or
 - (ii) used to commit the offence; or
- (b) is connected with an offence against this Act and the seizure is necessary to conduct tests for adducing evidence in a prosecution for the offence.

109 Procedure generally following seizure

- (1) This section applies in relation to anything seized by an inspector under this Division or any other provision of this Act.
- (2) After the inspector has seized the thing, the inspector must give a receipt for it to any of the following persons:
 - (a) the occupier or person apparently in charge of the premises where the thing was seized;
 - (b) the owner or person apparently in charge of the thing;
 - (c) the person the inspector reasonably believes was in possession of the thing immediately before it was seized.
- (3) After seizing the thing, the inspector may:
 - (a) take the thing to an appropriate place or order another person to take the thing to a place specified by the inspector; or
 - (b) give an order about the appropriate handling and storage of the thing.
- (4) A person must not, without the written consent of the Chief Inspector:
 - (a) interfere with or dispose of anything seized under this Act; or

- (b) remove anything seized under this Act from the place where it was seized or subsequently taken.

Fault element: Intention.

Maximum penalty: 200 penalty units.

110 Retention of things seized if connected with offence

- (1) If anything is seized because it is connected with an offence against this Act, it must be held by the inspector as evidence to be tendered in a prosecution for the offence.
- (2) Subsection (1) does not apply if the Chief Inspector authorises the release of the thing to its owner or the person who had possession of it immediately before it was seized.
- (3) If a prosecution for the offence is commenced within 12 months after the seizure of the thing and the defendant is found guilty of the offence, the court may make 1 of the following orders:
- (a) the thing must be forfeited to the Territory;
- (b) if the Chief Inspector has previously authorised the release of the thing – the defendant must pay to the Territory an amount equal to the market value (as determined by the court) of the thing at the time it was seized.
- (4) The Chief Inspector must release the thing to its owner or the person who had possession of it immediately before it was seized if 1 of the following circumstances applies:
- (a) a prosecution for an offence against this Act is not commenced within 12 months after the seizure;
- (b) a prosecution for an offence against this Act is commenced within 12 months after the seizure and the defendant is not found guilty of the offence or the court does not make an order under subsection (3).

111 Seizure and destruction of wildlife requires approval

Despite any other provision of this Act, an inspector may seize or destroy wildlife as defined in the *Territory Parks and Wildlife Conservation Act* only with the approval of the Director of Parks and Wildlife.

Division 5 Orders, notices and authorisations

112 Giving orders

- (1) A written order given under this Act comes into effect:
 - (a) on the date specified in the order, which must not be earlier than the date the order is given; or
 - (b) if no date is specified in the order – on the date the order is given.
- (2) If the person giving an order is satisfied urgent action is required, the person may give the order orally.
- (3) An order given orally has effect immediately and ceases to be of effect 72 hours after it is given unless confirmed by a written order.
- (4) An order may specify a reasonable time for compliance and may include directions about the way in which an action required by the order must be taken.

113 Action and recovery of expense if contravention of order

- (1) If an inspector orders a person to take a specified action and the person contravenes the order, an inspector may take the action.
- (2) If the inspector incurs an expense in taking the action, the Territory may, unless the Minister directs otherwise, recover the amount of the expense as a debt from the person who contravened the order.

114 Authorisations

- (1) A person may apply in writing or make an oral application for an authorisation that may be given under this Act.
- (2) If the Registrar, Chief Inspector or an inspector (the **decision maker**) receives a written application for an authorisation, the decision maker must give the authorisation, or refuse to do so, by written notice to the applicant within 7 days after receiving the application.
- (3) If a decision maker receives an oral request for an authorisation, the decision maker may give the authorisation or refusal orally and confirm the decision by written notice within the next 24 hours.

115 Orders and notices may apply other documents

An order or notice given under this Act may apply, adopt or incorporate (with or without changes) the whole or part of a document as in force or existing at a particular time or from time to time.

Division 6 Miscellaneous matters

116 Delegation by Minister or Chief Executive Officer

- (1) The Minister may, in writing, delegate to a public sector employee any of the Minister's powers or functions under this Act except the power to give a direction under section 57 or 113(2).
- (2) The Chief Executive Officer may, in writing, delegate to a public sector employee any of the Chief Executive Officer's powers or functions under this Act except the power:
 - (a) under section 40(b) to approve an order for destruction or disposal made by the Chief Inspector; or
 - (b) to make an order under section 54.
- (3) The Chief Executive Officer must not delegate to the Registrar, Chief Inspector or an inspector the power to conduct a review.

117 Protection from liability

- (1) A 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 of a power or performance of a function as any of the following:
 - (a) the Chief Executive Officer;
 - (b) the Registrar;
 - (c) the Chief Inspector;
 - (d) an inspector or a person authorised under section 99 to assist an inspector.
- (2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.
- (3) In this section:

exercise, of a power, includes the purported exercise of the power.

performance, of a function, includes the purported performance of the function.

Part 7 Review of decisions

118 No review of certain decisions relating to emergency disease

- (1) A decision of the Chief Executive Officer or Chief Inspector made for the control of an emergency disease:
 - (a) is final and conclusive; and
 - (b) must not 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 mentioned in the subsection includes the following:
 - (a) giving an order or direction;
 - (b) issuing, varying or cancelling a standstill zone movement permit;
 - (c) destroying livestock or other things;
 - (d) failing to make a decision or take an action;
 - (e) a review of a reviewable decision, made by an inspector, relating to the control of an emergency disease.

119 Reviewable decisions of Registrar

Each of the following decisions of the Registrar is a reviewable decision:

- (a) a refusal under section 20(4) to authorise the movement of prescribed travelling livestock without a waybill;
- (b) a refusal under section 23 to authorise a slower speed of travel on a stock route than is prescribed;
- (c) a decision prescribed by regulation.

120 Reviewable decisions of Chief Inspector

Each of the following decisions of the Chief Inspector is a reviewable decision:

- (a) a refusal under section 32 to approve a veterinary diagnostic laboratory;
- (b) a refusal under section 66 to authorise a person to allow an animal pathogen to come in contact with livestock;
- (c) a refusal under section 67 to authorise a person to sell infected livestock or an infected animal product;
- (d) a decision under section 76(3) or 79(3):
 - (i) that a person is not entitled to be paid compensation; or
 - (ii) to defer consideration of an application for compensation;
- (e) a refusal under section 110(2) to authorise the release of a thing held as evidence of an offence;
- (f) a decision prescribed by regulation.

121 Reviewable decisions of inspectors

Each of the following decisions of an inspector is a reviewable decision:

- (a) a refusal under section 61 to authorise a person to perform an act in relation to a fence that is otherwise prohibited by that section;
- (b) a refusal under section 129 to authorise a person to perform an act in relation to a notice or sign that is otherwise prohibited by that section;
- (c) a decision prescribed by regulation.

122 Notice of reviewable decision

- (1) A person who makes a reviewable decision must, unless another provision of this Act provides otherwise, give a written notice of the decision to the person (the **recipient**) who:
 - (a) made the application or request to which the decision relates; or

- (b) is registered in relation to the matter to which the decision relates.
- (2) The notice must be given to the recipient within:
 - (a) the time specified by the Act or regulations; or
 - (b) if no time is specified – as soon as practicable after the recipient made the application or request to which the decision relates.
 - (3) The notice must specify:
 - (a) the reasons for the decision; and
 - (b) the matters mentioned in section 123; and
 - (c) any other matter this Act requires to be specified in relation to the decision.

123 Application for review

- (1) A person given notice of a reviewable decision may apply to the Chief Executive Officer for a review.
- (2) The application must be made:
 - (a) in the form approved by the Chief Executive Officer; and
 - (b) within 14 days after the date on which the person receives the notice of the decision.
- (3) The making of the application does not affect the operation of the reviewable decision.

124 Review by Chief Executive Officer

- (1) Within 14 days after an application for a review is made, the Chief Executive Officer must conduct the review and give the applicant written notice of his or her decision, including the reasons for the decision.
- (2) The Chief Executive Officer may decide the review in any way he or she considers appropriate.

125 Appeal against decision of Chief Executive Officer

- (1) The applicant for a review may appeal to the Local Court against the decision of the Chief Executive Officer.

- (2) The application must be made in accordance with the *Local Court Rules*.

Part 8 Miscellaneous offences and legal proceedings

Division 1 Miscellaneous offences

126 Misleading information and document

- (1) A person must not give misleading information to a person who is exercising powers or performing functions under this Act.

Fault elements:

The person:

- (a) knows the recipient of the information is acting in an official capacity; and
- (b) knows the information is misleading.

Maximum penalty: 200 penalty units or imprisonment for
1 year.

- (2) A person must not give a document containing misleading information to a person who is exercising powers or performing functions under this Act.

Fault elements:

The person:

- (a) knows the recipient of the document is acting in an official capacity; and
- (b) knows the document contains misleading information.

Maximum penalty: 200 penalty units or imprisonment for
1 year.

- (3) Subsection (2) does not apply if the person, when giving the document:

- (a) draws the misleading aspect of the document to the recipient's attention; and
- (b) to the extent to which the person can reasonably do so – gives the recipient the information necessary to correct the document.

(4) In this section:

misleading information means information that is misleading in a material particular because it:

- (a) does not include relevant information; or
- (b) includes misinformation.

127 Impersonation

A person must not falsely represent, by words or conduct, that the person, or someone else, is:

- (a) an inspector; or
- (b) a person lawfully assisting an inspector.

Fault element: Intention to deceive.

Maximum penalty: 400 penalty units or imprisonment for
2 years.

128 Obstruction and abusive language

(1) A person must not obstruct an inspector, or person assisting an inspector, who is exercising powers or performing functions under this Act.

Fault elements:

The person:

- (a) intentionally obstructs the inspector or person; and
- (b) knows that the person who is obstructed is acting in an official capacity.

Maximum penalty: 100 penalty units or imprisonment for
6 months.

(2) A person must not use abusive, threatening or insulting language to an inspector, or person assisting an inspector, who is exercising powers or performing functions under this Act.

Fault elements:

The person:

- (a) intentionally uses abusive, threatening or insulting language;
and

- (b) knows that the person to whom the language is used is acting in an official capacity.

Maximum penalty: 100 penalty units or imprisonment for
6 months.

129 Interference with notice or sign

A person must not, without authorisation from an inspector, destroy, remove, deface, damage or otherwise interfere with a notice or sign placed on land under this Act.

Fault element: Strict liability offence.

Maximum penalty 100 penalty units.

Division 2 Legal proceedings

130 Prosecutions

- (1) Proceedings for the prosecution of an offence against a provision of this Act must not be started more than 3 years after the occurrence of the alleged offence.
- (2) A prosecution for an offence against this Act may be started only with the written consent of the Chief Inspector.
- (3) Subsection (2) does not apply to a prosecution commenced by the Attorney-General or Director of Public Prosecutions.

131 When thing connected with offence

For this Act, a thing is connected with an offence if any of the following circumstances apply:

- (a) the offence is committed with respect to the thing;
- (b) the thing provides evidence of the commission of the offence;
- (c) the thing is used or is intended to be used for committing the offence.

132 Evidence in relation to brands and earmarks

- (1) An extract from a register purporting to be signed by the Registrar is evidence of the matters stated in the extract.
- (2) A certificate purporting to be signed by the Registrar, stating a brand or earmark has not been registered, is evidence of the fact.

- (3) A registered brand or earmark on livestock or hides that are proved not to be owned by the owner of the registered brand or earmark (the **brand owner**) is evidence that the brand owner branded or marked the livestock or hides knowing he or she did not own the livestock at the time they were branded or marked.

133 Evidentiary certificate by Chief Inspector

A certificate purporting to be signed by the Chief Inspector, stating a matter under this Act, is evidence of the matter.

134 Liability of executive officers of body corporate

- (1) If a body corporate commits an offence against this Act (the **principal offence**):
- (a) each executive officer of the body corporate commits an offence (the **secondary offence**); and
 - (b) the officer is liable to the penalty applicable to an individual who commits the principal offence.
- (2) However, it is a defence for an executive officer to establish:
- (a) the officer did not know, and could not reasonably have been expected to know, the principal offence was to be or was being committed; or
 - (b) the officer exercised due diligence to prevent the commission of the principal offence.
- (3) The executive officer may be found guilty of the secondary offence even though the body corporate has not been charged with, or found guilty of, the principal offence.
- (4) This section does not affect the liability of the body corporate for the principal offence.
- (5) In this section:

executive officer, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

135 Self-incrimination

- (1) A person is not excused from answering a question, providing information or producing a document, if required to do so under this Act, on the ground that the answer, information or document might tend to incriminate the person or make the person liable to a penalty.
- (2) However, the answer, information or document is not admissible in evidence against the person in a civil or criminal proceeding except a proceeding for an offence in which the falsity or misleading nature of the answer, information or document is relevant.

136 Continuing offences

- (1) This section applies if a court has found a person guilty of an offence against a provision of this Act.
- (2) The court may, in addition to any penalty imposed for the offence, impose a penalty not exceeding 10 penalty units for each day during which the offence continues after the day on which the offence is committed.

Part 9 Miscellaneous matters**137 Territory not required to provide water or fodder on stock route**

The Territory is not required by this Act or any other law in force in the Territory to provide water or fodder for livestock travelling or grazing on a stock route.

138 Acquisition on just terms

If the operation of this Act would, apart from this section, result in an acquisition of property other than on just terms:

- (a) the person is entitled to receive from the Territory the compensation necessary to ensure the acquisition is on just terms; and
- (b) a court of competent jurisdiction may decide the amount of compensation or make the orders it considers necessary to ensure the acquisition is on just terms.

139 Regulations

- (1) The Administrator may make regulations under this Act.

- (2) The regulations may provide for the following:
- (a) systems or methods of identification of livestock or other things;
 - (b) the registration of things associated with livestock;
 - (c) matters relating to waybills and health certificates;
 - (d) permits, authorisations or orders relating to matters under this Act;
 - (e) information to be included in an approved form;
 - (f) the control of disease in livestock, including methods of testing or treatment and the measures to be taken to decrease the risk of disease;
 - (g) obligations and restrictions relating to the following:
 - (i) feeding fodder to livestock;
 - (ii) the sale and supply of fodder, including the form and content of labels and invoices;
 - (iii) the labelling of animal products and other things, whether for the control of disease or provision of information;
 - (h) standards relating to the following:
 - (i) the management of livestock;
 - (ii) the humane treatment and care of livestock;
 - (iii) the disposal or destruction of livestock;
 - (i) methods of destroying livestock, animal products and other things;
 - (j) the enforcement of a code of practice by providing that a contravention of the code is an offence against the regulations or by other means;
 - (k) the verification of a matter by statutory declaration.
- (3) The regulations may do any of the following:
- (a) confer a discretion on the Minister, Chief Executive Officer, Chief Inspector or Registrar;

- (b) apply, adopt or incorporate (with or without changes) the whole or part of a document as in force or existing at a particular time or from time to time;
- (c) prescribe a fine, not exceeding 200 penalty units, for an offence against the regulations;
- (d) provide for an offence against the regulations to be an offence of strict or absolute liability.

Part 10 Repeals and transitional matters for Livestock Act 2008

140 Definition

In this Part:

commencement day means the day on which this Act commences.

141 Repeals

The Acts specified in the Schedule are repealed.

142 Brands, certificates and registers

- (1) A brand registered under the *Brands Act* immediately before the commencement day is taken to be a 3-letter brand registered under this Act.
- (2) A distinctive brand registered under the *Brands Act* immediately before the commencement day is taken to be a symbol brand registered under this Act.
- (3) A certificate for a brand issued under the *Brands Act* has effect as if issued under this Act.
- (4) A register kept under the *Brands Act* immediately before the commencement day continues in force under this Act.

143 Decisions relating to brands

- (1) If an application under the *Brands Act* for the registration of a brand or the transfer of a registered brand is not decided before the commencement day, the Registrar must decide the application under this Act.

- (2) The *Brands Act*, as in force immediately before the commencement day, continues to apply in relation to the following matters:
- (a) a decision to cancel the registration of a brand notified under section 22(2) of that Act less than 28 days before the commencement day;
 - (b) an appeal under section 24 of that Act made within the period specified by that section, regardless of whether the appeal is instituted before or after the commencement day.

144 Property and livestock identification

- (1) The register of property identifier codes kept under the *Stock Diseases Regulations* immediately before the commencement day continues as the register mentioned in section 15(2).
- (2) An approved identification device, as defined in the *Stock Diseases Regulations*, in force immediately before the commencement day, is taken to be an identification device approved under section 16.

145 Determination of compensation

If a person has applied for compensation under Part VA, Division 3 of the *Stock Diseases Act* and the application is not determined before the commencement day, that Act continues to apply in relation to the determination and any review of the determination.

146 Waybills and interstate health certificates

This Act applies in relation to a waybill or interstate certificate issued under the repealed *Stock Routes and Travelling Stock Act* during the 12 months immediately before the commencement day as if it were a waybill or health certificate mentioned in this Act.

Part 11 Consequential amendments

147 Amendment of *Agricultural and Veterinary Chemicals (Control of Use) Act*

- (1) This section amends the *Agricultural and Veterinary Chemicals (Control of Use) Act*.
- (2) Section 38(2)
- omit*

(3) Section 98

omit

of stock set out in section 42 of the *Stock Diseases Act*

substitute

under the *Livestock Act*

148 Amendment of *AustralAsia Railway (Special Provisions) Act*

(1) This section amends the *AustralAsia Railway (Special Provisions) Act*.

(2) Section 16D

omit

Stock Routes and Travelling Stock Act a person

substitute

Livestock Act a person in charge of travelling livestock

149 Amendment of *Bushfires Act*

(1) This section amends the *Bushfires Act*.

(2) Section 5(1), definition ***adjoining***

omit

Stock Routes and Travelling Stock Act

substitute

Livestock Act

150 Amendment of *Fences Act*

(1) This section amends the *Fences Act*.

(2) Section 4

omit

sections 61 to 63B, inclusive, of the *Stock Routes and Travelling Stock Act*

substitute

Livestock Act

151 Amendment of *Fines and Penalties (Recovery) Regulations*

(1) This section amends the *Fines and Penalties (Recovery) Regulations*.

(2) Schedule 1, list of Acts

omit

Brands Act

Stock (Control of Hormonal Growth Promotants) Act

Stock Diseases Act

Stock Routes and Travelling Stock Act

insert (in alphabetical order)

Livestock Act

(3) Schedule 1, list of Regulations

insert (in alphabetical order)

Livestock Regulations

152 Amendment of *Fisheries Regulations*

(1) This section amends the *Fisheries Regulations*.

(2) Regulation 3(1)

insert (in alphabetical order)

Chief Inspector, see the *Livestock Act*.

(3) Regulation 19(2)(c)

omit

of Stock within the meaning of the *Stock Diseases Act*

(4) Regulation 20(3)(b)

omit

of Stock

153 Amendment of *Meat Industries Act*

(1) This section amends the *Meat Industries Act*.

(2) Section 4(1), definition **Chief Inspector**

omit, substitute

Chief Inspector, see the *Livestock Act*.

(3) Section 4(1), definition **drover**

omit

stock being travelled in accordance with the *Stock Routes and Travelling Stock Act* or the *Stock Diseases Act*

substitute

travelling livestock being moved in accordance with the *Livestock Act*

(4) Section 10(3)(b)

omit

Stock Diseases Act;

substitute

Livestock Act;

154 Amendment of *Pounds Act*

(1) This section amends the *Pounds Act*.

(2) Section 8

omit

the Chief Inspector of Stock or by any other inspector of stock appointed under the *Stock Diseases Act*

substitute

an inspector, as defined in the *Livestock Act*,

155 Amendment of *Veterinarians Act*

- (1) This section amends the *Veterinarians Act*.
- (2) Section 3(1), definition ***Chief Inspector of Stock***
omit, substitute
Chief Inspector, see the *Livestock Act*.
- (3) Section 5(1)(a) and (7)
omit
of Stock

156 Amendment of *Veterinarians Regulations*

- (1) This section amends the *Veterinarians Regulations*.
- (2) Regulation 6(k)
omit (all references)
of Stock
- (3) Regulation 7(1)(d)
omit
Stock Diseases Act
substitute
Livestock Act

157 Expiry of Part

This Part expires on the day after it commences.

Schedule Repealed Acts

section 141

<i>Brands Ordinance 1928</i>	Ordinance No. 2 of 1928
<i>Brands Ordinance 1932</i>	Ordinance No. 21 of 1932
<i>Brands Ordinance 1934</i>	Ordinance No. 6 of 1934
<i>Brands Ordinance 1936</i>	Ordinance No. 1 of 1936
<i>Brands Ordinance 1954</i>	Ordinance No. 18 of 1954
<i>Brands Ordinance 1958</i>	Ordinance No. 4 of 1958
<i>Brands Ordinance 1960</i>	Ordinance No. 4 of 1960
<i>Brands Ordinance 1966</i>	Ordinance No. 35 of 1966
<i>Brands Ordinance 1967</i>	Ordinance No. 37 of 1967
<i>Brands Ordinance 1969</i>	Ordinance No. 37 of 1969
<i>Brands Ordinance 1974</i>	Ordinance No. 87 of 1974
<i>Brands Ordinance 1977</i>	Ordinance No. 20 of 1977
<i>Brands Amendment Act 1990</i>	Act No. 1 of 1990
<i>Brands Amendment Act (No. 2) 1990</i>	Act No. 3 of 1990
<i>Brands Amendment Act 1995</i>	Act No. 52 of 1995
<i>Brands Amendment Act 1996</i>	Act No. 53 of 1996
<i>Foot and Mouth Disease Compensation Ordinance 1958</i>	Ordinance No. 18 of 1958
<i>Foot and Mouth Disease Compensation Ordinance 1961</i>	Ordinance No. 5 of 1962
<i>Foot and Mouth Disease Compensation Ordinance 1966</i>	Ordinance No. 4 of 1966
<i>Foot and Mouth Disease Compensation Ordinance 1974</i>	Ordinance No. 85 of 1974

<i>Exotic Diseases (Animals) Compensation Act 1981</i>	Act No. 86 of 1981
<i>Exotic Diseases (Animals) Compensation Amendment Act 1990</i>	Act No. 6 of 1990
<i>Stock (Control of Hormonal Growth Promotants) Act 1993</i>	Act No. 2 of 1993
<i>Stock (Control of Hormonal Growth Promotants) Amendment Act 1996</i>	Act No. 52 of 1996
<i>Stock Diseases Ordinance 1954</i>	Ordinance No. 16 of 1954
<i>Stock Diseases Ordinance 1955</i>	Ordinance No. 23 of 1955
<i>Stock Diseases Ordinance 1957</i>	Ordinance No. 26 of 1957
<i>Stock Diseases Ordinance 1959</i>	Ordinance No. 23 of 1959
<i>Stock Diseases Ordinance 1961</i>	Ordinance No. 2 of 1962
<i>Stock Diseases Ordinance 1962</i>	Ordinance No. 40 of 1962
<i>Stock Diseases Ordinance 1963</i>	Ordinance No. 66 of 1963
<i>Stock Diseases Ordinance 1968</i>	Ordinance No. 63 of 1968
<i>Stock Diseases Ordinance 1969</i>	Ordinance No. 55 of 1969
<i>Stock Diseases Amendment Act 1981</i>	Act No. 51 of 1981
<i>Stock Diseases Amendment Act (No. 3) 1981</i>	Act No. 73 of 1981
<i>Stock Diseases Amendment Act (No. 2) 1981</i>	Act No. 90 of 1981
<i>Stock Diseases Amendment Act 1983</i>	Act No. 56 of 1983
<i>Stock Diseases Amendment Act 1987</i>	Act No. 39 of 1987
<i>Stock Diseases Amendment Act 1988</i>	Act No. 9 of 1988
<i>Stock Disease Amendment Act (No. 2) 1988</i>	Act No. 24 of 1988
<i>Stock Diseases Amendment Act 1989</i>	Act No. 80 of 1989
<i>Stock Diseases Amendment Act 1990</i>	Act No. 2 of 1990
<i>Stock Diseases Amendment Act 1994</i>	Act No. 33 of 1994
<i>Stock Diseases Amendment Act 1996</i>	Act No. 49 of 1996

<i>Stock Diseases Amendment Act 1999</i>	Act No. 32 of 1999
<i>Stock Diseases Amendment Act 2003</i>	Act No. 10 of 2004
<i>Stock Routes Ordinance 1954</i>	Ordinance No. 5 of 1955
<i>Stock Routes and Travelling Stock Ordinance 1955</i>	Ordinance No. 2 of 1956
<i>Stock Routes and Travelling Stock Ordinance 1957</i>	Ordinance No. 13 of 1957
<i>Stock Routes and Travelling Stock Ordinance (No. 2) 1957</i>	Ordinance No. 25 of 1957
<i>Stock Routes and Travelling Stock Ordinance 1960</i>	Ordinance No. 9 of 1960
<i>Stock Routes and Travelling Stock Ordinance 1963</i>	Ordinance No. 68 of 1963
<i>Stock Routes and Travelling Stock Ordinance 1969</i>	Ordinance No. 48 of 1969
<i>Stock Routes and Travelling Stock Ordinance 1973</i>	Ordinance No. 79 of 1973
<i>Stock Routes and Travelling Stock Act 1980</i>	Act No. 27 of 1980
<i>Stock Routes and Travelling Stock Amendment Act 1981</i>	Act No. 49 of 1981
<i>Stock Routes and Travelling Stock Amendment Act 1982</i>	Act No. 20 of 1982
<i>Stock Routes and Travelling Stock Amendment Act 1987</i>	Act No. 40 of 1987
<i>Stock Routes and Travelling Stock Amendment Act 1990</i>	Act No. 7 of 1990
<i>Stock Routes and Travelling Stock Amendment Act 1996</i>	Act No. 6 of 1996
<i>Stock Routes and Travelling Stock Amendment Act (No. 2) 1996</i>	Act No. 51 of 1996
