Animal Health Act 1995

An Act to provide for the prevention, detection and control of animal diseases, to provide for the maintenance and improvement of animal health, to repeal the Stock Act 1932 and certain other enactments and for related purposes

[Royal Assent 14 November 1995]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 - Preliminary

1. Short title

This Act may be cited as the Animal Health Act 1995.

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

(1) In this Act, unless the contrary intention appears –

*amend* means –

(a) omit any matter; and

(b) insert or add any matter; and

(c) omit any matter and substitute other matter;

*animal* means any member of the animal kingdom (other than a human), whether alive or dead, including –

(a) any mammal, bird, fish, shellfish and insect; and

(b) any egg, embryo, ova or sperm of such a member of the animal kingdom; and

(c) any carcass or part of any carcass of such a member of the animal kingdom;
animal material means any animal product, fitting or fodder;

animal product means –

(a) the hide, skin, hair, wool, feather, shell, horn, fin or hoof of an animal; and

(b) any part of the viscera of an animal; and

(c) any meat, fat, milk, whey, cream, butter, cheese, eggs, honey and other food or foodstuffs derived from an animal; and

(d) any urine, faeces, bone or blood of an animal, or any article or substance derived from the urine, faeces, bone or blood of an animal; and

(e) any secretion or excretion of an animal; and

(f) any product or biological preparation prepared or derived from any tissue or secretion of an animal; and

(g) any article or substance derived from an animal, whether or not in combination with any other article or substance; and

(h) any other thing that is declared under subsection (2) to be an animal product for the purposes of this Act;

artificial breeding means –

(a) the artificial insemination of an animal; and

(b) the implantation of an embryo in a recipient animal; and

(c) the collection, processing, handling, storing, sale or distribution of semen, ova or embryos for a purpose specified in paragraph (a) or (b);

building means the whole or any part of any building, erection, hoarding, tent or other structure;

Chief Veterinary Officer means the Chief Veterinary Officer appointed under section 6;

comply with includes does not contravene;

contaminated has the same meaning as in the Agricultural and Veterinary Chemicals (Control of Use) Act 1995;

contravene includes fail to comply with;

control includes taking measures to –

(a) prevent the establishment of a disease; and

(b) limit the spread of a disease; and
(c) reduce or prevent the occurrence of a disease; and

(d) eradicate a disease;

control area means an area of Tasmania in respect of which a declaration of control area is in force;

conveyance means any aircraft, trailer, vehicle, vessel or other thing that may be used for the carriage of persons, animals, animal materials, disease agents or other things, whether or not it is at the material time capable of being moved or operated;

Crown means the Crown in right of Tasmania;

declaration of control area means a declaration made and in force under section 39;

declaration of infected place means a declaration made and in force under section 31;

declaration of protected area means a declaration made and in force under section 42;

declaration of restricted area means a declaration made and in force under section 35;

Deputy Chief Veterinary Officer means the Deputy Chief Veterinary Officer appointed under section 7;

destroy includes slaughter and demolish;

diagnostic reagent means a substance that is administered to an animal to aid in the diagnosis of a disease in the animal;

direction means a direction given under this Act, other than section 22 or 50;

disease means –

(a) a disease that affects or may affect an animal; and

(b) a disease agent; and

(c) a zoonosis;

disease agent means –

(a) the whole or part of an organism, being an organism that –

(i) can cause a disease in an animal; or

(ii) if in an attenuated, killed or inactivated form, was capable of causing a disease in an animal when non-attenuated or viable; and

(b) a part of an organism, being a part that can cause disease in an animal; and

(c) a substance, being a substance that can cause disease in an animal; and
(d) any other thing that is declared under subsection (4) to be a disease agent – but does not include a diagnostic reagent or a vaccine unless declared under paragraph (d);

*diseased* means –

(a) showing clinical, serological, pathological, microbiological or other evidence of having been exposed to, or being affected by, a disease that is not genetic; or

(b) affected by, or being a carrier for, a genetic disease;

*domestic animal* means an animal that is farmed or kept in a domestic or captive state or is under the control of humans regardless of whether the animal is or is not of a species categorised at common law as being of a tame or domestic nature;

*emergency restriction notice* means a notice issued under section 24;

*feral animal* means –

(a) any animal that –

(i) is categorised at common law as being of a tame or domestic nature; and

(ii) is living in a wild state after escaping from or leaving a farmed, domestic or captive state or the control of a human; and

(b) any animal of a class prescribed in the regulations to be feral animals and that is living in a wild state after escaping from or leaving a farmed, domestic or captive state or the control of a human; and

(c) any descendant of an animal referred to in paragraph (a) or (b) that is living in a wild state;

*fitting* includes –

(a) any box, stall, cage, enclosure, tank, pen, hive, water or other material used for containing an animal; and

(b) any harness, saddlery, rope, net, fish pump, bucket, trough, bedding, utensil, implement, equipment or other thing used in the handling or keeping of an animal or animal material;

*fodder* means anything that is used or intended to be used as food or drink for an animal;

*function* includes duty and responsibility;

*general authority* means an authority issued under section 18;
government disease control program means a program implemented under section 50;
import means import into –
(a) Tasmania (other than Macquarie Island) from Macquarie Island, another State, a Territory or elsewhere; and
(b) Macquarie Island from another part of Tasmania, another State, a Territory or elsewhere;
importer means a person who is importing, has imported or is proposing to import any animal, animal material or disease agent;
industry disease control program means a program for the purposes of controlling a disease that has been approved under section 47 as amended under that section from time to time;
infected means –
(a) diseased; and
(b) harbouring a disease agent; and
(c) having been, or suspected of having been, exposed to a disease within the prescribed exposure period;
infected place means the whole or any part of any place in respect of which a declaration of infected place is in force;
inspector means the Chief Veterinary Officer, the Deputy Chief Veterinary Officer or an inspector appointed under section 8;
land includes any land forming the bed of any sea, river, lake, foreshore, inlet, harbour or any other body of water within the State;
List A disease means –
(a) a disease declared under subsection (3) to be a List A disease; and
(b) a List A disease agent;
List A disease agent means –
(a) the whole or part of an organism, being an organism that –
(i) can cause a List A disease in an animal; or
(ii) if in an attenuated, killed or inactivated form, was capable of causing a List A disease in an animal when non-attenuated or viable; and
(b) a part of an organism, being a part that can cause a List A disease in an animal; and

(c) any other thing that is declared under subsection (4) to be a List A disease agent –

but does not include a diagnostic reagent or a vaccine unless declared under paragraph (c);

List B disease means a disease declared by the Minister to be a List B disease under subsection (3);

List B disease agent means –

(a) the whole or part of an organism, being an organism that –

(i) can cause a List B disease in an animal; or

(ii) if in an attenuated, killed or inactivated form, was capable of causing a List B disease in an animal when non-attenuated or viable; and

(b) a part of an organism, being a part that can cause a List B disease in an animal; and

(c) any other thing that is declared under subsection (4) to be a List B disease agent –

but does not include a diagnostic reagent or a vaccine unless declared under paragraph (c);

listed animal or animal product means a dead animal, or an animal product, of a class of animal or animal product declared by the Minister under subsection (6) to be listed animals or animal products;

management committee means a management committee composed under an industry disease control program;

market value means the value, as assessed by a competent valuer, that a willing buyer would offer to a willing seller;

new disease means a disease, other than a List A disease or List B disease, which the person concerned has reasonable grounds to believe or believes is not at that time known to occur in Tasmania;

occupier means –

(a) a person who normally resides in premises; and

(b) if no person normally resides in premises, the owner of those premises; and

(c) a person acting on behalf of a person specified in paragraph (a) or (b):
organism includes micro-organism, parasite, pest, infectious material and genetic material;

owner means –

(a) a person having or claiming any right, title or interest in a domestic animal, an animal material or other property (other than a prescribed mortgagee or grantee of a bill of sale); and

(b) a mortgagee or grantee of a bill of sale, other than a prescribed mortgagee or grantee of a bill of sale; and

(c) an occupier of property; and

(d) an agent of a person specified in paragraph (a), (b) or (c); and

(e) a person who is in charge or possession, or appears to the inspector concerned to be in charge or possession, of a domestic animal, an animal material or other property;

pen means confine within an enclosure or cage;

permit means a permit issued and in force under this Act;

person-in-charge includes a person who appears to the inspector concerned to be in charge;

place includes –

(a) any area of Tasmania; and

(b) any land; and

(c) any sea, river, reservoir or other body of water; and

(d) any premises; and

(e) any building in or on a place; and

(f) any part of a place;

premises includes –

(a) any land, curtilage, building and body of water; and

(b) any place used for the handling, testing, treatment, storage, holding, delivery or acceptance of an animal, animal material or disease agent; and

(c) any part of premises;
prescribed mortgagee or grantee of a bill of sale means a mortgagee, or grantee of a bill of sale, who does not have possession of the animal or property which is the subject of the mortgage or bill of sale;

property does not include a domestic animal;

protected area means an area in respect of which a declaration of protected area is in force;

published notice means a notice which is published as soon as practicable after it has been determined that it is necessary or appropriate to make the notice –

(a) in 3 Tasmanian daily newspapers; or

(b) in a situation that the Chief Veterinary Officer considers is an emergency, by radio or television;

quarantine area means any place in respect of which a declaration under section 11 is in force;

regulations means regulations made and in force under this Act;

relevant listed animal disease, in respect of a listed animal or animal product, means the disease specified to be the relevant listed animal disease in a declaration under subsection (6) in respect of the class of animal or animal product of which that listed animal or animal product is a member;

residence means any building, conveyance or part of a building or conveyance that is ordinarily used for residential purposes;

restricted area means a place in respect of which a declaration of restricted area is in force;

restricted material means –

(a) a disease agent; or

(b) any animal material of a class declared by the Minister under subsection (5) to be restricted material;

Secretary means the Secretary of the Department;

sell means sell by wholesale or retail and includes –

(a) offer, display or expose for sale; and

(b) keep or have in possession for sale; and

(c) barter or exchange; and

(d) deal in or agree to sell; and
(e) supply, send, forward or deliver for sale or for, or in expectation of receiving, any payment or other consideration; and

(f) authorise, cause, attempt or allow any act referred to in paragraph (a), (b), (c), (d) or (e);

special authority means an authority issued under section 19;
swill means any material of placental mammal origin but does not include –

(a) . . . . . . . .

(b) milk and the by-products of milk processing; or

(c) any material containing flesh, bones, blood or offal of mammal carcasses which is treated by a process, or a process of a kind, approved by the regulations; or

(d) the carcass of a mammal which has been slaughtered at premises for the purpose of feeding it to pigs at those premises if those premises have been approved by the Chief Veterinary Officer in writing; or

(e) any material which is exempted by the regulations;

test includes the taking of samples;
treat includes medicate, cleanse and disinfect;
unknown disease means a disease –

(a) whose type the person concerned does not recognise or is not certain of; or

(b) whose cause the person concerned does not recognise or is not certain of;

veterinary surgeon means a person registered as a veterinary surgeon under the Veterinary Surgeons Act 1987;

wild animal means an animal which is not a domestic animal or feral animal.

(2) The Minister may, by notice published in the Gazette, declare any thing to be an animal product for the purposes of this Act.

(3) The Minister may, by notice published in the Gazette, declare any disease to be a List A disease or List B disease.

(4) The Minister may, by notice published in the Gazette, declare any thing –

(a) which he or she considers may cause disease in animals to be a disease agent; or

(b) which he or she considers may cause a List A disease in animals to be a List A disease agent; or
(c) which he or she considers may cause a List B disease in animals to be a List B disease agent.

(5) The Minister may, by notice published in the Gazette, declare an animal material of a class specified in the notice to be a restricted material.

(6) The Minister may, by notice published in the Gazette, declare a class of animal or animal product to be listed animals or animal products.

(7) A notice under subsection (6) –

(a) must specify in respect of the class of animal or animal product declared to be listed animals or animal products a relevant listed animal disease; and

(b) may specify, either generally or in relation to a particular listed animal or animal product or relevant listed animal disease, the treatment of –

(i) the dead animal or animal product that constitutes a listed animal or animal product; or

(ii) the animal or dead animal from which an animal product that constitutes a listed animal or animal product was obtained –

that is sufficient to ensure that the listed animal or animal product is not infected with the relevant listed animal disease.

(8) A notice under subsection (6) that specifies treatment that is sufficient to ensure that the listed animal or animal product is not infected with the relevant listed animal disease may do so by adopting wholly or in part, with or without modification and specifically or by reference any Act of this State or elsewhere, any subordinate legislation made under such an Act or any standards, rules, codes or specifications published before or after the commencement of this subsection.

(9) A reference in subsection (8) to an Act, subordinate legislation, standards, rules, codes or specifications includes a reference to that Act or subordinate legislation or those standards, rules, codes or specifications as amended from time to time.

(9A) A notice made under this section takes effect on –

(a) the day on which the notice is published in the Gazette; or

(b) a later day specified in the notice, if any.

(10) A notice made by the Minister under this section is not a statutory rule for the purposes of the Rules Publication Act 1953.

4. Act binds Crown
(1) This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.
(2) The Crown in right of Tasmania is not liable to be prosecuted for an offence against this Act.

5. Saving of other laws

This Act does not affect in any way the operation of any other law unless the contrary intention appears or unless that law is not capable of operating concurrently with this Act.

PART 2 - Administration

6. Appointment of Chief Veterinary Officer

The Secretary may appoint by written instrument a veterinary surgeon employed in the Department to be Chief Veterinary Officer and that person holds that office in conjunction with State Service employment.

7. Appointment of Deputy Chief Veterinary Officer

(1) The Secretary, on the recommendation of the Chief Veterinary Officer, may appoint by written instrument a veterinary surgeon employed in the Department to be Deputy Chief Veterinary Officer and that person holds that office in conjunction with State Service employment.

(2) If the Chief Veterinary Officer is absent from duty, otherwise unable to perform the functions of the office of Chief Veterinary Officer or absent from the State, the Deputy Chief Veterinary Officer is to act in the office of Chief Veterinary Officer.

(3) While the Deputy Chief Veterinary Officer is acting in the office of Chief Veterinary Officer –

(a) the Deputy Chief Veterinary Officer is taken to be the Chief Veterinary Officer; and

(b) this Act applies to the Deputy Chief Veterinary Officer as if he or she were the Chief Veterinary Officer.

8. Appointment of inspectors

(1) The Secretary, on the recommendation of the Chief Veterinary Officer, may appoint by written instrument as inspectors –

(a) persons employed in the Department; and
(b) with the consent of another Head of a State Service Agency, State Service officers and State Service employees employed in that Agency; and

c) persons who are not State Service officers or State Service employees.

(2) In addition to appointing inspectors under subsection (1), the Secretary, on the recommendation of the Chief Veterinary Officer, may appoint, by notice published in the Gazette, all members of a class of persons specified in the notice to be inspectors if the Secretary considers it necessary to do so for the purposes of controlling a List A disease.

(3) The appointment of an inspector takes effect –

(a) on the day specified in the instrument of appointment or Gazette notice under subsection (2); or

(b) if a day is not so specified, on the day the instrument was made or the notice was published in the Gazette.

(4) The appointment of an inspector under subsection (1) has effect –

(a) for the period specified in the instrument of appointment; or

(b) if a period is not so specified, until the appointment is revoked.

(5) A Gazette notice under subsection (2) –

(a) has effect for the period specified in the notice; or

(b) if no such period is so specified, has effect for a period of 3 months.

(6) An appointment may limit the powers which the inspector so appointed can exercise as specified in the instrument of appointment or Gazette notice under subsection (2).

(7) A State Service officer or State Service employee may hold the office of inspector in conjunction with State Service employment.

9. Authorised persons

(1) The Secretary may, in writing, authorise a person to perform the functions, and exercise the powers, of an inspector that are specified in the authority for the purposes specified in the authority.

(2) An authority takes effect on the day on which it is made and has effect –

(a) for the period specified in the authority; or

(b) if no such period is so specified, for a period of 3 months.
10. Delegation

(1) The Minister may delegate to the Secretary, Chief Veterinary Officer or Deputy Chief Veterinary Officer any of his or her functions or powers under this Act, other than this power of delegation.

(2) The Secretary may delegate to the Chief Veterinary Officer or Deputy Chief Veterinary Officer any of his or her functions or powers under this Act, including a function or power delegated to him or her by the Minister, but excluding this power of delegation.

(3) The Chief Veterinary Officer may delegate to the Deputy Chief Veterinary Officer or an inspector any of his or her functions or powers under this or any other Act, including a function or power delegated to him or her by the Minister or the Secretary, but excluding this power of delegation.

PART 3 - Quarantine

11. Quarantine area

(1) The Chief Veterinary Officer may declare, by notice published in the Gazette, a place to be a quarantine area if –

(a) in the case of Crown land, the Minister responsible for the administration of the Crown Lands Act 1976 has consented, in writing, to the making of the declaration; and

(b) in the case of other land, the owner of the estate in fee simple and any other owner who has the management and control of the place have consented, in writing, to the making of the declaration.

(2) A declaration of a quarantine area is in force for the period –

(a) commencing on the later of the following days:

(i) the day on which the notice under subsection (1) is gazetted;

(ii) a day specified in the notice; and

(b) ending –

(i) on the day specified in the notice; or

(ii) if no such day is so specified, 12 months after the day on which the declaration comes into force.

(3) The Chief Veterinary Officer, by notice published in the Gazette, may revoke a declaration of a quarantine area if –
(a) one of the owners referred to in subsection (1) has consented to the revocation; or

(b) the Chief Veterinary Officer considers that it is appropriate to do so.

12. Restrictions on introduction or removal of animal to or from quarantine area

A person (other than an inspector) must not cause or allow an animal or animal material to be moved into or out of a quarantine area, or assist another person to move an animal or animal material into or out of a quarantine area –

(a) except where the animal or animal material is a member of a class of animal or animal material that the Chief Veterinary Officer has declared, under section 13, to be animals or animal materials which may be moved into or out of the quarantine area; or

(b) except as authorised by, and in accordance with any conditions specified in, a permit issued under section 14.

Penalty:

Fine not exceeding 50 penalty units or a term of imprisonment not exceeding 6 months, or both.

13. Declaration of animals and animal materials which may be moved into and out of quarantine area

The Chief Veterinary Officer may declare, by written notice provided to the owner of a quarantine area, that animals and animal materials of a class specified in the notice may be moved into or out of the quarantine area.

14. Permits for movement into and out of quarantine area

An inspector may issue a permit authorising the movement into or out of a quarantine area of an animal, animal material or class of animal or animal material.

15. Management of quarantine area

(1) The Chief Veterinary Officer may at any time give written directions to the owner of a quarantine area in relation to –

(a) the management, maintenance, operation and security of the quarantine area; and

(b) the handling, keeping, examination, testing, vaccination, identification and treatment of any animal or animal material in the quarantine area.
(2) An inspector may give verbal or written directions to the owner of, or a person on or employed at, a quarantine area in relation to any matters specified in a direction given under subsection (1).

16. Power of Chief Veterinary Officer to assume management of quarantine area

(1) If the Chief Veterinary Officer considers that it is necessary to do so, the Chief Veterinary Officer may assume the management of a quarantine area.

(2) On assuming the management of a quarantine area, the Chief Veterinary Officer –

(a) assumes control of the maintenance, operation and security of the quarantine area; and

(b) may manage the quarantine area or appoint an inspector or other person to be its manager; and

(c) if it is possible to do so, must provide written notice of that assumption of management to each person who was an owner of the quarantine area immediately before the Chief Veterinary Officer so assumed control; and

(d) must post a notice in the quarantine area which states –

(i) that the quarantine area is temporarily under the management of the Chief Veterinary Officer; and

(ii) the name of the person who is the manager of the quarantine area while it is under the management of the Chief Veterinary Officer.

(3) If the Chief Veterinary Officer has assumed management of a quarantine area, its owners (including the person-in-charge of the quarantine area immediately before the Chief Veterinary Officer so assumed control) and all persons on or employed at the quarantine area must comply with any written or verbal orders given by the Chief Veterinary Officer or the person who is appointed manager of the quarantine area under subsection (2)(b).

Penalty:

Fine not exceeding 30 penalty units.

**PART 4 - Importation**

*Division 1 - Importation of animals, restricted materials and infected animal materials*
17. Prohibition on importation of animals, restricted materials and infected animal materials

(1) A person must not import an animal or a restricted material except where that importation –

(a) is authorised by a general or special authority; and

(b) is done in accordance with any conditions specified in the general or special authority.

Penalty:

Fine not exceeding 100 penalty units or a term of imprisonment not exceeding 12 months, or both.

(2) Notwithstanding that a general or special authority authorises the importation of an animal or a restricted material, a person must not import that animal or restricted material if –

(a) the person believes or has reason to believe that the animal or restricted material is infected with a List A disease, List B disease, new disease or unknown disease; and

(b) that general or special authority does not specifically authorise the importation of an animal or a restricted material that is so infected.

Penalty:

In the case of –

(a) a List A disease, a fine not exceeding 200 penalty units or a term of imprisonment not exceeding 24 months, or both;

(b) any other disease, a fine not exceeding 50 penalty units or a term of imprisonment not exceeding 6 months, or both.

(3) A person must not import any animal material that the person believes or has reason to believe is infected with a List A disease, List B disease, new disease or unknown disease –

(a) except where a general or special authority authorises the importation of the infected animal material; and

(b) except in accordance with any conditions relating to the importation of the infected animal material specified in the general or special authority.

Penalty:
In the case of –

(a) a List A disease, a fine not exceeding 200 penalty units or a term of imprisonment not exceeding 2 years, or both;

(b) any other disease, a fine not exceeding 50 penalty units or a term of imprisonment not exceeding 6 months, or both.

18. General authority

(1) The Chief Veterinary Officer may issue a general authority in respect of the importation of animals, restricted materials or infected animal materials of a class specified in the general authority.

(2) A general authority is to be published in the Gazette.

(3) A general authority may specify any conditions with which an importer must comply in importing an animal, restricted material or infected animal material of a class specified in the general authority.

(4) Without limiting subsection (3), conditions in a general authority may include conditions relating to any one or more of the following matters:

(a) the inspection, testing and treatment of any animal, restricted material or infected animal material at any time before, during and after importation;

(b) the isolation of any animal, restricted material or infected animal material at any time before, during and after importation;

(c) the quarantine of any animal, restricted material or infected animal material before and after importation;

(d) the certification of any aspect of the identity, health status, travel arrangements or history of any animal, restricted material or infected animal material.

(5) Without limiting the matters which the Chief Veterinary Officer may consider in determining whether to issue a general authority or the conditions that may be specified in a general authority, the Chief Veterinary Officer is to consider –

(a) the likely purpose of importation of animals, restricted materials or infected animal materials of that class; and

(b) the degree of risk of any disease becoming established or further spread in Tasmania.

(6) A general authority –

(a) takes effect on the later of the following days:
(i) the day on which it is published in the *Gazette*;

(ii) a day specified in it, if any; and

(b) remains in force until it is revoked.

19. **Special authority**

(1) In this section, *specified* means specified in a special authority.

(2) On receipt of the application of a person, the Chief Veterinary Officer may issue to that person a special authority in respect of the importation of –

(a) a specified particular animal, restricted material or infected animal material; or

(b) animals, restricted materials or infected animal materials of a specified class.

(3) An application is to be –

(a) in writing; and

(b) in a form approved by the Chief Veterinary Officer; and

(c) accompanied by any prescribed fee.

(4) Before determining whether to issue a special authority to a person, the Chief Veterinary Officer may require the person to provide further information and documents that the Chief Veterinary Officer considers relevant.

(5) A special authority may specify any conditions with which an importer must comply when importing –

(a) the specified particular animal, restricted material or infected animal material; or

(b) any animal, restricted material or infected animal material of a specified class.

(6) Without limiting subsection (5), conditions in a special authority may include conditions relating to the following matters:

(a) the identification, inspection, testing and treatment of any specified particular, or specified class of, animal, restricted material or infected animal material at any time before, during and after importation;

(b) the quarantine of any specified particular, or specified class of, animal, restricted material or infected animal material before and after importation;
(c) the certification of any aspect of the identity, health status, travel arrangements or history of any specified particular, or specified class of, animal, restricted material or infected animal material.

(7) Without limiting the matters which the Chief Veterinary Officer may consider in determining whether to issue a special authority or the conditions that may be specified in a special authority, the Chief Veterinary Officer is to consider –

(a) the purpose of the importation of the particular animal, restricted material or infected animal material or the class of animal, restricted material or infected animal material in respect of which the application for the special authority was made; and

(b) the degree of risk of any disease becoming established or further spread in Tasmania.

(8) A special authority –

(a) is to be in writing; and

(b) takes effect on the later of the following days:

(i) the day on which it is provided to the person who applied for it;

(ii) a day specified in it, if any; and

(c) has effect –

(i) for a period not exceeding 12 months as specified in it; or

(ii) if no such period is so specified, for a period of 12 months commencing on the day on which it takes effect.

20. Authority of general and special authorities

(1) A general authority authorises the importation of animals, restricted materials or infected animal materials of a class specified in the general authority in accordance with any conditions specified in the general authority.

(2) A special authority authorises the person to whom it is issued to import in accordance with any conditions specified in the special authority –

(a) the particular animal, restricted material or infected animal material specified in the special authority; or

(b) the animals, restricted materials or infected animal materials of the class specified in the special authority.
21. Amendment and revocation of general and special authorities

(1) The Chief Veterinary Officer may amend or revoke –

(a) a general authority by notice published in the Gazette; and

(b) a special authority by notice provided to the person to whom the special authority was issued.

(2) A notice amending or revoking a general or special authority takes effect on the later of the following days:

(a) in the case of a general authority –

(i) the day on which the notice is published in the Gazette; or

(ii) a day specified in the notice, if any;

(b) in the case of a special authority –

(i) the day on which the notice is provided to the person to whom that special authority was issued; or

(ii) a day specified in the notice, if any.

22. Ministerial directions

(1) In this section, specified means specified in a direction given under subsection (2).

(2) The Minister may give the Chief Veterinary Officer a written direction in respect of one or more of the following matters:

(a) that the Chief Veterinary Officer must or must not issue a general or special authority in relation to a specified class of animal, restricted material or infected animal material;

(b) that the Chief Veterinary Officer must or must not include in any general or special authority a specified condition relating to any importation authorised by that authority;

(c) that the Chief Veterinary Officer must or must not amend as specified or revoke a general or special authority.

(3) The Chief Veterinary Officer must comply with a direction given under subsection (2).

Division 2 - Importation of animal materials generally
23. Prohibition on importation of certain animal materials

(1) If an emergency restriction notice specifies that a class of animal material must not be imported, a person must not import any animal material of that class.

Penalty:

Fine not exceeding 100 penalty units or a term of imprisonment not exceeding 12 months, or both.

(2) If an emergency restriction notice specifies that a class of animal material may only be imported in accordance with the conditions specified in it, a person must not import any animal material of that class except in accordance with those conditions.

Penalty:

Fine not exceeding 50 penalty units or a term of imprisonment not exceeding 6 months, or both.

(3) Subsection (2) does not apply to a person if, at the relevant time –

(a) the emergency restriction notice has not been published in the Gazette; and

(b) an inspector has not notified the person, orally, in writing or otherwise, of the making of the notice.

(4) Except as otherwise provided by this section and section 17, a person may import an animal material.

24. Emergency restriction notice

(1) If the Chief Veterinary Officer considers that there is an immediate risk of a disease being introduced into or further spread in Tasmania, the Chief Veterinary Officer may make an emergency restriction notice that –

(a) specifies that a class of animal material must not be imported; or

(b) specifies that a class of animal material may only be imported in accordance with the conditions specified in the emergency restriction notice.

(2) An emergency restriction notice –

(a) is to be published in the Gazette as soon as practicable after it has been issued; and

(b) may be published in any newspaper and magazine and on radio and television.

(3) An emergency restriction notice takes effect when it is made.
An emergency restriction notice has effect –

(a) for the period of not more than 60 days specified in the notice; or

(b) if no period is so specified, for the period of 60 days commencing on the day on which the notice takes effect; or

(c) if the notice is revoked before the end of the period referred to in paragraph (a) or (b), until revoked.

By notice published in the Gazette, the Chief Veterinary Officer may extend the period during which an emergency restriction notice has effect for one further period of not more than 60 days.

25. Amendment or revocation of emergency restriction notice

(1) The Chief Veterinary Officer may amend or revoke an emergency restriction notice by notice published in the Gazette.

(2) An amendment or revocation of an emergency restriction notice takes effect on the later of the following days:

(a) the day on which it is notified in the Gazette;

(b) a day specified in it, if any.

PART 5 - Notification of Disease

26. Publication of List A and List B diseases

During June or July in each year the Chief Veterinary Officer must publish in the Gazette a list of all List A diseases and all List B diseases.

27. Duties in respect of List A disease

(1) Any person who knows or suspects that an incidence of a List A disease has occurred in Tasmania must, as soon as possible and in the quickest manner practicable –

(a) notify an inspector of that incidence or possible incidence if the person knows or suspects that an inspector has not or may not have been notified of the incidence; and

(b) notify the owner of the infected animal or other thing of that incidence or possible incidence if –

(i) the person knows or suspects that the owner does not or may not know of that incidence or possible incidence; and
it is reasonable in the circumstances for the person to notify the owner.

Penalty:

Fine not exceeding 200 penalty units or a term of imprisonment not exceeding 24 months, or both.

(2) An owner who knows or has reason to suspect that an animal or other thing is infected with a List A disease must –

(a) if possible, isolate the infected animal or thing or group of infected animals or things; and

(b) take all reasonable steps to prevent the spread of the disease.

Penalty:

Fine not exceeding 200 penalty units or a term of imprisonment not exceeding 24 months, or both.

28. Duty in respect of List B disease

(1) Any person who knows or has reason to believe that an incidence of a List B disease has occurred in Tasmania must notify an inspector of that incidence as soon as possible if –

(a) the person knows or suspects that an inspector has not or may not have been notified of the incidence; and

(b) the Chief Veterinary Officer has not granted an exemption in respect of that incidence under subsection (2); and

(c) an inspector has not granted an exemption in respect of that incidence under subsection (3).

Penalty:

Fine not exceeding 50 penalty units.

(2) The Chief Veterinary Officer, by notice published in the Gazette, may exempt persons or classes of persons from having to comply with subsection (1) in respect of a List B disease generally or in the circumstances specified in the notice.

(3) An inspector, by written notice provided to a person, may exempt the person from having to comply with subsection (1) in respect of a List B disease if the person has notified an inspector of one or more incidences of that disease.

(4) An exemption under subsection (2) or (3) –

(a) is subject to any conditions specified in it; and
(b) may be limited in its application and effect as specified in it.

(5) An exemption under subsection (2) has effect until it is revoked by the Chief Veterinary Officer by notice published in the Gazette.
(6) An exemption under subsection (3) has effect until it is revoked by an inspector by written notice provided to the exempted person.

29. Duty in respect of new disease

Any person who knows or has reason to believe that a new disease is present within Tasmania must notify an inspector of that presence or possible presence as soon as possible.

Penalty:

Fine not exceeding 50 penalty units.

30. Duty in respect of unknown disease

(1) If an owner of a group of animals knows or has reason to believe that an unknown disease is causing an unusual level or manifestation of disease or number of deaths in that group of animals, the owner must –

(a) as soon as possible –

(i) engage a veterinary surgeon to investigate the disease and its cause; or

(ii) notify an inspector of the presence or possible presence of an unknown disease; and

(b) if possible, isolate that group of animals.

Penalty:

Fine not exceeding 50 penalty units.

(2) If, after due investigation, a veterinary surgeon knows or has reason to believe a disease to be an unknown disease, the veterinary surgeon must notify an inspector of the presence or suspected presence of the unknown disease –

(a) as soon as possible; and

(b) in the quickest manner practicable.

Penalty:

Fine not exceeding 50 penalty units.
30A. Duty in respect of mortality or morbidity rates

A person who knows or has reason to suspect that the prescribed morbidity rate or prescribed mortality rate has been exceeded must notify an inspector of that fact as soon as possible.

Penalty:

Fine not exceeding 50 penalty units.

PART 6 - Disease Control

Division 1 - Infected places

31. Declaration of infected place

(1) An inspector may declare a place or conveyance to be an infected place if the inspector –

(a) knows or suspects on reasonable grounds that a List A disease is present in that place or conveyance; or

(b) knows or suspects on reasonable grounds that a new disease or an unknown disease is present in that place or conveyance and considers it necessary to make the declaration for the purpose of controlling the disease; or

(c) knows or suspects on reasonable grounds that a disease, other than a List A disease, new disease or unknown disease, is present in that place or conveyance and considers it necessary to make the declaration for the purpose of controlling the disease.

(2) An inspector may amend or revoke a declaration.

(3) A declaration or an amendment or revocation of a declaration –

(a) is to be made by notice in writing provided to the owner of the place or conveyance; and

(b) takes effect when it is provided to the owner.

(4) A declaration remains in force for the period specified in it or, if no period is specified, until it is revoked.

32. Restrictions on movement into, within and from infected place

(1) In this section, specified means specified in a declaration of infected place.
(2) A declaration of infected place may specify that a person (other than an inspector) or a member of a class of persons must not do any or all of the following except as authorised by, and in accordance with any specified conditions in, the declaration:

(a) enter, remain in, move within or leave the infected place;

(b) cause, allow or assist any other person or a member of a specified class of persons to enter, remain in, move within or leave the infected place;

(c) cause, allow or assist any conveyance or a conveyance of a specified class to enter, remain in, move within or leave the infected place;

(d) allow any of the following to enter, remain in, move within or leave the infected place or a specified part of the infected place:

(i) an animal;

(ii) an animal material;

(iii) an animal or animal material of a specified class;

(iv) any other thing;

(e) move, or allow any other person to move, any of the following into, within or out of the infected place:

(i) an animal;

(ii) an animal material;

(iii) an animal or animal material of a specified class;

(iv) any other thing.

(3) If a declaration of infected place prohibits, or prohibits subject to compliance with specified conditions, the movement of any person, animal, animal material, conveyance or other thing into, within or out of the infected place, the declaration may specify entry and exit points for the infected place and between parts of the infected place.

33. Permits for movement into, within and from infected place

An inspector may issue a permit authorising the movement into, within and out of an infected place of any, or any class of, person, animal, animal material, conveyance and other thing.

34. Offence relating to infected place
A person must not contravene a declaration of infected place except as authorised by, and in accordance with any conditions specified in, a permit issued under section 33.

Penalty:

In the case of –

(a) a List A disease, a fine not exceeding 200 penalty units or a term of imprisonment not exceeding 24 months, or both; or

(b) any other disease, a fine not exceeding 100 penalty units or a term of imprisonment not exceeding 12 months, or both.

Division 2 - Restricted areas

35. Declaration of restricted area

(1) The Chief Veterinary Officer may declare a place to be a restricted area if the Chief Veterinary Officer –

(a) considers it necessary to do so for the purpose of controlling a disease, other than a List A disease; or

(b) considers that there is a possibility that a List A disease is present within the place or may be introduced into the place.

(2) A declaration –

(a) is to be published in the Gazette as soon as practicable; and

(b) may be published in newspapers and magazines and on radio and television.

(3) The Chief Veterinary Officer may amend or revoke a declaration.

(4) A declaration or an amendment or revocation of a declaration takes effect when it is made.

(5) A declaration remains in force for the period specified in the declaration or, if no period is specified, until the declaration is revoked.

36. Restrictions on movement into, within and from restricted area

(1) A declaration of a restricted area is to specify –

(a) the classes of animals, animal materials, conveyances or other things that must not be moved into, within or out of the restricted area or must not be so moved except as authorised by, and in accordance with any conditions specified in, the declaration; and
(b) the classes of persons who may not enter, move within or leave the restricted area or may not enter, move within or leave the restricted area except as authorised by, and in accordance with any conditions specified in, the declaration.

(2) An inspector may at any time, by notice published in the Gazette, specify entry and exit points for a restricted area and between parts of a restricted area.

(3) A notice under subsection (2) may also be published in newspapers and magazines and on radio and television.

37. Permits for movement into, within and from restricted area

An inspector may issue a permit authorising the movement into, within and out of a restricted area of any, or any class of, animal, animal material, person, conveyance or other thing.

38. Offence relating to restricted area

(1) A person must not contravene a declaration of restricted area except as authorised by, and in accordance with any conditions specified in, a permit issued under section 37.

Penalty:

In the case of –

(a) a List A disease, a fine not exceeding 200 penalty units or a term of imprisonment not exceeding 24 months, or both; or

(b) a List B disease, a fine not exceeding 100 penalty units or a term of imprisonment not exceeding 12 months, or both.

(2) Subsection (1) does not apply to a person if, at the relevant time –

(a) the declaration of restricted area has not been published in the Gazette; and

(b) an inspector has not notified the person, orally, in writing or otherwise, of the making of the declaration.

Division 3 - Control areas

39. Declaration of control area

(1) The Chief Veterinary Officer may declare an area of Tasmania to be a control area if –
(a) the Chief Veterinary Officer considers it necessary to do so for the purpose of controlling a disease present in Tasmania, another State or a Territory, whether the disease is a known disease or an unknown disease; and

(b) the Minister has approved, in writing, the making of the declaration.

(2) A declaration –

(a) is to specify the classes of animals, animal materials, persons, conveyances and other things to which it applies; and

(b) is to be published in the Gazette as soon as is practicable; and

(c) may be published in newspapers and magazines and on radio and television.

(3) The Chief Veterinary Officer may amend or revoke a declaration if the Minister has approved, in writing, the amendment or revocation.

(4) A declaration or an amendment or revocation of a declaration takes effect when it is made.

(5) A declaration remains in force for the period specified in the declaration or, if no period is specified, until the declaration is revoked.

40. Restrictions on activities in, and movement into, within and from control area

(1) In this section, specified means specified in a published notice made under subsection (2).

(2) While a declaration of control area is in force, the Chief Veterinary Officer may, by notice, with respect to the whole or a specified part of a control area, prohibit, regulate or control –

(a) the holding of markets, fairs, sales, shows, parades, race meetings or any other gathering or competition involving animals or animal materials; and

(b) the presence or exposure of specified animals, animal materials or classes of animals or animal materials at any place where animals or animal materials are exposed for sale, exhibition, parade, race meetings or any form of recreation or competition; and

(c) the sale, presence or exposure of specified animals, animal materials, classes of animals or animal materials, or other things in places where animals or animal products are commonly prepared for human consumption; and

(d) the purposes for which specified animals, animal materials, classes of animals or animal materials, conveyances or other things may be used; and
(e) the treatment of animals, animal materials, classes of animals or animal materials, or other things or any other action of a specified kind; and

(f) the keeping, transport or management of specified animals, animal materials, classes of animals or animal materials, or other things; and

(g) the identification of specified animals, animal materials, classes of animals or animal materials, conveyances or other things; and

(h) the movement of specified persons, animals, animal materials, classes of persons, animals or animal materials, conveyances or other things into, within or out of the control area; and

(j) the cleaning or disinfecting of persons, animals, animal materials, clothing, conveyances or other things that may enter, remain in, move within or leave the control area.

(3) A notice –

(a) is to be published in the Gazette; and

(b) may be published in newspapers and magazines and on television and radio.

(4) The Chief Veterinary Officer may amend or revoke a notice.

(5) A notice or an amendment or revocation of a notice takes effect when it is made.

(6) A notice remains in force for the period specified in it or, if no period is specified, until it is revoked.

(7) Notwithstanding subsection (6), a notice ceases to be in force if the declaration of control area to which it relates ceases to be in force.

40A. Permits for movement into, within or from control area

(1) An inspector may issue a permit authorising the movement of specified persons, animals, animal materials, classes of persons, animals or animal materials, conveyances or other things into, within or out of a control area.

(2) A permit is subject to any conditions specified in it.

41. Offences relating to control area

(1) A person must not contravene a notice made under section 40 except as authorised by, and in accordance with any conditions specified in, a permit issued under subsection 40A.

Penalty:
In the case of–

(a) a List A disease, a fine not exceeding 200 penalty units or a term of imprisonment not exceeding 24 months, or both; or

(b) any other disease, a fine not exceeding 100 penalty units or a term of imprisonment not exceeding 12 months, or both.

(2) Subsection (1) does not apply to a person if, at the relevant time –

(a) the notice made under section 40 has not been published in the Gazette; and

(b) an inspector has not notified the person, orally, in writing or otherwise, of the making of the notice.

Division 4 - Protected areas

42. Declaration of protected area

(1) The Chief Veterinary Officer may declare an area of Tasmania to be a protected area if the Chief Veterinary Officer considers it prudent to do so for the purpose of preventing the introduction into, or the spread in, that area of a disease.

(2) A declaration –

(a) is to be published in the Gazette as soon as practicable; and

(b) may be published in newspapers and magazines and on radio and television.

(3) The Chief Veterinary Officer may amend or revoke a declaration.

(4) A declaration or an amendment or revocation of a declaration takes effect when it is made.

(5) A declaration remains in force for the period specified in the declaration or, if no period is specified, until the declaration is revoked.

43. Restrictions on movement into protected area

A declaration of protected area may specify –

(a) the classes of animals, animal materials, conveyances and other things –

(i) that must not be moved into a protected area; and

(ii) that may only be moved into a protected area if the conditions specified in the declaration are complied with; and

(b) any conditions with which every person or a class of persons must comply before or when entering the protected area.
44. Permits for movement into protected area

An inspector may issue a permit authorising the movement into a protected area of any, or any class of, animal, animal material, conveyance and other thing.

45. Offence relating to protected area

(1) A person must not contravene a declaration of protected area except as authorised by, and in accordance with any conditions specified in, a permit issued under section 44.

Penalty:

In the case of –

(a) a List A disease, a fine not exceeding 200 penalty units or a term of imprisonment not exceeding 24 months, or both; or

(b) any other disease, a fine not exceeding 100 penalty units or a term of imprisonment not exceeding 12 months, or both.

(2) Subsection (1) does not apply to a person if, at the relevant time –

(a) the declaration of protected area has not been published in the Gazette; and

(b) an inspector has not notified the person, orally, in writing or otherwise, of the making of the declaration.

Division 5 - Disease control programs

46. Draft industry disease control program

(1) An organisation or a body representing the interests of an animal industry or a number of animal industries may prepare a program for the purpose of controlling a disease.

(2) A program prepared under subsection (1) must contain the following details:

(a) the name of the organisation or body that prepared the program;

(b) the disease which the program is to control;

(c) the classes of animals which the program will affect;

(d) the composition of the management committee that will be responsible for implementing the program;

(e) the objectives of the program;
(f) the strategies and methods to be applied under the program to control the disease to which the program relates;

(g) how the costs of implementing the program will be met;

(h) the likely duration of the program;

(i) the manner in which the effectiveness of the program will be monitored;

(j) the persons or classes of persons who will be able to exercise powers in relation to the control of the disease to which the program relates;

(k) the powers the persons specified under paragraph (j) will be able to exercise;

(l) whether compensation for losses incurred as a direct result of the program will be payable and, if so, the basis for determining the amount of compensation payable and who is to pay the compensation;

(m) how any proceeds obtained from the implementation of the program will be disposed of;

(n) the extent to which owners of animals or other things affected by the implementation of the program will be required to take action under the program.

(3) Without limiting the matters that may be provided for in a program prepared under subsection (1), a program may provide for any one or more of the following matters:

(a) the identification, examination and testing of animals, animal materials, soil, water, buildings, conveyances and other things;

(b) the vaccination of animals;

(c) the treatment of animals, animal materials, soil, water, buildings, conveyances and other things;

(d) the destruction or other disposal of infected animals, animal materials, soil, water, buildings, conveyances and other things if necessary to control the disease;

(e) the taking of measures to—

(i) reduce the number of animals in or eradicate a class of feral animal; or

(ii) restrict a class of feral animal to a particular area;

(f) if the Minister has first consulted with the Minister responsible for the administration of the Nature Conservation Act 2002, the taking of measures to—
(i) reduce the number of animals in or eradicate a class of wild animal; or

(ii) restrict a class of wild animal to a particular area.

(4) Nothing in this section is to be taken as entitling an industry disease control program to provide for the taking of measures that may result in the eradication of an entire species of wild animal.

47. Approval of industry disease control program

(1) An organisation or a body that has prepared a program under section 46 may apply to the Minister for approval of the program.

(2) An application –

(a) is to be in writing; and

(b) is to be accompanied by a copy of the program.

(3) On receipt of an application and after consulting with any organisations or bodies representing persons who are likely to be affected by the implementation of the program, the Minister may –

(a) approve the program; or

(b) if the organisation or body that prepared the program agrees, amend the program and approve the amended program; or

(c) refuse to approve the program.

(4) The Minister must not approve a program if the program –

(a) provides for the taking of measures in respect of wild animals and the Secretary of the responsible Department in relation to the Nature Conservation Act 2002 has not given written approval for the taking of those measures; or

(b) does not provide that the Chief Veterinary Officer is to be a member of the management committee; or

(c) provides for the destruction or other disposal of any animal, animal material, soil, water, building or conveyance or other thing without the prior written approval of the Chief Veterinary Officer or the owner; or

(d) does not provide a management committee that represents the interests of all stakeholders.

(5) For the purposes of subsection 4 (c), owner does not include a person specified in paragraph (d) or (e) of the definition of owner set out in section 3(1).
(6) The Minister may –

(a) on the application of the organisation or body that prepared an industry disease control program, amend that program; and

(b) on the application of that organisation or body or at his or her own discretion, terminate the industry disease control program.

48. Use of inspectors by management committee

The Minister, on such terms and conditions as are agreed to by the Minister, the management committee under an industry disease control program and the organisation or body that prepared that program, may arrange for the services of inspectors to be made available to the management committee for the purposes of implementing that program.

49. Costs of industry disease control program

(1) In this section, costs includes expenses, allowances and liabilities.

(2) At any time, the Minister may agree by written notice provided to the management committee under an industry disease control program that the Crown will meet the costs incurred by the committee in implementing the industry disease control program that are specified in the notice or the portion of those costs that is specified in the notice.

(3) Except as agreed under subsection (2) –

(a) the costs incurred by a management committee in implementing an industry disease control program are to be met as provided in the program; and

(b) the Crown is not liable in respect of those costs.

50. Government disease control program

(1) The Minister may direct the Chief Veterinary Officer to implement a program for the purpose of controlling a disease if the Minister –

(a) has consulted with any organisations or bodies representing persons who are likely to be affected by the implementation of the program; and

(b) is satisfied that it is in the interests of the State as a whole to implement the program.

(2) The Minister may give a direction under subsection (1) without having first consulted with the organisations and bodies referred to in that subsection if the Minister is satisfied that the interests of the State as a whole require the immediate implementation of the program.
(3) A direction to implement a program is to –

(a) be in writing; and

(b) specify the disease to be controlled by the program; and

(c) specify whether compensation for losses incurred as a direct result of the program will be payable; and

(d) if compensation will be payable, specify the compensation allowed or how the compensation is to be determined.

(4) Without limiting the measures that may be required by a program, a program may require any one or more of the following:

(a) the identification, examination and testing of animals, animal materials, soil, water, buildings, conveyances and other things;

(b) the vaccination of animals;

(c) the treatment of animals, animal materials, soil, water, buildings, conveyances and other things;

(d) the destruction or other disposal of infected animals, animal materials, soil, water, buildings, conveyances and other things if necessary to control the disease;

(e) the taking of measures to –

(i) reduce the number of animals in or eradicate a class of feral animal; or

(ii) restrict a class of feral animal to a particular area;

(f) if the Minister has first consulted with the Minister responsible for the administration of the Nature Conservation Act 2002, the taking of measures to –

(i) reduce the number of animals in or eradicate a class of wild animal; or

(ii) restrict a class of wild animal to a particular area;

(g) the taking of any other measures that the Minister considers appropriate to control a disease.

(5) Nothing in this section is to be taken as entitling a Government disease control program to require the taking of measures that may result in the eradication of an entire species of wild animal.

**Division 6 - Miscellaneous**
51. Offence to expose an animal to List B disease

(1) A person must not knowingly expose any animal or animal material, directly or indirectly, to a List B disease, new disease or unknown disease –

(a) except as authorised by, and in accordance with any conditions specified in, a permit issued under subsection (3); or

(b) except as authorised by, and in accordance with any conditions specified in, a notice referred to in subsection (4).

Penalty:

Fine not exceeding 100 penalty units or a term of imprisonment not exceeding 12 months, or both.

(2) Subsection (1) does not apply to –

(a) exposure to a disease in the form of a veterinary chemical product registered under the Agvet Code of Tasmania; or

(b) exposure to a disease by the administration of a vaccine, or a diagnostic reagent, for a List B disease.

(3) The Chief Veterinary Officer may issue a permit authorising a person to expose an animal, animal material or class of animal or animal material to a List B disease, new disease or unknown disease.

(4) The Chief Veterinary Officer, by notice published in the Gazette, may authorise the exposure of an animal, animal material or class of animal or animal material to a List B disease, new disease or unknown disease either generally or in accordance with any conditions specified in the notice.

51A. Offence to possess or administer List A or List B vaccine or diagnostic reagent without permit

(1) A person must not possess a vaccine, or a diagnostic reagent, for a List A disease except as authorised by a permit issued under subsection (3).

Penalty:

Fine not exceeding 100 penalty units.

(2) A person must not administer a vaccine, or a diagnostic reagent, for a List A disease or a List B disease to an animal or group of animals except as authorised by a permit issued under section 51B by the Chief Veterinary Officer –

(a) in writing; or
(b) by notice published in the *Gazette*.

Penalty:

In the case of –

(a) a List A disease, a fine not exceeding 100 penalty units; or

(b) a List B disease, a fine not exceeding 50 penalty units.

(3) With the written permission of the Minister, the Chief Veterinary Officer may issue a permit authorising a person to be in possession of a vaccine, or a diagnostic reagent, for a List A disease.

**51B. Permit for administration of vaccine or diagnostic reagent for List A or List B disease**

(1) With the approval of the Minister, the Chief Veterinary Officer may issue –

(a) a special permit to administer a vaccine, or a diagnostic reagent, for a List A disease; or

(b) a general permit to administer a vaccine, or a diagnostic reagent, for a List A disease.

(2) The approval of the Minister under **subsection (1)** –

(a) must be in writing provided to the Chief Veterinary Officer; and

(b) may be general or may relate only to a permit, or class of permit, specified in the approval; and

(c) is subject to any conditions determined by the Minister and specified in the approval.

(3) The Chief Veterinary Officer may issue –

(a) a special permit to administer a vaccine, or a diagnostic reagent, for a List B disease; or

(b) a general permit to administer a vaccine, or a diagnostic reagent, for a List B disease.

(4) A special permit authorises the person to whom it is issued to administer a vaccine, or a diagnostic reagent, for the List A disease or List B disease specified in the permit.

(5) A general permit –
is issued by publishing it in the *Gazette*; and

(b) authorises the administration of a vaccine, or a diagnostic reagent, for the List A disease or List B disease specified in the permit.

(6) A special permit and a general permit for the administration of a vaccine, or a diagnostic reagent, for a List A disease must be in accordance with the Minister's approval and any conditions specified in that approval.

52. Prohibition on sale of infected animal, &c.

(1) A person must not sell or give away an animal, or animal material, that he or she knows or has reason to suspect is infected with a List A disease, new disease or unknown disease except as authorised by, and in accordance with, a permit issued under subsection (3).

Penalty:

–

(a) In the case of a List A disease, a fine not exceeding 200 penalty units or a term of imprisonment not exceeding 24 months, or both;

(b) in any other case, a fine not exceeding 50 penalty units.

(2) A person must not sell or give away an animal, or animal material, that he or she knows or has reason to suspect is infected with a List B disease –

(a) except as authorised by, and in accordance with, a permit issued under subsection (3); or

(b) except as authorised by, and in accordance with, the regulations; or

(c) except for the purpose of destroying the animal or animal material.

Penalty:

Fine not exceeding 50 penalty units.

(3) The Chief Veterinary Officer may issue a permit authorising a person to sell or give away an animal, animal material or class of animal or animal material that is infected with a List A disease, List B disease, new disease or unknown disease.

52A. Prohibition on possessing diseased listed animal or animal product

(1) In this section –

*diseased area*, in respect of a listed animal or animal product, means –
(a) a country, other than a country considered to be free; and

(b) a part of a country, other than a part of a country considered to be a free zone – in accordance with the relevant Code with respect to –

(c) where that listed animal or animal product is an animal, animals of the same class as that animal; and

(d) where that listed animal or animal product is an animal product, animals of the same class as the animal from which that animal product was obtained; and

(e) the relevant listed animal disease;


(2) In the definition of "relevant Code" in subsection (1), a reference to a document is a reference to –

(a) that document whether published before or after the commencement of this section; and

(b) that document as amended from time to time; and

(c) any document, as amended from time to time, made in substitution for that document.

(3) A person must not possess or have control of a listed animal or animal product that is infected with the relevant listed animal disease except as authorised and in accordance with a permit issued under subsection (5).

Penalty:

Fine not exceeding 100 penalty units or a term of imprisonment not exceeding 12 months, or both.

(4) For the purposes of subsection (3), a listed animal or animal product is taken to be infected with the relevant listed animal disease except where the person who possesses or has control of the listed animal or animal product –

(a) if the listed animal or animal product is a dead animal, establishes to the satisfaction of the Chief Veterinary Officer that that animal was not in any diseased area or otherwise exposed to the relevant listed animal disease at any time before its death; or

(b) if the listed animal or animal product is an animal product, establishes to the satisfaction of the Chief Veterinary Officer that the animal from which that animal
product was obtained was not in any diseased area or otherwise exposed to the relevant listed animal disease at any time before its death; or

(c) establishes to the satisfaction of the Chief Veterinary Officer that –

(i) the animal that constitutes that listed animal or animal product; or

(ii) the animal from which the animal product that constitutes that listed animal or animal product was obtained; or

(iii) the animal product that constitutes that listed animal or animal product – has been subjected to treatment specified in a notice under section 3(6) as being sufficient to ensure that the listed animal or animal product is not infected with the relevant listed animal disease.

(5) The Chief Veterinary Officer may issue a permit authorising a person to have possession or control of a listed animal or animal product.

53. Prohibition, &c., on feeding certain fodder to animal

(1) The Chief Veterinary Officer, by notice published in the Gazette, may prohibit or regulate the feeding of a class of fodder specified in the notice to a class of animal specified in the notice.

(2) A notice under subsection (1) may also be published in any newspaper and magazine and on radio and television.

(3) An inspector, by written notice provided to an owner of an animal, may prohibit or regulate the feeding of a class of fodder specified in the notice to a class of animal specified in the notice.

(4) A person must not –

(a) contravene a notice made under subsection (1) or (3); or

(b) allow another person to contravene that notice.

Penalty:

Fine not exceeding 100 penalty units.

(5) If a person knows or has reason to suspect that fodder is infected with a List A disease or List B disease that person must not, except as authorised by, and in accordance with any conditions specified in, a permit issued under subsection (6) –

(a) feed, or allow another person to feed, the fodder to an animal; or

(b) allow an animal to have access to the fodder.

Penalty:
Fine not exceeding 50 penalty units.

(6) The Chief Veterinary Officer may issue a permit allowing –

(a) infected fodder or a class of infected fodder to be fed to an animal or class of animal; and

(b) the animal or animals of that class to have access to that fodder or fodder of that class.

54. Offence to feed swill to pigs

(1) Except as authorised by, and in accordance with any conditions specified in, the regulations or a permit issued under subsection (2), a person must not –

(a) feed, or allow another person to feed, swill to a pig; or

(b) allow a pig to have access to swill; or

(c) supply swill for a purpose specified in paragraph (a) or (b).

Penalty:

Fine not exceeding 100 penalty units or a term of imprisonment not exceeding 12 months, or both.

(2) The Chief Veterinary Officer may issue a permit authorising –

(a) swill or a class of swill to be fed to pigs; and

(b) pigs to have access to that swill or swill of that class.

55. Disposal of carcass

The owner of any premises must ensure that the carcass of any animal on or in the premises is buried, burned or otherwise suitably disposed of within a reasonable time after the carcass has been discovered.

Penalty:

Fine not exceeding 50 penalty units.

56. Permission to expose animal, &c., to List A disease

(1) With the written permission of the Minister, the Chief Veterinary Officer may issue a permit authorising a person to do any one or more of the following:

(a) expose an animal, animal material or class of animal or animal material to a List A disease;
(b) be in possession of a List A disease agent;

(c) administer a List A disease agent to an animal, animal material or class of animal or animal material.

(2) This section does not apply to a vaccine, or a diagnostic reagent, for a List A disease.

57. Power to prevent contravention of this Part

An inspector who believes on reasonable grounds that a person is contravening or about to contravene a provision of this Part may restrain the person from so acting.

PART 7 - Artificial Breeding

58.

59.

60. Sale or distribution of infected semen, embryos and ova prohibited

(1) Except as authorised by, and in accordance with, a permit issued under subsection (3), a person must not sell or otherwise distribute any semen, embryo or ovum if –

(a) the person knows or has reason to believe it is infected with a disease other than a genetic disease; or

(b) the person knows or has reason to believe it is derived from an animal that is affected by, or is a carrier for, a genetic disease.

Penalty:

Fine not exceeding 100 penalty units or a term of imprisonment not exceeding 12 months, or both.

(2) The Chief Veterinary Officer may, by notice published in the Gazette, declare that this section does not apply in relation to a disease, or genetic disease, specified in the notice and –

(a) subsection (1) does not apply in respect of any semen, embryo or ovum that is or may be infected with such a disease; and

(b) subsection (1)(b) does not apply in respect of any semen, embryo or ovum.

(3) The Chief Veterinary Officer may issue a permit authorising the sale or other distribution of any, or any class of, semen, embryo or ovum which is or may be –
(a) infected with a disease other than a genetic disease; or

(b) derived from an animal that is affected by, or is a carrier for, a genetic disease.

61. Collection of semen, embryos and ova under licence

(1) The Chief Veterinary Officer may issue a licence to a person authorising the person to collect, process or collect and process semen, embryos and ova for sale at the premises specified in the licence.

(2) Schedule 1 applies in relation to licences that are or may be issued under this section.

(3) A person is not prohibited from using premises for the collection, processing or collection and processing of semen, embryos and ova for sale only because he or she does not have a licence.

62.

PART 8 - Responsibilities and Powers of Inspectors

Division 1 - Responsibilities of inspectors

63. Responsibilities of inspector

An inspector has the following functions:

(a) the detection and investigation of disease;

(b) the prevention of disease;

(c) the controlling of disease;

(d) the surveillance of disease;

(e) where appropriate, the eradication of disease;

(f) ensuring that persons comply with this Act and determining whether a person may have contravened this Act;

(g) such other functions as are assigned to an inspector by or under this Act.

Division 2 - Powers of inspectors

64. General powers of inspector

(1) In connection with the performance of his or her functions, an inspector has the following powers:
(a) to stop a conveyance;
(b) to detain a conveyance;
(c) to enter and remain in any conveyance or place other than a residence;

(ca) to enter and remain in a residence if the inspector has reasonable grounds for suspecting that a List A disease agent or an animal, animal material or other thing infected with a List A disease is present in that residence;

d) to enter and remain in a residence if the inspector has the consent of the occupier, a warrant or reasonable grounds for believing that an animal, animal material or disease agent has been imported in contravention of this Act and is in the residence;

(e) to search any conveyance or place lawfully entered;

(f) to open or break open and search any box, container, package or other receptacle in or on any conveyance or place lawfully entered;

(g) to search any person in or on any conveyance or place lawfully entered if the inspector has reasonable grounds for believing that an animal, animal material or disease agent has been imported in contravention of this Act and is on the person;

(h) to examine, seize, make copies of or take extracts from any document or other record that appears to indicate that an offence under this Act has been, or is being, committed;

(i) to take photographs, films and video recordings in any conveyance or place lawfully entered;

(j) to seize any other thing that appears to indicate that an offence under this Act has been, or is being, committed.

(2) In connection with the performance of his or her functions, an inspector has the following powers in relation to animals, animal materials or disease agents:

(a) to examine, test, treat or vaccinate any animal, animal material or disease agent;

(b) to kill not more than 5 animals in every 100, or part of 100, animals kept together if the inspector considers it is necessary to do so for the purpose of –

(i) determining if an animal or animals are infected; or

(ii) diagnosing a disease; or

(iii) determining the cause of a disease;
(c) to isolate any animal, animal material or disease agent;

(d) to seize and retain any animal, animal material or disease agent if the inspector knows or has reason to believe that in respect of that animal, animal material or disease agent this Act or a direction has been or is being contravened;

(e) to remove any animal, animal material or disease agent;

(f) to place any animal, animal material or disease agent in a quarantine area or other place the inspector considers appropriate;

(g) to tag or mark the animal, animal material or disease agent in any manner appropriate for the purposes of identification;

(h) to perform an autopsy, or cause an autopsy to be performed, on any animal;

(i) to dispose of an animal carcass;

(j) to restrain any animal;

(k) to assemble any animals, animal materials or disease agents;

(l) to count any animals, animal materials or disease agents;

(m) to return, or cause to be returned, to the place from where it came any animal, animal material or disease agent that –

(i) has been imported in contravention of this Act; or

(ii) moved into, within or out of an infected place, restricted area, control area or protected area in contravention of this Act; or

(iii) has been presented for sale, exhibition or competition and is or may be infected;

(n) to control or prevent the movement onto or out of a conveyance or place of any animal, animal material or disease agent;

(na) to take an animal, animal material or disease agent to any place the inspector considers appropriate;

(nb) to restrict the use of any animal, animal material or disease agent;

(o) to repair or erect a fitting to the satisfaction of an inspector.

(3) In connection with the performance of his or her functions, an inspector has the following powers in relation to any conveyance, building, land, soil, water and other thing:
(a) to examine, test or treat the conveyance, building, land, soil, water or other thing;

(b) to dismantle the conveyance, building or other thing if the inspector considers it necessary to do so for the purpose of–

(i) determining if it is infected; or

(ii) diagnosing a disease; or

(iii) determining the cause of a disease; or

(iv) treating it;

(c) to isolate the conveyance, building, land, water or other thing;

(d) to seize and retain the conveyance, building, soil, water or other thing if the inspector knows or has reason to believe that the owner has contravened this Act or a direction;

(e) to remove the conveyance, building, soil, water or other thing;

(ea) to take a conveyance, soil, water or other thing to any place the inspector considers appropriate;

(f) to tag or mark the conveyance, building, soil, land, water or other thing in any manner appropriate for the purposes of identification;

(fa) to restrict the use of the conveyance, building, land, soil, water or other thing;

(g) to repair or erect a building to the satisfaction of an inspector;

(h) to return, or cause to be returned, to the place from where it came the conveyance, soil, water or other thing imported or moved into, within or out of an infected place, restricted area, control area or protected area in contravention of this Act.

(4) Subject to this Act, an inspector has the further power to do any thing that is necessary or convenient to be done in connection with the performance of his or her functions or the exercise of his or her powers.

65. Destroying or ordering destruction of animals, buildings, &c.

(1) If the Chief Veterinary Officer is satisfied that it is necessary to do so for the purpose of detecting or controlling a disease, the Chief Veterinary Officer or an inspector who has the written approval of the Chief Veterinary Officer may –
(a) destroy, or cause to be destroyed, any animal, animal material, disease agent, conveyance, building or other thing; or

(b) direct the owner of any animal, animal material, disease agent, conveyance, building or other thing to destroy it or cause it to be destroyed as specified in the direction.

(1A) The Chief Veterinary Officer or an inspector who has the written approval of the Chief Veterinary Officer may –

(a) destroy, or cause to be destroyed, any animal, or animal material from an animal, that has been vaccinated with a vaccine for a List A disease; or

(b) direct the owner of any animal, or animal material from an animal, that has been vaccinated with a vaccine for a List A disease to destroy it or cause it to be destroyed as specified in the direction.

(2) An inspector may destroy or direct an owner or importer to destroy any animal, animal material, disease agent, conveyance or other thing –

(a) that is imported in contravention of this Act; or

(b) that is moved into, within or out of an infected place, restricted area, control area or protected area in contravention of this Act; or

(c) that is exposed to a disease, or sold, in contravention of this Act.

66. Giving directions

(1) In this section, specified means specified by an inspector in a direction given under subsection (2).

(2) For the purposes of performing his or her functions and exercising his or her powers, an inspector may give to the owner of any animal, animal material, disease agent, conveyance, place, land, water or other thing such directions as the inspector considers necessary or convenient.

(3) Without limiting subsection (2), directions given under that subsection may include directions –

(a) requiring the owner to take an action that the inspector is empowered to take under section 64(2), (3) and (4), excluding subsections (2)(d) and (3)(d); and

(b) relating to the movement into or out of a specified place, and the prohibition and restriction of such movement, of any animal, animal material, disease agent or other thing if the inspector considers it necessary to do so to control disease; and
(c) relating to the cleansing, disinfecting and decontamination of persons before entering and leaving a specified place and before and after handling any specified animal, animal material or disease agent; and

(d) relating to the use, and the prohibition and restriction on the use, of any animal, animal material, disease agent, conveyance, building, land, soil, water or other thing as specified; and

(da) requiring an animal, animal material, disease agent or other thing to be taken to any place the inspector considers appropriate;

(e) relating to the institution, variation and discontinuation of specified management practices; and

(f) requiring the supervision of any animal, animal material, disease agent, conveyance, place, land or water by a specified person and the compliance by other persons with any reasonable directions of that supervisor given in the course of that supervision; and

(g) requiring the owner to maintain as specified any animal or animal material, whether or not it has been seized by an inspector; and

(h) that prohibit, restrict or control the feeding of specified fodder to specified animals; and

(i) relating to the breeding, and the prohibition and restriction of the breeding, of any animal; and

(j) the erection of specified signs or specified structures.

(4) Under subsection (2), an inspector may only give a direction requiring the destruction of any animal, animal material, disease agent, conveyance, building or other thing if the inspector is entitled under this Act to carry out that destruction by himself or herself.

67. Obtaining assistance and facilities

(1) An inspector may direct an owner of any animal, animal material, disease agent, conveyance, place, land or water to give the inspector such assistance as –

(a) the inspector considers reasonable; and

(b) is specified in the direction.

(2) An inspector may direct an owner of any animal, animal material, disease agent, conveyance or place to provide such facilities as –
(a) the inspector requires for the purposes of safely and efficiently performing his or her functions or exercising his or her powers; and

(b) the inspector considers reasonable to require; and

(c) are in the possession or control of the owner; and

(d) are specified in the direction.

68. Requiring information

(1) An inspector may require any person to do any one or more of the following:

(a) to provide the inspector with the person's name and address;

(b) to answer any other question that the inspector considers relevant to the performance and exercise of his or her functions and powers;

(c) to provide as directed a document, or a copy of a document, that is in the person's possession or control;

(d) to otherwise provide information that the person has access to and that the inspector considers relevant to the performance of his or her functions or the exercise of his or her powers.

(2) In requiring a person to provide a document, or a copy of a document, an inspector may direct that the document or copy is to be delivered –

(a) at a specified place; and

(b) to the Chief Veterinary Officer or any other inspector; and

(c) at, by or within a specified time; and

(d) in person, by certified mail or in another specified manner.

(3) If any document or information (including an answer) is obtained from a person by an inspector under this section, none of the following is admissible against that person in any civil or criminal proceedings, other than proceedings for an offence under section 76(1):

(a) that document;

(b) evidence of that document or information;

(c) information or evidence of the obtaining of that document or information.

69. Requiring keeping of records
The Chief Veterinary Officer by notice published in the Gazette, or an inspector by written notice provided to an owner of any animal, animal material, disease agent or place used in relation to the breeding, farming or health of animals or the manufacture, processing or treatment of animal products or fodder, may require an owner to—

(a) keep such records relating to animal health and control of disease as are specified in the notice; and

(b) provide copies of those records to the Chief Veterinary Officer or an inspector as and when specified in the notice.

70. Posting signs

(1) An inspector may place signs, in a form approved by the Chief Veterinary Officer—

(a) at any place at or near the boundary of any infected place, restricted area, protected area or control area to indicate the boundaries of the place or area or any restriction or prohibition relating to the place or area; and

(b) at any place the inspector considers appropriate to indicate the effect of any declaration or notice made under this Act; and

(c) along roadways to indicate that traffic should stop.

(2) The driver of a conveyance approaching a stop-sign placed under subsection (1) must stop the vehicle and keep it stationary for the purpose of enabling an inspector to exercise any of the powers conferred on him or her under this Act.

Penalty:

Fine not exceeding 100 penalty units.

(3) A person must not damage, deface, remove or interfere with any sign placed under subsection (1).

Penalty:

Fine not exceeding 100 penalty units.

71. Examining baggage and goods on entry into Tasmania

(1) If the Minister has reasonable cause to believe that a List A disease exists in any place outside the State or considers it necessary for the prevention of importation of any animal, animal material or disease agent in contravention of this Act, the Minister may, by notice published in 3 newspapers circulating generally in
the State, authorise inspectors of a class specified in the notice to examine the baggage and other goods entering the State.

(2) A notice remains in effect until it is revoked by the Minister.

(3) An inspector of a class specified in a notice may –

(a) require a person entering the State to have his or her baggage examined for the presence –

(i) of animals, animal materials, clothing or other things that may have been exposed to a List A disease; or

(ii) of animals, animal materials or disease agents that may have been imported in contravention of this Act; and

(b) examine any baggage or other goods entering the State; and

(c) treat or require to be treated any such animal, animal material, clothing or other thing; and

(d) return or require to be returned to the place it came from any such animal, animal material, clothing or other thing; and

(e) if the inspector considers it is not practical to treat any such animal, animal material, clothing or other thing adequately, destroy it or require it to be destroyed; and

(f) seize and retain any such animal, animal material, clothing or other thing for the purpose of treatment or destruction.

(4) An inspector must not exercise a power to destroy or require the destruction of any animal, animal material, clothing or other thing under subsection (3)(e) if its value is greater than $500 except where the inspector has the written approval of the Minister.

72. Contamination

If an inspector knows or believes that any animal, animal material, conveyance, premises, soil or water is or may be contaminated and no action is being taken in respect of the contamination under the Agricultural and Veterinary Chemicals (Control of Use) Act 1995, the inspector may perform and exercise his or her functions and powers as if the contamination were a disease.

73. Using assistant

While performing or exercising his or her functions or powers, an inspector may be accompanied and assisted by such persons, including police officers, as the inspector considers appropriate.
74. Using reasonable force

In performing and exercising his or her functions and powers, an inspector may use such force as is necessary and reasonable.

Division 3 - Miscellaneous

75. Identification of certain inspectors

(1) An owner of a place where an inspector appointed under section 6, 7, or 8(1) is taking or about to take any action under this Act may require the inspector to produce a certificate of identification as an inspector.

(2) If a requirement is made under subsection (1) for an inspector to produce a certificate of identification as an inspector, the inspector may not take any action or further action under this Act in relation to the owner or place until he or she has produced the certificate of identification.

76. Obstruction of inspector, &c.

(1) A person must not, without reasonable excuse –

(a) resist, impede, obstruct or assault –

(i) an inspector who is performing or exercising a function or power under this Act; or

(ii) a person who is assisting that inspector; or

(b) use threatening, abusive or insulting language to that inspector or person assisting; or

(c) knowingly provide any false or misleading information, record or document to that inspector or person assisting; or

(d) fail to answer a question or otherwise provide information when required to do so under section 68; or

(e) fail to provide a document in his or her possession or control when and as required to do so under section 68 or 69; or

(f) contravene a direction given by that inspector under this Act; or

(g) fail to comply with a requirement made in writing under section 71; or

(h) prevent or attempt to prevent a person from giving information to, or being questioned by, an inspector; or
(i) impersonate an inspector.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 6 months, or both.

(2) On convicting a person of an offence under subsection (1)(c), (d) or (e), in addition to imposing a penalty the Court may order that person to –

(a) provide the answer or other information; or

(b) provide the document or record.

(3) If, on the conviction of a person for an offence under subsection (1)(c), (d) or (e) in relation to the provision or non-provision of an answer, other information or document referred to in section 68, the Court orders the person to provide the answer, other information or document to an inspector, that answer, information or document, or evidence of the obtaining of that answer, information or document, is not admissible against that person in any civil or criminal proceedings.

(4) On convicting a person of an offence under subsection (1)(f), in addition to imposing a penalty the Court may order that person to comply with the direction.

77. Possession of document by Secretary

(1) In this section, certified copy means a copy certified by the Secretary to be a true copy.

(2) If an inspector has seized or required possession of any document or other record –

(a) the Secretary may retain that document or other record for so long as is necessary for the purposes of this Act; and

(b) the inspector must provide written notice of that seizure to the owner as soon as practicable; and

(c) on the request of a person who would be entitled to possession of the document or other record if it were not in the possession of the Secretary, the Secretary must provide that person with a certified copy of the document or other record as soon as practicable.

(3) A certified copy of a document or other record referred to in subsection (2) is to be received in all courts and elsewhere as evidence of the matters contained in the copy as if it were the original.

78. Procedures relating to seizure of animal, &c.
(1) The power to seize an animal, animal material or other thing includes a power to seize –

(a) any fitting, conveyance, package or other covering in which it is contained; and

(b) any animal, animal material or other thing that the inspector suspects has been in contact with it.

(2) If an inspector seizes any animal, animal material or other thing, the inspector must provide written notice of that seizure to the owner as soon as practicable.

(3) An animal, animal material or other thing that is seized by an inspector may be retained by the Secretary –

(a) for a period of 60 days commencing on the day it is seized; or

(b) if proceedings for an offence in relation to it are instituted within that 60 day period, until the proceedings (including any appeal) are terminated.

(4) If an inspector has seized an animal or animal material, the inspector may direct an owner (including the person from whose possession it was seized) to maintain it as specified in the direction.

(5) The Chief Veterinary Officer may release an animal, animal material or other thing that has been seized to the owner (including the person from whose possession it was seized) unconditionally or on such conditions (including the giving of security) as the Chief Veterinary Officer considers appropriate.

(6) Without the written permission of the Chief Veterinary Officer, a person must not interfere with or remove an animal, animal material or other thing that has been seized.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 6 months, or both.

79. Directions generally

(1) A direction –

(a) may be given verbally or in writing; and

(b) may be of general or limited application; and

(c) if of a continuing nature, has effect for the period specified in the direction; and
(d) may incorporate or operate by reference to any code, standard or other document as in force from time to time if a copy of the relevant part of that code, standard or other document is attached to the direction.

(2) An inspector may vary or revoke a direction by notice in writing provided to the person to whom the direction was given.

(3) An inspector who verbally gives a direction to a person must provide the person with a written copy of the direction if the person requests it.

(4) If a person contravenes a verbal direction given in relation to a List A disease or a written direction, an inspector may –

(a) take any necessary action to give effect to the direction; or

(b) if the direction related to the isolation, quarantine, destruction, disposal or restriction of movement of any animal, animal material, disease agent or conveyance, do any one or more of the following things or cause it or them to be done:

(i) seize it;

(ii) remove it;

(iii) destroy it;

(iv) dispose of it in a manner that the inspector considers appropriate.

(5) The giving of a direction does not prevent or limit the exercise by that or another inspector of any or all of his or her powers under this Act.

80. Warrants

(1) On the application of an inspector, a magistrate or justice may issue a warrant if the magistrate or justice is satisfied that there are reasonable grounds for believing it necessary for an inspector to enter a residence for the purposes of performing his or her functions under this Act.

(2) An inspector named in the warrant and any person assisting that inspector may –

(a) enter and remain in the residence, using force if necessary; and

(b) perform his or her functions and exercise his or her powers in or in relation to the residence.

(3) A warrant is to –

(a) be in a form approved by the Commissioner of Police; and
(b) specify the residence in respect of which it is made.

(4) A warrant has effect for a period of 30 days after the day on which it is granted.

81. Powers in respect of wild or feral animals

(1) The Chief Veterinary Officer, or an inspector with the written approval of the Chief Veterinary Officer, may exercise any of his or her powers under this Act in respect of any wild animal notwithstanding that the animal is protected under the Nature Conservation Act 2002 or any other Act.

(2) Before exercising a power, or giving an approval, under subsection (1) in respect of a wild animal that is protected under the Nature Conservation Act 2002 or any other Act, the Chief Veterinary Officer must consult with the Secretary of the responsible Department in relation to the Nature Conservation Act 2002.

(3) An inspector may exercise any of his or her powers under this Act in respect of any feral animal.

82. Limitation on powers and functions in respect of threatened species

(1) In this section, fauna, flora and threatened species have the same meanings as in the Threatened Species Protection Act 1995.

(2) If the performance or exercise of a function or power under this Act might adversely affect any flora or fauna that is a member of a threatened species, a person must not perform or exercise that function or power except where the Minister has first –

(a) consulted with the Minister responsible for the administration of the Threatened Species Protection Act 1995; and

(b) approved, in writing, the performance or exercise of that function or power.

83. Recovery of costs

(1) An importer or owner, as the case requires, is liable for the costs and expenses reasonably incurred as a result of an inspector taking action in one or more of the following cases:

(a) where the Chief Veterinary Officer assumes control of the management, maintenance, operation and security of a quarantine area under section 16;

(b) where an inspector has seized an animal, animal material or other thing;
(c) where an inspector, in respect of any animal, animal material, disease agent, baggage or other thing imported or moved in contravention of this Act or inspected under section 71, has –

(i) returned it or caused it to be returned to the place from where it came; or

(ii) destroyed it or caused it to be destroyed;

(d) where a person contravenes a direction and an inspector takes action to give effect to the direction or seizes, removes, destroys or disposes of the animal, animal material or other thing to which the direction relates.

(2) The Minister may recover the costs and expenses specified in subsection (1) in a court of competent jurisdiction as a debt due to the Crown.

(3) The Crown is not liable in respect of any costs and expenses incurred by a person in complying with a direction or a requirement made under this Act.

(4) If the Minister receives any proceeds as a consequence of disposing of an animal, animal material or other thing in a case referred to in subsection (1), those proceeds less the costs and expenses reasonably incurred in taking all action in that case are to be paid to the owner.

PART 9 - Compensation

84. Who is entitled to compensation

(1) An owner of a domestic animal or other property is entitled to compensation if it is destroyed in any of the following circumstances:

(a) it dies or is destroyed as a consequence of a disease and an agreement between the State, the Commonwealth and industry specifies that compensation is payable;

(b) it is destroyed by or at the direction of an inspector for the purpose of controlling a disease (otherwise than under a Government disease control program or industry disease control program) and –

(i) the animal or property is of a class that the regulations prescribe as animals or property in respect of which compensation will be payable; and

(ii) the regulations prescribe that disease in respect of that class of animal or property as a compensatable disease;

(c) it is destroyed under a Government disease control program and that program provides that compensation will be payable in respect of that destruction;

(d) it is destroyed under an industry disease control program and that program provides that compensation will be payable in respect of that destruction.
(2) Notwithstanding subsection (1), a person is not entitled to compensation for the destruction of a domestic animal or other property if the animal or property was destroyed as a consequence of a contravention of this Act.

(3) Except as provided in this section a person is not entitled to compensation in relation to the death or destruction of an animal or other property or for any loss resulting from such death or destruction.

85. Claim for compensation

(1) Except in respect of an animal or other property destroyed under an industry disease control program, a claim for compensation is to be –

(a) in a form approved by the Secretary; and

(b) lodged with the Secretary; and

(c) accompanied by such evidence as the Secretary requires to show that the animal or other property died or was destroyed in one of the circumstances specified in section 84(1); and

(d) made within 90 days after the death or destruction or such longer period as the Secretary allows in writing.

(2) If a claim for compensation in respect of an animal or other property, other than an animal or other property destroyed under an industry disease control program, is not made within the period or longer period specified in subsection (1)(d), compensation is not payable.

(3) A claim for compensation in respect of an animal or other property destroyed under an industry disease control program is to be made as specified in that program.

86. Amount of compensation

(1) Where an animal or other property died or was destroyed as the consequence of a disease and an agreement between the State, the Commonwealth and industry specifies that compensation is payable, the amount of compensation payable is the amount allowed by or determined in accordance with that agreement.

(2) Where an animal or other property was destroyed at the direction of an inspector in the circumstances specified in section 84(1)(b), the amount of compensation payable is the amount allowed by or determined in accordance with the regulations.

(3) Where an animal or other property is destroyed under a Government disease control program, the amount of compensation is the amount allowed by or determined in accordance with the program.
(4) Where an animal or other property is destroyed under an industry disease control program, the amount of compensation payable is the amount allowed by or determined in accordance with the program.

87. Determination of compensation

(1) In determining the amount of compensation, the market value of an animal or other property is to be determined, except where expressly provided otherwise in the agreement, determination, regulations or industry disease control program –

(a) as if the animal or property were not infected; and

(b) in the case of an animal or animal material, having regard to the value of comparable animals or animal materials at the nearest most recent markets selling such animals or animal material, whether those markets are in Tasmania or in another State or a Territory.

(2) The amount of compensation specified in section 86 is to be determined, except where expressly provided otherwise in the agreement, determination, regulations or industry disease control program, by the Secretary.

88. Withholding of compensation

Where a doubt or dispute arises as to the entitlement of a person to receive compensation under section 84(1)(a), (b) or (c), the Minister may cause to be retained the whole or part of the compensation payable until the right of the person to receive the compensation has been established to the satisfaction of the Minister.

89. Payment of compensation

Compensation payable –

(a) in respect of an animal or other property destroyed under an industry disease control program is payable by the persons (including the Crown) specified in the program within the time specified in the program; or

(b) in any other case is payable by the Crown within 90 days after both the right of the person to receive compensation, and the amount of compensation payable, has been determined.

90. Recovery of compensation

If the Crown has mistakenly paid an amount as compensation or a part of compensation to a person who was not entitled to compensation under section 84, that person is liable to repay that amount to the Minister within 90 days after receiving a written demand from the Minister.
91. Offence to make false claim

A person must not –

(a) make a claim for compensation that is false or misleading; or

(b) fraudulently do or omit to do any act for the purpose of obtaining compensation for himself, herself or any other person.

Penalty:

Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

91A. Appeal to Magistrates Court (Administrative Appeals Division)

A person may apply to the Magistrates Court (Administrative Appeals Division) for a review of any of the following decisions under this Part:

(a) the refusal to pay compensation in respect of the death or destruction of an animal or other property;

(b) the determination of the amount of any such compensation that is payable.

PART 9A - Infringement notices

91B. Infringement notices

(1) The Chief Veterinary Officer may serve an infringement notice on a person, other than a person who has not attained the age of 16 years, if the Chief Veterinary Officer is of the opinion that the person has committed a prescribed offence.

(2) An infringement notice is not to relate to more than 4 offences.

(3) An infringement notice is to be in accordance with section 14 of the Monetary Penalties Enforcement Act 2005.

91C.

91D.

91E.

91F.

91G. Payment to Consolidated Fund
Any payments made in respect of an infringement notice are payable into the Consolidated Fund.

91H.

91I.

91J.

91K.

PART 10 - Miscellaneous

92. Permits

Schedule 2 applies in relation to permits that are or may be issued under this Act.

93. Protection of List A disease control measures

A court may not prevent or restrain the Minister or an inspector from taking any action or making any declaration, notice, permit or authorisation under this Act in relation to, or in consequence of, an occurrence or suspected occurrence of a List A disease.

94. Liability of employer for employee's act, &c.

An act or omission of an employee or agent is to be taken to be the act or omission of the employer or principal except where the act or omission did not occur in the course of the employment or agency.

95. Liability of director

If a body corporate has committed an offence against this Act, each director or other person concerned in the management of the body corporate is guilty of the offence and liable to a penalty not exceeding that prescribed for the offence except where it is proved that the director or other person could not have prevented the commission of the offence by the exercise of reasonable diligence.

96. Penalty for body corporate

If a body corporate is convicted of an offence against this Act, the penalty that the court may impose is a fine not exceeding 5 times the maximum amount that, but for this section, the court could impose as a pecuniary penalty for that offence.

97. Continuing offence

(1) If an offence against this Act is a continuing offence, a person who commits the offence is liable, in addition to the penalty otherwise prescribed, to a further
penalty not exceeding one-fifth of the maximum penalty otherwise prescribed for each day during which the offence continues.

(2) For the purposes of this section, an obligation to do an act continues until the act is done notwithstanding that any period within which, or time before which, the act is required to be done has ended or passed.

98. Defence

It is a defence to a charge of an offence against this Act if the defendant proves that the offence did not result from any failure on his or her part to take all reasonable actions and care to avoid the commission of the offence.

99. Evidence

(1) In any legal proceedings, a document purporting to be a certificate signed by the Secretary or Chief Veterinary Officer and relating to any one or more of the following matters is evidence of the facts stated in the document:

(a) the appointment of an inspector under this Act;

(b) the approval of the Chief Veterinary Officer or Minister under this Act;

(c) a delegation under this Act;

(d) the amount of costs and expenses incurred in the taking of any action under this Act by an inspector or the Minister;

(e) a declaration of infected premises, restricted area, control area or protected area.

(2) An allegation in a complaint –

(a) that a specified person is or was the owner of any land, water, premises, place, animal or animal material; or

(b) that a specified animal or specified animal material was in a specified area or was moved into or out of a specified area; or

(c) that a specified animal or specified animal material was infected –

is evidence of the matter so alleged.

(3) In subsection (2),

specified means specified in the complaint.

(4) In any proceedings under this Act, a person is taken to have been notified by an inspector of the making of a declaration or notice under Part 6 if a sign indicating
the making of the declaration or notice has been placed where the person would, in
the normal course of events, have passed or seen the sign.

100. Immunity

(1) The Secretary, the Chief Veterinary Officer, an inspector or any other person
does not incur any personal liability in respect of any act done or omitted in good
faith –

(a) in the performance or exercise, or the purported performance or exercise, of
any function or power under this Act; or

(b) in the administration or execution, or the purported administration or execution,
of this Act.

(2) A civil liability that would, but for subsection (1), lie against a person lies
against the Crown.

101. Protection of members of Parliament

A contract in connection with the administration of this Act (including an industry
disease control program and the payment of compensation) is not a contract or
agreement with the Government of the State for the purposes of section 33 of
the Constitution Act 1934 only because –

(a) the contract relates to an animal or property owned by a member of Parliament;
and

(b) the member of Parliament is a party to the contract.

102. Service of documents

(1) Except as otherwise provided by this Act, a document is effectively served on,
given to or provided to an inspector, the Chief Veterinary Officer, the Secretary or
the Minister if –

(a) in a case where it is required to be served, given or provided by a direction or
notice which specifies the manner in which it is to be served, given or provided, it
is served, given or provided in accordance with the direction or notice; or

(b) in any other case, it is –

(i) given to an inspector, the Chief Veterinary Officer, the Secretary or the
Minister; or

(ii) left at, or sent by post to, one of the addresses of the Department; or
(iii) sent by way of facsimile transmission to one of the Department's facsimile numbers.

(2) A document is effectively served on, given to or provided to another person if –

(a) in the case of an individual, it is –

(i) given to the person; or

(ii) left at, or sent by post to, the person's postal or residential address or place or address of business or employment last known to the server of the document; or

(iii) sent by way of facsimile transmission to the person's facsimile number; and

(b) in the case of any other person, it is –

(i) left at, or sent by post to, the person's principal or registered office or principal place of business; or

(ii) sent by way of facsimile transmission to the person's facsimile number.

(3) If a document is served on, given to or provided to an owner, all other owners are taken to have been served with, given or provided with the document.

102A. Identification of place or land

A place or land may be identified in any document made under this Act –

(a) by reference to a municipal area; or

(b) by reference to a street address; or

(c) by reference to the entry relating to the land in a valuation roll prepared under the *Valuation of Land Act 2001*; or

(d) by reference to a plan registered in the Central Plan Register; or

(e) by any other means.

103. Amendment of Schedules 1 and 2

The Governor may, by order –

(a) repeal Schedule 1 or 2; or

(b) repeal Schedule 1 or 2 and substitute another Schedule for the Schedule repealed; or
(c) amend Schedule 1 or 2.

104. Setting of fees

The Secretary, by notice published in the *Gazette* –

(a) may specify the fees that are to be paid in respect of any matter under this Act; and

(b) may provide for the waiving of any such fees; and

(c) may provide for any related matter.

105. Regulations

(1) The Governor may make regulations for the purposes of this Act.

(2) Without limiting the generality of subsection (1), the Governor may make regulations that –

(a) provide for, regulate or prohibit any matter or action that may affect the health of an animal or spread disease or that relates to the health of an animal; and

(ab) provide for or regulate the possession, keeping and management of animals, animal materials or other things; and

(b) provide for, regulate or prohibit the subjection of any animal, animal material, disease agent, soil, water, conveyance or premises to examinations, tests, treatments or procedures; and

(c) provide for the keeping and provision of records and returns by any person whose employment is concerned with animal health or artificial breeding; and

(ca) provide for the making of a declaration by any person or class of person in relation to the health or disease status of any animal, animal material, class of animal or animal material or other thing; and

(d) regulate or prohibit the possession and use of vaccines, disease agents or diagnostic reagents intended for use on any animal or class of animal; and

(da) require animals, or animals of a class, to be vaccinated for diseases specified in the regulations; and

(db) provide for or regulate the introduction into Tasmania, possession and use of testing kits for List A diseases; and

(e) provide for and regulate the tagging or marking of any animal or animal material for purposes related to the health of animals; and
(f) provide for, regulate or prohibit a manner of dealing with animal products derived from an infected animal;

(g) provide for the inspection of animals, animal materials, disease agents, soil, water, conveyances and premises; and

(h) provide for the keeping of a register of persons engaged in artificial breeding; and

(i) provide for, regulate or prohibit the carrying out of artificial breeding, artificial breeding procedures and any matter connected with artificial breeding (including the standard of premises and equipment used in artificial breeding procedures); and

(j) provide for the destruction and disposal of any animal, animal material or other thing seized by an inspector under this Act; and

(k) regulate the composition, labelling and quality of fodder; and

(l) prescribe, and regulate the exercise of, additional powers of inspectors; and

(m) provide that a person or a class of person is, subject to any conditions specified in the regulations, exempt from a provision of this Act or the regulations.

(3) Regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

(4) The regulations may –

(a) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and

(b) in respect of such an offence, provide for the imposition of a fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

(5) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Secretary or Chief Veterinary Officer.

(6) The regulations may adopt wholly or in part, with or without modification and specifically or by reference any published standards, rules, codes or specifications, whether the standards, rules, codes or specifications are published before or after the commencement of this Act.

(7) A reference in subsection (6) to standards, rules, codes or specifications includes a reference to those standards, rules, codes or specifications as amended from time to time.

(8) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
(9) A provision referred to in subsection (8) may take effect on and from the day on which this Act commences or a later day.

106. Repeals, rescissions and revocations

(1) The Acts specified in Part 1 of Schedule 3 are repealed.
(2) The Statutory Rules specified in Part 2 of Schedule 3 are rescinded or revoked.

107. Transitional provisions

The transitional provisions set out in Schedule 4 have effect.

108. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the Administrative Arrangements Act 1990 –

(a) the administration of this Act is assigned to the Minister for Primary Industry and Fisheries; and

(b) the Department responsible to the Minister for Primary Industry and Fisheries in relation to the administration of this Act is the Department of Primary Industry and Fisheries.

SCHEDULE 1 - Licences

Section 61(2)

1. Application

(1) An application –

(a) is to be in a form approved by the Chief Veterinary Officer; and

(b) is to be accompanied by the prescribed fee, if any.

(2) On receipt of an application, the Chief Veterinary Officer may require the applicant to provide such information and documents as the Chief Veterinary Officer considers relevant.

2. Issue of licence

(1) On receipt of an application, the Chief Veterinary Officer may issue, or refuse to issue, a licence.

(2) In determining whether to issue a licence, the Chief Veterinary Officer must consider –
whether the applicant is a fit and proper person to hold a licence; and

(b) the facilities at, or to be provided at, the premises to which the application relates.

(3) The Chief Veterinary Officer may issue a licence –

(a) for a period not exceeding 3 years; and

(b) subject to the conditions specified in the licence.

(4) The Chief Veterinary Officer must notify an applicant, in writing –

(a) of the decision made under subclause (1); and

(b) if the Chief Veterinary Officer has refused to issue a licence, of the reasons for that refusal.

3. Licences subject to conditions

(1) A licence is subject to –

(a) any conditions specified in it; and

(b) any conditions prescribed in the regulations.

(2) Without limiting the conditions to which a licence may be subject, those conditions may include conditions that require the licence holder or premises specified in the licence, either specifically or by reference, to comply with standards, rules, codes or specifications specified in the licence wholly or in part, with or without modification and whether the standards, rules, codes or specifications are published before or after the issue of the licence.

(3) The Chief Veterinary Officer may at any time alter the conditions specified in a licence by doing any one or more of the following:

(a) adding a further condition;

(b) varying a condition;

(c) omitting a condition.

(4) If the Chief Veterinary Officer alters the conditions specified in a licence, the Chief Veterinary Officer must notify the licence holder in writing of –

(a) the alteration; and
(b) the day on which the alteration takes effect, being a day not earlier than 21 days after the notice is forwarded or provided to the licence holder; and

(c) the reasons for the alteration.

(5) The Chief Veterinary Officer, in writing, may require a licence holder to surrender a licence for the purpose of altering the conditions specified in it.

(6) A licence holder must comply with a requirement given under subclause (5).

Penalty:

Fine not exceeding 50 penalty units.

4. Provision of licence

On receipt of the prescribed fee, if any, the Chief Veterinary Officer must provide a licence to the person to whom the Chief Veterinary Officer has decided to issue a licence under clause 2.

5. Authority and period of licence

(1) In this clause, expiry day means the day on which the period of the licence as specified in the licence ends or the day specified in the licence as the day on which it ceases to be in force.

(2) A licence comes into force –

(a) on the day the licence is issued; or

(b) if a later day is specified in the licence, on that later day; or

(c) if the licence is granted on receipt of an application referred to in clause 6, on the day after the expiry day.

(3) A licence ceases to be in force –

(a) on the day on which the period of the licence ends or on the day specified in the licence; or

(b) if the licence is cancelled before the expiry day, on the day on which the cancellation takes effect.

6. Re-applying for licence

(1) In this clause, expiry day means the day on which the period of the licence ends.
(2) A licence holder may apply for registration –

(a) in accordance with clause 1; and

(b) within the period of 90 days before the expiry day.

(3) If, after receiving an application referred to in subclause (2), the application has not been withdrawn and the Chief Veterinary Officer has not issued, or refused to issue, a licence on or before the expiry day, the licence of the applicant is taken to continue in force until –

(a) the Chief Veterinary Officer has issued a licence; or

(b) the day the refusal of the Chief Veterinary Officer to issue a licence takes effect; or

(c) the application is withdrawn.

(4) A refusal of the Chief Veterinary Officer to issue a licence on receipt of an application referred to in subclause (2) takes effect on a day specified in the notice notifying the applicant of that refusal, being a day not less than 90 days after the notice is received by the applicant.

7. Surrender of licence

(1) A licence holder may surrender a licence by forwarding to the Chief Veterinary Officer –

(a) the licence; and

(b) a notice, in writing, requesting the Chief Veterinary Officer to cancel the licence.

(2) On receipt of a licence and a notice requesting the cancellation of the licence, the Chief Veterinary Officer must cancel the licence.

8. Cancellation of licence

(1) The Chief Veterinary Officer may cancel a licence if –

(a) the licence holder has committed an offence against this Act or the regulations; or

(b) the licence holder has committed an offence against any law in relation to an animal; or

(c) the licence holder has failed to comply with a condition to which the licence is subject.
(2) If the Chief Veterinary Officer is considering cancelling a licence, the Chief Veterinary Officer must notify the licence holder, in writing, that he or she is considering that cancellation.

(3) A licence holder who receives a notice under subclause (2) is entitled to make submissions to the Chief Veterinary Officer within 14 days after the receipt of that notice.

(4) The Chief Veterinary Officer must not cancel a licence until the period specified in subclause (3) has ended.

(5) If the Chief Veterinary Officer cancels a licence, the Chief Veterinary Officer must cause the licence holder to be notified, in writing, of the cancellation and the reasons for the cancellation.

(6) The cancellation of a licence takes effect on the day specified in the notice referred to in subclause (5).

(7) If the Chief Veterinary Officer has cancelled a licence, the Chief Veterinary Officer may require any person having possession of the licence to surrender it to the Chief Veterinary Officer.

(8) A person must comply with a requirement to surrender a licence made under subclause (7).

Penalty:

Fine not exceeding 5 penalty units.

9. Reviews

(1) A person who has been refused a licence may apply to the Magistrates Court (Administrative Appeals Division) for a review of the refusal.

(2) If a licence is cancelled under clause 8, the person who held the licence may apply to the Magistrates Court (Administrative Appeals Division) for a review of the cancellation.

(3) A person is not entitled to apply for a review under this clause in respect of the decision of the Chief Veterinary Officer to refuse to issue a licence or to cancel a licence if that decision is made on a reconsideration of a matter by the Chief Veterinary Officer in accordance with a direction given by the Court.

SCHEDULE 2 - Permits

Section 92 (1)
1. Permit to be in writing

A permit is to be in writing.

2. Permit subject to conditions

   (1) A permit is subject to the conditions specified in it.

   (2) Without limiting the nature of the conditions that may be specified in a permit, a permit may include any one or more of the following conditions:

   (a) that before leaving or being moved within an infected place or restricted area any person, animal, animal material, conveyance or other thing to which the permit relates be effectively disinfected and cleansed to the satisfaction of an inspector and in a manner specified by an inspector;

   (b) that any person, animal, animal material, conveyance or other thing to which the permit relates must not visit or be transported to any other place where animals or animal materials are located.

3. Term of permit

A permit –

(a) comes into force when it is issued or on a later day specified in it; and

(b) remains in force for the period, or until the end of the day, specified in it.

4. Power to require information and documents

Before determining whether to issue a permit, a person who may issue the permit may require an applicant for the permit to provide such information and documents as he or she considers relevant.

5. Revocation or variation of permit

   (1) A person who may issue a permit of a particular kind may revoke or vary a permit of that particular kind by written notice provided to the holder of the permit.

   (2) If a permit is revoked, the holder of the permit must, on the request of an inspector, surrender the permit to an inspector.

   (3) If a permit is varied, the holder of the permit must, on the request of an inspector, provide the permit to the inspector for the purpose of having the variation noted on the permit.

SCHEDULE 3 - Repeals, Rescissions and Revocations
PART 1 - Acts Repealed

Stock Act 1932 (23 Geo. V No. 54)

PART 2 - Statutory Rules Rescinded

Stock Regulations 1983 (S.R. 1983, No. 223)
Stock Amendment Regulations 1984 (S.R. 1984, No. 79)
Stock Amendment Regulations (No. 2) 1984 (S.R. 1984, No. 102)
Stock Amendment Regulations 1985 (S.R. 1985, No. 33)
Stock Amendment Regulations (No. 2) 1985 (S.R. 1985, No. 175)
Stock Amendment Regulations (No. 3) 1985 (S.R. 1985, No. 287)
Stock Amendment Regulations 1986 (S.R. 1986, No. 79)
Stock Amendment Regulations (No. 2) 1986 (S.R. 1986, No. 257)
Stock Amendment Regulations 1987 (S.R. 1987, No. 95)
Stock Amendment Regulations (No. 2) 1987 (S.R. 1987, No. 96)
Stock Amendment Regulations (No. 3) 1987 (S.R. 1987, No. 168)
Stock Amendment Regulations (No. 4) 1987 (S.R. 1987, No. 169)
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Stock Amendment Regulations (No. 2) 1988 (S.R. 1988, No. 65)
Stock Amendment Regulations (No. 3) 1988 (S.R. 1988, No. 222)
Stock Amendment Regulations 1990 (S.R. 1990, No. 10)
Stock Amendment Regulations (No. 2) 1990 (S.R. 1990, No. 50)
Stock Amendment Regulations (No. 3) 1990 (S.R. 1990, No. 67)
Stock Amendment Regulations (No. 4) 1990 (S.R. 1990, No. 185)
Stock Amendment Regulations (No. 5) 1990 (S.R. 1990, No. 255)

SCHEDULE 4 - Transitional Provisions

1. Interpretation

In this Schedule, unless the contrary intention appears –

*artificial breeding premises licence* means a premises licence within the meaning of section 32 of the repealed Act;
**Chief Inspector of Stock** means the Chief Inspector of Stock appointed under the **repealed Act**;

**commencement day** means the day on which this Act commences;

**repealed Act** means the *Stock Act 1932*;

**swine licence** means a licence within the meaning of **section 20 of the repealed Act**.

2. **Initial Chief Veterinary Officer and initial inspectors**

   (1) The person holding the office of Chief Inspector of Stock under the **repealed Act** immediately before the commencement day is taken to have been appointed as Chief Veterinary Officer under **section 6** of this Act.

   (2) A person holding the office of inspector under **section 4 (1) of the repealed Act** immediately before the commencement day is taken to have been appointed as an inspector under **section 8 (1)** of this Act for the period of 3 months commencing on that day.

3. **Quarantine area**

   If, immediately before the commencement day, there is a quarantine ground under the **repealed Act**, that quarantine ground is taken to be a quarantine area established by a declaration under **section 11** of this Act.

4. **Approval for importation**

   If the Chief Inspector of Stock has given under **section 7 (1) of the repealed Act** an approval to import an animal or under **section 8 (3) of the repealed Act** permission to import an animal or egg and that approval or permission has effect immediately before the commencement day, that approval or permission is taken to be a special authority issued under **section 19** of this Act.

5. **Swine licences**

   A swine licence that is in force immediately before the commencement day is taken to be a permit issued under **section 54(2)** that is in force for the period of 2 months after the commencement day.

6. **Artificial breeding premises licences**

   An artificial breeding premises licence that is in force immediately before the commencement day is taken to be a licence issued under **section 61(1)** that is in force for the period of 3 months after the commencement day.

7. **Directions, order and notices**
A direction, order or notice given under any of the following sections of the repealed Act and not complied with immediately before the commencement day is taken to be a direction given under this Act –

(a) order under section 5;
(b) notice under section 5A;
(c) order under section 7 (4A);
(d) direction under section 10A;
(e) order under section 11;
(f) order under section 12 (1).

8. Seized animals

If an animal has been seized under section 7 (4A) or 11 (5) of the repealed Act, the animal is taken to have been seized by the Chief Veterinary Officer or an inspector under this Act.

9. Compensation

If, immediately before the commencement day, a person is entitled to receive compensation in respect of any action taken under the repealed Act –

(a) that entitlement is not affected by the repeal of the repealed Act; and

(b) the repealed Act continues to apply in relation to all matters concerning the determination of that entitlement, the determination of the amount of compensation payable and the payment of the compensation; and

(c) the Chief Veterinary Officer is the Chief Inspector for the purposes of paragraph (b).

10. Legal proceedings

(1) Any legal proceedings instituted under the repealed Act which are pending immediately before the commencement day may be continued.

(2) Sections 18, 20 and 53 (4) of the repealed Act continue to apply for the purposes of legal proceedings continued under subclause (1).

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