

Act No. 166

NON-INDIGENOUS ANIMALS BILL 1987*

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to control and regulate the importation, keeping and movement of certain species of animals not native to Australia.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the provisions of the proposed Act, with minor exceptions, will commence on a day or days to be appointed by the Governor-in-Council.

Clause 3 defines certain terms used in the Bill. In particular, in so far as the Bill refers to an animal the reference is only to certain vertebrate animals, that is, mammals, birds, reptiles and amphibians. "Importation" of an animal includes importation from interstate or overseas.

Clause 4 states that the proposed Act is to bind the Crown and defines the relationship of the proposed Act to certain other enactments.

Clause 5 allows the regulations under the proposed Act to exempt, to a prescribed extent or in prescribed circumstances, persons or premises from the operation of the proposed Act or any requirement made by or under it.

Clause 6 states that for the purposes of the proposed Act, non-indigenous animals may be classified, according to species, into categories. The Minister will determine which animals fall within each category.

* Amended in committee—see table at end of volume.

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PART 2—THE NON-INDIGENOUS ANIMALS ADVISORY COMMITTEE

Clause 7 establishes the Non-Indigenous Animals Advisory Committee, comprised of officers or temporary employees of the Department of Agriculture and persons from the private sector nominated by interest groups.

Clause 8 sets out the principal functions of the advisory committee.

Clause 9 provides for the advisory committee to be serviced by staff from the public service and any consultants the Minister sees fit to hire.

PART 3—OFFENCES CONCERNING NON-INDIGENOUS ANIMALS

Clause 10 prohibits the importation into the State of animals in category 1, 2 or 3, except by the holders of permits authorising their importation. The penalty for a breach of the prohibition varies according to the category of the imported animal.

Clause 11 prohibits the keeping or taking charge of animals in category 1, 2 or 3, except by the holders of licences authorising their keeping. The penalty for a breach of the prohibition varies according to the category of the animal concerned.

Clause 12 prohibits the movement or transportation of animals in category 1, 2 or 3, except by the holders of permits authorising their movement or transfer. The penalty for a breach of the prohibition varies according to the category of the animal concerned.

Clause 13—

- (a) prohibits the liberation from captivity of animals in categories 1, 2 and 3;
- (b) prohibits any person from permitting an animal's escape; and
- (c) obliges persons from whose keeping or charge animals have escaped to take all reasonable steps to cause the escape to be reported to the Director-General of the Department of Agriculture.

The penalties for breaches of the prohibitions described in paragraphs (a) and (b) vary according to the categories of the animals concerned.

PART 4—LICENCES AND PERMITS

Clause 14 provides for the making of applications for licences and renewals of licences.

Clause 15 provides for the grant and renewal of licences authorising the keeping of animals. The clause sets out general criteria to be taken into account by the Minister in deciding whether to grant the licence or renewal.

Clause 16 states the duration of licences (3 years, unless otherwise provided by the regulations).

Clause 17 allows conditions to be attached to licences.

Clause 18 provides for the cancellation of licences in certain circumstances.

Clause 19 provides for the grant of permits authorising the importation, or the movement or transportation, of animals.

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Clause 20 provides a right of appeal (to a Local Court) to persons whose applications for a licence or renewal of a licence, or for a permit, have been refused, whose licences or permits have been cancelled or who are dissatisfied with the imposition of conditions on their licences or permits.

PART 5—GENERAL

Clause 21 enables the Minister to require returns to be furnished by licensees.

Clause 22 requires persons in charge of travelling circuses and other itinerant shows to notify the Minister of their itineraries and any changes in their itineraries.

Clause 23 sets out the powers of authorised officers under the proposed Act, including power to enter premises, inspect books and accounts and give directions for the safety of persons and property.

Clause 24 provides for the issue of a search warrant to enter, if necessary, premises used, or part of which is used, as a dwelling.

Clause 25 provides for the seizure, or destruction if necessary, of animals unlawfully kept or at large. The costs of seizure or destruction (or of attempted seizure or destruction) may be recovered from a person who unlawfully kept them or allowed them to escape.

Clause 26 prohibits the hindrance or obstruction of authorised officers and any failure to comply with requirements lawfully made by them under the proposed Act.

Clause 27 provides for offences under the proposed Act to be dealt with summarily in a Local Court.

Clause 28 provides for the service of notices under the proposed Act and regulations.

Clause 29 enables the making of regulations in aid of the proposed Act.

Clause 30 amends section 10 of the Search Warrants Act 1985 so as to include, in the definition of "search warrant" for the purposes of that Act, a reference to section 24 of the proposed Act.

Clause 31 amends Schedule 4 to the Exhibited Animals Protection Act 1986 so as to provide that, in the event of an inconsistency between provisions made by or under that Act and provisions made by or under the proposed Act, the latter provisions will prevail to the extent of the inconsistency.

Schedule 1 contains provisions relating to the members of the advisory committee.

Schedule 2 contains provisions relating to the procedure of the advisory committee.
