



New South Wales

# Non-Indigenous Animals Amendment Act 1996 No 23

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New South Wales

# **Non-Indigenous Animals Amendment Act 1996 No 23**

Act No 23, 1996

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An Act to amend the *Non-Indigenous Animals Act 1987* in relation to the classification of non-indigenous animals and other matters. [Assented to 19 June 1996]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Non-Indigenous Animals Amendment Act 1996*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Non-Indigenous Animals Act 1987 No 166**

The *Non-Indigenous Animals Act 1987* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

**[1] Section 3, definition of “authorised officer” and section 13 (3)**

Omit “of the Department of Agriculture” wherever occurring.

**[2] Section 3 Definitions**

Insert in alphabetical order in section 3 (1):

*Director-General* means the Director-General of the Department of Agriculture.

*controlled category* means a category of animals identified under section 6 as a controlled category.

*higher-risk category* means a category of animals identified under section 6 as a higher-risk category.

*lower-risk category* means a category of animals identified under section 6 as a lower-risk category.

*non-indigenous animal* means an animal not native to Australia before European settlement.

*vehicle* means any road or rail vehicle or trailer or any aircraft or watercraft.

**[3] Section 4 Application of Act**

Omit “*Pastures Protection Act 1934*” from section 4 (2).

Insert instead “*Rural Lands Protection Act 1989*”.

**[4] Sections 6, 6A**

Omit section 6. Insert instead:

**6 Classification of animals**

For the purposes of this Act, the regulations may from time to time:

- (a) prescribe categories of animals, and

- (b) identify any such prescribed categories as controlled categories, and
- (c) identify any such controlled categories as either higher-risk or lower-risk categories, and
- (d) classify animals, by species, as belonging to any prescribed category.

**6A Basis of animal classification**

- (1) Classification of animals under section 6 is to be based on:
  - (a) the animal's pest potential with respect to agricultural and pastoral interests and the environment, and
  - (b) any danger posed by the animal to humans, and
  - (c) security requirements for keeping or transporting the animal, and
  - (d) the degree to which the animal, if actually or potentially a pest, is already established, and
  - (e) any other factors identified by the regulations.
- (2) In recommending the making of a regulation for the purposes of section 6, the Minister is to have regard to any scheme of classification currently used by the National Vertebrate Pests Committee of the Standing Committee on Agriculture and Resource Management or by any other persons or bodies prescribed for the purposes of this subsection.
- (3) Before recommending the making of a regulation for the purposes of this section in relation to any birds, the Minister is to consult any persons or bodies prescribed for the purposes of this subsection.

**[5] Section 7 The advisory committee**

Omit "Council of Advice (being the Council elected by the Conference of the Pastures Protection Boards' Association of New South Wales)" from section 7 (4) (e).

Insert instead "Council of the Rural Lands Protection Boards Association of New South Wales".

**[6] Section 9 Staff of the advisory committee**

Omit “Public Service Board” from section 9 (1) (b).  
Insert instead “Public Employment Office”.

**[7] Sections 10–13**

Omit “in category 1 or 2” wherever occurring.  
Insert instead “belonging to a higher-risk category”.

**[8] Sections 10–13**

Omit “in category 3” wherever occurring.  
Insert instead “belonging to a lower-risk category”.

**[9] Sections 13, 25**

Omit “in category 1, 2 or 3” wherever occurring.  
Insert instead “belonging to a controlled category”.

**[10] Section 14 Application for licence**

Insert “but no renewal application may be made or accepted after the date of expiry of the licence” after “prescribed” in section 14 (3).

**[11] Sections 15, 18, 19 and 25**

Omit “Minister” wherever occurring.  
Insert instead “Director-General”.

**[12] Section 22 Travelling circuses and shows**

Omit the section.

**[13] Section 23 Powers of authorised officers**

Insert after section 23 (1) (a) (i):

- (ii) open and inspect any cage, container or enclosure, and

**[14] Section 23 (1) (a)**

Omit “(ii) generally”. Insert instead “(iii) generally”.

**[15] Section 23 (1) (d)**

Omit “animals” wherever occurring.  
Insert instead “animals, cages or containers”.

**[16] Section 25 Seizure of animals**

Insert after “at large.” in section 25 (1):

When seizing an animal in any person’s keeping or charge, the authorised officer may also seize and take charge of any cage or other transportable container that may reasonably be suspected of having been used to keep the animal, and may retain any such cage or container for as long as is reasonably necessary to deal further with the animal in accordance with this Act.

**[17] Sections 29A, 29B**

Insert after section 29:

**29A Delegation**

The Minister and the Director-General may each delegate any of their respective functions (other than this power of delegation) to any officer of the Department of Agriculture.

**29B Savings and transitional provisions**

Schedule 3 has effect.

**[18] Schedule 3**

Insert after Schedule 2:

**Schedule 3 Savings and transitional provisions**

(Section 29B)

**1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

*Non-Indigenous Animals Amendment Act 1996*

- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done, or omitted to be done, before the date of its publication.

## **2 Saving of certain licences**

The amendments made to this Act by the *Non-Indigenous Animals Amendment Act 1996* do not affect the validity of any licence or permit issued by the Minister.

[Minister's second reading speech made in—  
Legislative Assembly on 17 April 1996  
Legislative Council on 2 May 1996]