

NORFOLK



ISLAND

ANIMALS (IMPORTATION) ACT 1983

Act No. 12 of 1984

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Animals (Importation) Act 1983

Act No. 12 of 1984

An Act relating to the importation of animals into Norfolk Island

[Reserved for assent 12 December 1983]

[Assented to 16 July 1984]

BE IT ENACTED by the Legislative Assembly of Norfolk Island as follows —

Short title

1. This Act may be cited as the *Animals (Importation) Act 1983*.

Commencement

2. This Act shall commence on a date appointed by the Administrator by notice published in the Gazette.

Repeal

3. The *Importation of Animals Act 1915* is repealed.

Interpretation

4. In this Act —
“animal” includes bird and fish;
“inspector” means an inspector appointed under section 5.

Inspectors

5. The Administrator may by instrument appoint inspectors for the purposes of this Act.

Importation of animals prohibited

6. (1) Except as provided by this Act, the importation into Norfolk Island of an animal is prohibited.

(2) A person who, otherwise than in accordance with a permit granted under this Act —

- (a) imports into Norfolk Island an animal; or
- (b) is knowingly concerned in the importation into Norfolk Island of an animal,

is guilty of an offence.

Penalty: In the case of a natural person — imprisonment for 2 years or a fine of 50 penalty units or both;

In the case of a body corporate — a fine of 250 penalty units.

(3) A person who, without lawful excuse (the proof shall lie upon him), has in his possession an animal imported into Norfolk Island other than in accordance with a permit granted under this Act, is guilty of an offence.

Penalty: In the case of a natural person — imprisonment for 2 years or a fine of 50 penalty units or both;

In the case of a body corporate — a fine of 250 penalty units.

(4) In proceedings for an offence against this section —

- (a) a certificate signed by the Administrator certifying that no permit had been granted to a person under this Act for the importation of an animal described therein; shall be *prima facie* evidence of the facts stated therein;
- (b) a document certified by the Administrator to be a true copy of a permit granted under this Act shall be *prima facie* evidence of the contents of any such permit.

Applications for permits

7. (1) A person may apply to the Administrator for a permit to import into Norfolk Island —

- (a) a specified animal; or
- (b) an animal of a specified class or type.

(2) An application under this section shall —

- (a) be in writing;
- (b) contain or be accompanied by such statements or information as the Administrator may require; and
- (c) be accompanied by the prescribed fee.

(3) A person shall not make a false statement or representation in support of an application under this section.

Penalty: In the case of a natural person — imprisonment for 6 months or a fine of 20 penalty units or both;
In the case of a body corporate — a fine of 100 penalty units.

(4) In a prosecution for an offence against subsection (3) a statement or representation shall be deemed to have been made by a person if it is contained in a document (whether prepared or made by that person or not) which is tendered by that person in support of an application.

Grant of permits

8. (1) The Administrator may on application made under section 7 in his discretion —

- (a) grant a permit either absolutely or subject to conditions; or
- (b) refuse to grant a permit.

(2) The conditions to which a permit may be made subject are such as the Administrator in his discretion shall think fit.

(3) Without limiting the generality of subsection (2) the Administrator may, in considering an application or imposing conditions upon the grant of a permit, have regard to —

- (a) the need to protect Norfolk Island against the introduction of animal-borne disease;
- (b) the potential effect of a proposed importation upon the flora and fauna of Norfolk Island; and

- (c) the capacity of the applicant adequately to provide for the care and control of the animal.

(4) The Administrator may require the lodgement with the Administration of a sum by way of security for the performance of any condition subject to which a permit is granted and where such security is required a permit is of no effect until the security has been lodged.

Inspection of animals

9. (1) An inspector may enter upon any vessel or aircraft to inspect any animal prior to the landing of the animal on Norfolk Island.

(2) An inspector, who suspects upon reasonable grounds that entry onto a vessel, an aircraft or into any premises will provide evidence of the commission of an offence against this Act, may at any time, without warrant, enter onto that vessel or aircraft or into those premises and may take into possession anything thereon or therein which provides evidence of the commission of such an offence.

(3) An inspector may seize any animal imported into Norfolk Island otherwise than in accordance with this Act together with any hay, straw, fodder, litter or fittings, clothing, utensils, appliances or packages used in connection with such animal.

(4) Any animal or thing seized under subsection (3) may be destroyed or otherwise dealt with as directed by an inspector.

(5) No compensation shall be payable in respect of the seizure, destruction, detention or other treatment of any animal or thing pursuant to this section.

(6) A person shall not obstruct or hinder an inspector in the execution of any function under this Act.

Penalty: Imprisonment for 6 months or a fine of 20 penalty units or both.

Fishing

10. Nothing in this Act shall render unlawful the importation into Norfolk Island of fish caught in *bona fide* fishing operations conducted from a vessel operated from Norfolk Island.

Delegation

11. The Administrator may by instrument delegate the performance of any and all of his functions and powers (excluding this power of delegation and his powers under section 5).

Prosecutions

12. All offences under this Act may be prosecuted summarily.

Regulations

13. (1) The Administrator may make Regulations, not inconsistent with this Act prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1) the Regulations may prescribe fees for the purposes of paragraph 7(2)(c) and may provide —

- (a) for different fees in respect of applications for different animals or classes of animals; and
- (b) for the refund of the whole or part of a fee upon the refusal of an application.

Notified Gazette No. 32, 26 July 1984.

Commenced 29 April 1985 (on a day fixed by the Administrator by notice in the Gazette – Gazette No. 19, 26 April 1985.)

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