

## EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Local Government, Territories and Roads

Subject- *Christmas Island Act 1958*  
*Importation of Dogs and Cats Amendment Ordinance 2005 (No.1).*

Subsection 9(1) of the *Christmas Island Act 1958* ('the Act') provides that the Governor-General may make Ordinances for the peace, order and good government of Christmas Island ('the Territory').

The purpose of the Ordinance is to amend the *Importation of Dogs and Cats Ordinance 1973* ('the Principal Ordinance') to prohibit the importation into the Territory of cats and to restrict the importation of dogs to those dogs which are assistance animals. The Ordinance has principally arisen out of concerns about the environmental, social and cultural effects of cats and dogs in the Territory together with associated animal health and welfare issues.

In addition, there are difficulties with the current operation of the Principal Ordinance which must be remedied. For example, under the Principal Ordinance cats and dogs can only be imported into the Territory by sea (no air travel is permitted) on a vessel which trades exclusively between:

- the Territory and Australia or New Zealand; or
- the Territory and Australia and New Zealand.

There is no such general shipping service currently in existence.

In October 2002 the Christmas Island community was consulted about the importation of cats and dogs through a bulletin which invited community views. Representations to the Administrator of the Territory indicated community support for the measures set out in the proposed Ordinance. In addition, the Christmas Island Community Consultative Committee and the Shire of Christmas Island support a prohibition on cats being imported and a restriction on the importation of dogs to those dogs which are assistance animals.

Details of the Ordinance are set out in the Attachment.

The Act specifies no conditions that need to be met before the power to make the Ordinance may be exercised.

The Ordinance commences on the day after it is registered on the Federal Register of Legislative Instruments.

The Ordinance is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

**Details of the proposed *Importation of Dogs and Cats Amendment Ordinance 2005 (No. 1)*****Section 1 - Name of Ordinance**

This section provides that the title of the Ordinance is the *Importation of Dogs and Cats Amendment Ordinance 2005 (No. 1)*.

**Section 2 - Commencement**

This section provides for the Ordinance to commence on the day after it is registered on the Federal Register of Legislative Instruments.

**Section 3 - Amendments**

This section provides that the *Importation of Dogs and Cats Ordinance 1973* ('the Principal Ordinance') is amended as set out in the Schedule.

**Schedule 1 - Amendments****Item [1] - Section 2, before definition of *disease***

This item would insert a definition of *assistance animal* into section 2 of the Principal Ordinance. Assistance animal would be defined to mean a guide dog or a dog trained to assist a person with a hearing disability.

**Item [2] - Section 2, definition of *disease***

This item would omit the definition of *disease* as it is no longer required.

**Item [3] - Section 2, definition of *government veterinary surgeon***

This item would omit the definition of *government veterinary surgeon* as it is no longer required.

**Item [4] – Sections 3, 4, 5 and 6**

This item would substitute a new section 3 into the Principal Ordinance and omit sections 4, 5 and 6. Existing sections 3, 4, 5 and 6 provide for the current restrictions on the importation of dogs and cats into the Territory. These sections are to be replaced by a new section 3 which will prohibit the importation of cats and restrict the importation of dogs to those dogs which are assistance animals. Proposed new subsection 3(2) gives the Administrator of the Territory a discretion to approve the importation of a dog if it is an assistance animal. If a person wishes to import a dog which is an assistance animal then that person can apply in writing to the Administrator under proposed subsection 3(3).

**Item [5] – Section 7**

This item would substitute a new section 7 into the Principal Ordinance, so as to restate existing section 7 in contemporary language and increase the maximum penalty to 20 penalty units from twenty dollars currently.

**Item [6] – Subsection 10(5)**

This item would substitute a new subsection 10(5) into the Principal Ordinance, so as to restate existing subsection 10(5) in contemporary language and increase the maximum penalty to 20 penalty units from twenty dollars currently.

**Item [7] – Schedule 1**

This item would omit Schedule 1 to the Principal Ordinance which specifies the kinds of dogs which cannot be imported unless the permission of the Administrator is granted. This schedule will no longer be required because only dogs which are an assistance animal will be able to be imported into the Territory under the proposed Ordinance.