THETERRITORY OF CHRISTMAS ISLAND

**No. 1 of 1974**

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**AN ORDINANCE**

**To amend the *Importation of Dogs and Cats Ordinance* 1973.**

I, THE GOVERNOR-GENERAL of Australia, *acting* with the advice of the Executive Council, hereby make the following Ordinance under the *Christmas Island Act* 1958-1973.

Dated this twenty third

day of July, 1974.

**John R. Kerr**

Governor-General.

By His Excellency’s Command,

**L. F. Bowen**

Special Minister of State.

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IMPORTATION OF DOGS AND CATS ORDINANCE 1974

**Short titleand citation.**

**1.** (1) This Ordinance may be cited as the *Importation of Dogs and Cats Ordinance* 1974.[[1]](#footnote-1)\*

(2) The *Importation of Dogs and Cats Ordinance* 1973[[2]](#footnote-2)† is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Importation of Dogs and Cats Ordinance* 1973-1974.

**2.** Sections 8 and 9 of the Principal Ordinance are repealed and the following sections substituted:—

**Seizure of prohibited animals and prohibited goods.**

“8. (1) A police officer may, where he has reason to believe that an animal is a prohibited animal or that goods are prohibited goods, seize the animal or the goods.

“(2) Where a police officer seizes an animal or goods pursuant to sub-section (1), he shall—

(a) give notice in writing forthwith to the importer of the seizure; and

(b) lodge a copy of the notice with the Chief Clerk of the Magistrate’s Court.

“(3) The notice referred to in sub-section (2) shall specify the reasons for the belief by the police officer that the animal is a prohibited animal or that the goods are prohibited goods and shall require the importer to show cause before the Magistrate’s Court within a specified period, being a period of not less than 7 days after the seizure of the animal or the goods, why the Court should not—

(a) declare that the animal is a prohibited animal or that the goods are prohibited goods;

(b) order that the animal or the goods declared to be a prohibited animal or prohibited goods are forfeited; and

(c) direct that the forfeited animal or the forfeited goods shall be destroyed or otherwise dealt with as the Court determines.

“(4) Where an importer does not, within the time specified in the notice referred to in sub-section (2), show cause before the Magistrate’s Court why an animal or goods should not be dealt with by the Court as provided by paragraphs (3) (a), (b) and (c), the police officer who seized the animal or the goods shall be entitled to apply to the Court to have the animal or the goods dealt with in accordance with paragraphs (3) (a), (b) and (c).

**Power of Magistrate’s Court.**

“9. For the purposes of section 8, the Magistrate’s Court shall have jurisdiction to—

(a) declare that an animal is a prohibited animal or that goods are prohibited goods pursuant to this Ordinance;

(b) order that a prohibited animal or prohibited goods shall be forfeited; and

(c) direct that a forfeited animal or, forfeited goods shall be destroyed or otherwise dealt with as the Court determines.”.

**3.** After section 10 of the Principal Ordinance the following section is added:—

**Ordinance does not derogate from any other law.**

“11. The provisions of this Ordinance are in addition to, and do not derogate from the operation of, any other law in force in the Territory.”.

1. \* Notified inthe *Australian Government Gazette* on 6 August 1974. [↑](#footnote-ref-1)
2. † Ordinance No. 5 of 1973. [↑](#footnote-ref-2)