

1996—No. 206

STOCK DISEASES ACT 1923—REGULATION

(Relating to penalty notices, the feeding of prohibited substances to stock and other matters)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Stock Diseases Act 1923, has been pleased to make the Regulation set forth hereunder.

RICHARD AMERY, M.P.,
Minister for Agriculture.

Commencement

1. This Regulation commences on 1 June 1996.

Amendments

2. The Stock Diseases (General) Regulation 1992 is amended:
 - (a) by omitting clause 5;
 - (b) by omitting clause 33;
 - (c) by omitting clause 35 and by inserting instead the following clause:

Feeding of prohibited substances to stock

35. (1) For the purposes of section 20FB (3) of the Act, all stock other than swine are prescribed. That is, section 20FB of the Act applies only in relation to swine.

(2) Feral pigs are also prescribed for the purposes of section 20FB (3) of the Act in respect of prohibited substances that are fed to them for the purpose of suppressing or controlling their numbers, but only if those substances are fed to them in a manner approved by the Chief, Division of Animal Industries.

(3) For the purposes of section 20FB (4) of the Act, the following substances are prescribed as prohibited substances in relation to swine:

- (a) the meat, bones, blood, offal or other part of the carcass of any animal or bird;
 - (b) the eggs or excreta of any animal or bird;
 - (c) any substance produced from or containing a substance referred to in paragraph (a) or (b) other than:
 - (i) a stock food or medicine registered or approved under an Act; or
 - (ii) a substance that has been processed at premises, and in a manner, approved by the Chief, Division of Animal Industries;
 - (d) any household or commercial waste, foodstuffs, garbage or other food refuse, other than bakery, fruit or vegetable waste;
 - (e) any household or commercial waste, foodstuffs, garbage or other food refuse that has been kept in, and is fed to the stock from, a receptacle that contains or has contained a substance included in paragraph (a), (b) or (c).
- (d) by inserting after clause 35 the following clauses:

Penalty notice offences

35A. For the purposes of section 20O (Penalty notices) of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 2 is declared to be a penalty notice offence; and
- (b) the prescribed penalty for such an offence is the amount specified in Column 3 of Schedule 2.

Short descriptions

35B. (1) For the purposes of section 145B of the Justices Act 1902, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 2 is:

- (a) the expression specified in Column 2 of that Schedule; or
- (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

(2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 2, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

(3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

(4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

(e) by inserting after Schedule 1 the following Schedule:

SCHEDULE 2

(Cll. 35A, 35B)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Provision	Short description	Penalty
Offences under the Stock Diseases Act 1923		
Section 9 (1)	being occupier of landowner of stock/person in charge of stock fail to notify disease	\$400
Section 9 (2)	being veterinary surgeon/person attending stock/person consulted on stock fail to notify disease	\$400
Section 12A (5) (a)	fail to stop vehicle/keep vehicle stationary	\$200
Section 19D (1)	sell/cause/permit sale of unidentified stock	\$400

Section 19D (2)	send/deliver/cause/permit sending/delivery of unidentified stock	\$400
Section 20	illegally introduce stock	\$200
Section 20C (1) (a)	move stock across quarantine line/cause/permit stock to be moved across quarantine line	\$300
Section 20C (1) (b)	move stock into protected area/cause/permit stock to be moved into protected area	\$300
Section 20C (1) (c)	move stock/cause/permit stock to be moved in/within/out of quarantine area/infected land	\$300
Section 20C (2) (a)	move infected stock/cause/ permit infected stock to be moved on/along/across public road/railway	\$400
Section 20C (2) (b)	move infected stock/cause/ permit infected stock to be moved in/through public place	\$400
Section 20C (2) (c)	move infected stock/cause/ permit infected stock to be moved to/on/across land	\$400
Section 20FB (1)	feed prohibited substance to stock	\$400
Section 20FB (1)	cause/permit stock to feed on prohibited substance	\$400
Section 20FB (2)	fail to prevent stock access to prohibited substance	\$400

**Offences under the Stock Diseases (General) Regulation
1992**

Clause 4 (1)	move stock/thing out of quarantine area in breach of permit	\$300
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Clause 4 (2)	move stock/thing across quarantine line in breach of permit	\$300
Clause 6	fail to notify footrot in sheep/goats	\$200

(f) by omitting Forms 7 and 8 from Schedule 1.

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to identify the offences under the Stock Diseases Act 1923 and the Stock Diseases (General) Regulation 1992 that can be dealt with by penalty notice and to prescribe the penalties applicable if the offences are dealt with in that way (clause 2 (d) and (e)); and
- (b) to prescribe short descriptions for use in describing those offences in informations, complaints, summonses, warrants, notices, orders and other documents (in particular the descriptions are for use in penalty notices) (clause 2 (d) and (e)); and
- (c) to prescribe prohibited substances, which must not be fed to certain animals (namely swine) (clause 2 (c)); and
- (d) to omit prescribed forms of traffic signs, which will in future be approved by the Chief, Division of Animal Industries (clause 2 (b) and (f)); and
- (e) to omit a provision that regulates the movement of sheep or goats into a protected area for footrot as the movement of stock into a protected area can be regulated by notification of the Minister under section 11a of the Act (the section provides for the declaration of protected areas and for the restriction or prohibition on the movement of stock into those areas) (clause 2 (a)).

This Regulation is made under the Stock Diseases Act 1923, including section 23 (the general regulation making power), section 20FB (feeding of prohibited substance to stock), and section 200 (penalty notices) extended as provided by section 145B (3) of the Justices Act 1902 (which provides for the regulations under the Act creating an offence to prescribe a short description for the offence).
