

STOCK DISEASES (AMENDMENT)
ACT.

Act No. 33, 1934.

An Act to provide for additional members of the Board of Tick Control; to amend the Stock Diseases Act, 1923, and the Stock Act, 1901, in certain respects; and for purposes connected therewith. [Assented to, 14th November, 1934.]

George V,
No. 33, 1934.

BE

No. 33, 1934.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. (1) This Act may be cited as the "Stock Diseases (Amendment) Act, 1934."

Construction and commencement.

(2) This Act shall be read and construed with the Stock Diseases Act, 1923, in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the "Stock Diseases Act, 1923-1934."

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Repeals.

2. (1) The Act mentioned in the Schedule to this Act is to the extent therein expressed hereby repealed.

(2) All regulations made under the authority of any enactment hereby repealed, and being in force at the commencement of this Act shall be deemed to have been made under the authority of the Principal Act as amended by this Act.

(3) All proclamations made under any of the enactments hereby repealed the operation of which is not exhausted at the commencement of this Act shall be deemed to have been made under this Act and shall have and take effect accordingly.

Additional members.

3. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (in this section referred to as the appointed day) the Governor shall appoint two persons to be additional members to the Board of Tick Control.

(2) The persons so appointed shall be persons owning stock within quarantine areas proclaimed on account of the presence of cattle tick.

(3) One of such persons shall be elected in the manner prescribed.

(4) The term of office of the additional members appointed under this section shall commence upon the appointed day and shall expire upon the expiration by effluxion of time of the term of office of the members of the Board of Tick Control holding office at the commencement of this Act. Such additional members shall be eligible for re-appointment.

(5)

(5) The provisions of subsections five, six, seven and eight of section five of the Principal Act shall apply to and in respect of the two additional members appointed under this section.

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(6) The appointed day shall not be later than four months after the date of the commencement of this Act.

(7) Upon the appointed day the Principal Act shall be amended—

Consequential amendment of Act No. 34, 1923, s. 5.

- (a) by omitting from subsection two of section five the word “four” and by inserting in lieu thereof the word “six”;
- (b) by omitting from the same subsection the word “two” and by inserting in lieu thereof the word “three.”

4. The Principal Act is amended—

Amendment of Act No. 34, 1923.

- (a) (i) by inserting in section three before the definition of “Disease” the following new definition:—

Sec. 3.
(Definitions.)

“Carcass” includes any portion of a carcass, and the hide, skin, hair, wool or viscera of any stock.

- (ii) by inserting in the definition of “Disease” in the same section after the words “any disease” the words “parasite or pest affecting or attacking stock”;

- (iii) by inserting in the same section after the definition of “Disease” the following new definitions:—

“Fittings” includes stall fittings, rugs, harness, chains, headstalls and anything commonly used for, with or about stock.

“Fodder” includes hay, straw, litter, grass, grass seed, green crop, grain, corn and the manure of any stock.

- (iv) by inserting in the definition of “Travelling stock” in the same section after the word “vessel” the words “aeroplane or airship”;

- (b) by inserting at the end of section six the following words: “and may authorise in writing any person to carry out any or all of the duties and exercise any or all of the powers of an inspector”;

Sec. 6.
(Inspectors.)

(c)

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Sec. 7.

(Powers of inspectors.)

- (c) (i) by omitting from paragraph (a) of section seven the words "or vessel" and by inserting in lieu thereof the words "vessel, aeroplane or airship";
- (ii) by inserting in the same paragraph after the word "stock" the words "or carcass";
- (iii) by omitting from paragraph (b) of the same section the words "infected stock or stock which he suspects to be infected or any straying stock" and by inserting in lieu thereof the words "any stock or carcass which is infected or which he suspects to be infected or any stock which in his opinion is straying";

Sec. 8.

(Further powers of inspectors.)

- (d) by inserting at the end of section eight the following new paragraph:—
- (f) order the owner or occupier of any land upon which the stock are or have been to cause the land or any building thereon to be disinfected in such manner as may be prescribed to the satisfaction of the inspector.

Further amendment of Act No. 34, 1923.

New secs. 11A, 11B.

Protected area.

5. The Principal Act is further amended:—

- (a) by inserting after section eleven the following new sections:—

11A. (1) The Minister may by notification published in the Gazette declare any land therein described to be a protected area as regards any specified disease, and may by the same or a like notification prohibit either absolutely or except subject to the prescribed conditions the bringing into the area of any stock or any class of stock, or any carcass, fodder, fittings or animal products.

(2) The Minister may by the same or a like notification require any specified class or classes of stock within a protected area to be subjected to the prescribed test for the disease in respect of which the area has been declared to be protected.

(3)

(3) The Minister may by a like notification amend or revoke any notification made under this section.

11B. (1) The Governor may from time to time by proclamation published in the Gazette restrict or absolutely prohibit the importation or introduction into the State of any stock, carcass, fodder, fittings, or animal products from any other State or from any colony or country in which there is reason to believe any disease in stock exists.

Protection against importation of diseased stock, etc.

(2) The Governor may in like manner at any time revoke or vary any such proclamation.

(b) by inserting in section twelve after the words "quarantine area" wherever occurring the words "or protected area."

Sec. 12.
(Further powers of Minister.)

6. The Principal Act is further amended—

Further Amendment of Act No. 34, 1923.

(a) (i) by omitting subsection one of section fifteen and by inserting in lieu thereof the following new subsection:—

Sec. 15.
(Quarantine lines.)

(1) The Minister may by notification published in the Gazette declare quarantine lines, and may by the same or a like notification specify the conditions under which stock may cross any quarantine line.

(ii) by omitting subsection two of the same section.

(b) (i) by omitting from paragraph (b) of subsection one of section seventeen the words "any carcass or part of a carcass, or any hide, skin, hair, wool" and by inserting in lieu thereof the words "any carcass";

Sec. 17.
(Power to order destruction.)

(ii) by omitting from the same subsection all words following the word "prescribed" and by inserting in lieu thereof the words "or to dispose of the same in such manner and under such conditions as may be specified

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in the order, whenever in his opinion such destruction or disposal would tend to prevent the spread or cause of disease”;

Sec. 20.
(Offences.)

(c) (i) by omitting paragraph (a) of section twenty and by inserting in lieu thereof the following new paragraphs:—

(a) is the owner of any stock found straying which are infected, or are found straying within a quarantine area, or who is the person from whose charge any such stock have strayed; or

(a1) contravenes or fails to comply with the provisions of any proclamation or notification issued or made under this Act; or,

(ii) by inserting at the commencement of paragraph (i) of the same section the following words: “moves any stock across a quarantine line otherwise than in accordance with the conditions specified in the notification declaring the quarantine line or into a protected area otherwise than in accordance with the prescribed conditions or”;

Sec. 21.
(Service of notices.)

(d) by inserting in section twenty-one after the word “residence” wherever occurring the words “or business”;

Sec. 22.
(Evidence.)

(e) by inserting at the end of section twenty-two the following new subsection:—

(2) In any prosecution for an offence against this Act or any regulation made thereunder, the averment of the prosecutor that the defendant was not at the time of the commission of the alleged offence the holder of a license, permit, certificate or authority issued under this Act or any regulation made thereunder shall be deemed to be proved in the absence of proof to the contrary.

Sec. 23.
(Regulations.)

(f) (i) by inserting in paragraph (c) of subsection one of section twenty-three after the word “branding” wherever occurring the words “marking or earmarking”;

(ii)

- (ii) by omitting from paragraph (j) of the same subsection the words "the removal of any hide, skin, hair or wool of any stock" and by inserting in lieu thereof the words "the movement of any carcass";
- (iii) by inserting in paragraph (m) of the same subsection after the words "quarantine area" wherever occurring the words "or protected area";
- (iv) by inserting in paragraph (o) of the same subsection after the word "stock" where firstly occurring the words "or carcass";
- (v) by inserting in paragraph (p) of the same subsection after the words "quarantine area" the words "or of a protected area";
- (vi) by inserting after the same subsection the following new subsection:—

(1A) A regulation may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister or by an inspector, either generally or in any particular case or class of cases.

SCHEDULE.

No. of Act.	Title.	Extent of Repeal.
No. 27 of 1901	Stock Act, 1901	Sections one hundred and forty-three to one hundred and sixty both inclusive; also the Eighth Schedule.