

STOCK DISEASES (AMENDMENT) ACT.

New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 25, 1967.

An Act to make further provisions with respect to the powers of inspectors under the Stock Diseases Act, 1923, as amended by subsequent Acts; to require certain stock to be identified by means of a tag attached to the stock; for these and other purposes to amend that Act, as so amended; and for purposes connected therewith. [Assented to, 23rd March, 1967.]

BE

Stock Diseases (Amendment).

No. 25, 1967 **BE** it enacted by the Queen'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,
citation
and com-
mencement.

1. (1) This Act may be cited as the "Stock Diseases (Amendment) Act, 1967".

(2) The Stock Diseases Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Stock Diseases Act, 1923–1967.

(3) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

Amendment
of Act No.
34, 1923.

2. The Stock Diseases Act, 1923–1966, is amended—

Sec. 3.
(Defini-
tions.)

(a) (i) by inserting in section three next before the definition of "Carcass" the following new definition :—

"Abattoir" means a public abattoir as defined in section seven of the Meat Industry Act, 1915, as amended by subsequent Acts, premises that are situated within the Metropolitan abattoir area as so defined and are used for the slaughter of any stock, slaughtering premises that are licensed under or deemed to be licensed under section 21A of that Act, as so amended, a slaughterhouse registered under the provisions of the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, as amended by subsequent Acts, an abattoir provided under Part XXI of the Local Government Act, 1919, as amended by subsequent Acts, and premises that are used for the slaughter
of

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of stock or for the processing of any carcass or portion of any carcass thereof and are registered or required to be registered under the Noxious Trades Act, 1902, as amended by subsequent Acts. No. 25, 1967

- (ii) by inserting in the same section in the definition of "Chief of the Division of Animal Industry" after the word "means" the words "the person for the time being holding office or acting as";
- (iii) by omitting from the same section the definition of "Fittings" and by inserting in lieu thereof the following definition :—

"Fittings" includes stall fittings, utensils, implements, rugs, harness, chains, headstalls, and anything commonly used for, with or about stock or places where they are kept.
- (iv) by inserting in the same section next after the definition of "Fund" the following new definition :—

"Holding" means any land in respect of which a return of land and stock is required to be furnished under section thirty-nine of the Pastures Protection Act, 1934, as amended by subsequent Acts.
- (v) by omitting from the definition of "Infected" in the same section the words "pastured or travelled upon any land upon which diseased stock have been kept pastured or travelled within the next preceding twelve months; and, as applied to land, includes any land upon which infected stock have been kept pastured or travelled" and by inserting in lieu thereof the words "pastured or travelled upon, or transported across, any land upon which diseased

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diseased stock have been kept, pastured or travelled, or across which diseased stock have been transported, within the next preceding twelve months; and, as applied to land, includes any land upon which infected stock have been kept, pastured or travelled, or across which infected stock have been transported,";

- (vi) by inserting in the same section next after the definition of "Prescribed" the following new definitions :—

"Quarantine area" means any land which—

- (a) is declared by the Minister to be a quarantine area under section ten of this Act;
- (b) is deemed to be a quarantine area under section eleven of this Act; or
- (c) is declared by an inspector to be a quarantine area under paragraph (c) of section eight of this Act.

"Registrar" means the registrar of brands, and any deputy registrar, appointed under the Registration of Stock Brands Act, 1921, as amended by subsequent Acts.

- (vii) by inserting in the same section next after the definition of "Stock" the following new definition :—

"Tag" means tag or label of a prescribed kind or other prescribed means of identification.

Sec. 6.
(Inspectors.)

- (b) by inserting in section six after the word "may" where firstly occurring the words " , by notification in the Gazette,";

(c)

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(c) (i) by inserting at the end of paragraph (b) of section eight the words “and, if he thinks fit, order the owner, person or occupier as aforesaid, to slaughter the stock or cause the stock to be slaughtered at that specified place”;

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Sec. 8.
(Further powers of inspectors.)

(ii) by omitting paragraph (c) of the same section and by inserting in lieu thereof the following paragraphs:—

(c) by notice in writing given to the owner or occupier of any land upon which the stock have been found, pastured, kept or travelled or across which the stock have been transported or to which the stock have been removed—

(i) declare any such land to be a quarantine area in respect of stock of that or any other kind for such period not exceeding forty days as may be specified in the notice and, if he thinks fit, require that owner or occupier to confine the stock to any land specified in the notice for such a period; or

(ii) declare any such land to be a quarantine area in respect of stock of that or any other kind for such a period and require that owner or occupier to confine the stock to that quarantine area for a like period;

(c1) with the approval of the Minister, require, by an order in or to the effect of the form prescribed, the owner of any land or the lessee of any Crown land, that is within a quarantine area, not being a quarantine area declared by the Minister under section ten of

this

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this Act, and is not sufficiently fenced or enclosed to prevent the ingress or egress of stock, to carry out such fencing or repairs or additions to fencing as may be specified in the order within the time so specified;

(iii) by inserting at the end of the same section the following new subsection :—

(2) The provisions of subsection four of section thirteen of this Act apply, mutatis mutandis, to any person carrying out any work pursuant to an order made under paragraph (c1) of subsection one of this section.

**New secs.
8B, 8C.**

(d) by inserting next after section 8A the following new sections :—

**Suspected
person to
give name
and place
of abode.**

8B. (1) An inspector who finds a person committing an offence against this Act or a regulation or who finds a person whom, on reasonable grounds, he suspects of having committed or attempted to commit any such offence may demand from the person his name and place of abode.

(2) Any person who upon demand made as aforesaid—

(a) fails or refuses to state his name or place of abode; or

(b) gives a false name or place of abode,
shall be deemed to have contravened the provisions of this Act.

**Personation
of
inspector.**

8C. Any person who forges or counterfeits any written evidence of appointment of an inspector or makes use of any forged, counterfeited or false written evidence of such an appointment or personates an inspector or falsely pretends to be an inspector shall be deemed to have contravened the provisions of this Act.

(e)

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- (e) by omitting from subsection two of section nine the words "in the practice of veterinary science" and by inserting in lieu thereof the words "whether in the practice of veterinary science or otherwise";
- No. 25, 1967
Sec. 9.
(Occupier,
etc., to
give
notice.)
- (f) by inserting next after subsection three of section 11A the following new subsection :—
- Sec. 11A.
(Protected
area.)
- (4) Any land which is wholly or partly included within a protected area may be included in a quarantine area on account of the presence or suspected presence of the disease in respect of which the protected area was declared or on account of the presence or suspected presence of any other disease.
- (g) by inserting next after subsection one of section 11B the following new subsection :—
- Sec. 11B.
(Protection
against
importation
of diseased
stock, etc.)
- (1A) Without limiting the generality of subsection one of this section, a proclamation under that subsection may restrict the importation or introduction into the State of any stock, carcass, fodder, fittings, animal products or any other thing except at such ports or places as may be specified in the proclamation.
- (h) (i) by inserting in paragraph (a) of section twelve after the words "places on" the words "or near";
- Sec. 12.
(Further
powers of
Minister.)
- (ii) by inserting at the end of paragraph (b) of the same section the words "or vehicles";
- (iii) by inserting in paragraph (c) of the same section after the words "as to" the words "regulate or";
- (iv) by inserting in the same paragraph after the words "the passage of stock" the words "or vehicles";
- (i)

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New sec.
12A.Powers of
inspectors
to stop,
enter and
search
vehicles
and to
search
vehicles,
vessels and
aircraft.

- (i) by inserting next after section twelve the following new section :—

12A. (1) At any place on or near a boundary of the State, any portion of the State, a quarantine area, special quarantine area, protected area, or any land to or in respect of which a regulation, proclamation, notification, undertaking, notice or permit made, given or issued under or pursuant to this Act, applies, an inspector may display a traffic sign of a type prescribed in such a manner as to be clearly visible to the driver or person in charge of a vehicle approaching that place.

In this subsection "place" includes road, whether public or otherwise.

(2) The driver or person in charge of a vehicle approaching towards such sign shall stop or cause the vehicle to be stopped within a reasonable distance of the sign and keep the vehicle stationary for the purposes of enabling an inspector to exercise the powers conferred upon him by this Act or any regulation.

(3) An inspector may, upon production of the prescribed evidence of his appointment if demanded, enter any vehicle, vessel, aeroplane or airship and may search and inspect it and open any part of it or require the driver or person in charge of such vehicle, vessel, aeroplane or airship to open any part of it for the purpose of ascertaining whether the vehicle, vessel, aeroplane or airship or part thereof or any stock, carcass, fodder, fittings, animal products or anything therein or thereon is infected or contaminated with disease, or is or apparently is being or has been conveyed with, in or by such vehicle, vessel, aeroplane or airship contrary to any provision of this Act or any regulation, proclamation, notification, undertaking, notice or permit made, given or issued under or pursuant to this Act.

(4)

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(4) An inspector so entering, searching or inspecting may take specimens, open containers, packages or other things in or on the vehicle, vessel, aeroplane or airship and do such other things as he may deem necessary or expedient for the purpose of preventing the importation, introduction, transmission or spread of any disease or thing likely to cause disease into or out of the State, portion of the State or any quarantine area, special quarantine area, protected area or land referred to in subsection one of this section. No. 25, 1967

(5) Any person who—

- (a) being the driver or person in charge of any vehicle fails to comply with or observe the requirements of subsection two of this section;
- (b) refuses or wilfully neglects to submit any vehicle, vessel, aeroplane or airship or any part thereof or any stock, carcass, fodder, fittings, animal products or anything therein or thereon to search or inspection by an inspector in pursuance of the provisions of this section, or who being the driver or person in charge of a vehicle, vessel, aeroplane or airship refuses or wilfully neglects to open any part thereof; or
- (c) wilfully impedes or avoids any entry, search or inspection by an inspector acting under the provisions of this section or who fails to afford reasonable assistance to an inspector, so acting, to enter, search or inspect.

shall be deemed to have contravened the provisions of this Act.

- (j) by omitting from subsection one of section eighteen the words "guilty of an offence against" and by inserting in lieu thereof the words "deemed to have contravened the provisions of"; Sec. 18.
(Proceedings in default of compliance.)

(k)

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Subst. sec.
19 and new
secs. 19A-
19G.

Power to
seize stock.

(k) by omitting section nineteen and by inserting in lieu thereof the following sections :—

19. (1) Where any stock have been moved contrary to the provisions of this Act or any regulation, proclamation, notification, undertaking, order, notice or permit made, given or issued under or pursuant to this Act, the stock may be seized by an inspector or by a member of the police force.

(2) Any stock seized under subsection one of this section and any stock, carcass, fodder or fittings, of which an inspector has taken possession under paragraph (b) of section seven of this Act, may, in the discretion of the Minister, be sold or destroyed after, where necessary, being treated or cleansed.

(3) The proceeds of any such sale shall, after deducting any expenses incurred in seizing, selling, destroying, treating or cleansing the stock, carcass, fodder or fittings, be disposed of as the Minister may direct.

19A. (1) The provisions of this section apply to cattle of or above the age of three months and to any other kind of stock to which the provisions of this section are applied in accordance with subsection two of this section.

(2) The Governor may by proclamation published in the Gazette—

- (a) apply the provisions of this section to any kind of stock;
- (b) revoke any such proclamation.

(3) No person shall—

- (a) sell any cattle to which this section applies, or cause or permit any such cattle to be sold;

(b)

Identifica-
tion of
cattle and
certain
other stock
sold or
sent or
delivered to
an abattoir
for
slaughter.

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- (b) send or deliver any such cattle, or cause No. 25, 1967 or permit any such cattle to be sent or delivered, to an abattoir for slaughter; or
- (c) after the expiration of a period of six months from the date of publication in the Gazette of any proclamation under paragraph (a) of subsection two of this section—
- (i) sell any stock of a kind specified in the proclamation or cause or permit any such stock to be sold; or
 - (ii) send or deliver any such stock, or cause or permit any such stock to be sent or delivered, to an abattoir for slaughter,

unless at the time the cattle or other stock is sold or is so sent or delivered, as the case may be, it is identified in the manner referred to in section 19c of this Act.

(4) The provisions of—

- (a) subsection three of this section do not apply—
- (i) to a person who is the holder of a license in force under section 19B of this Act, where the cattle or other stock is sold, or is sent or delivered to an abattoir for slaughter, as the case may be, in accordance with any conditions subject to which the license was issued;
 - (ii) to a person or class of persons exempted by the regulations from the provisions of that subsection, where that person complies with any requirements of the regulations relating to the sale of the cattle or other stock, or the sending or delivering

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delivering of the cattle or other stock to an abattoir for slaughter, as the case may be; or

- (iii) where the cattle or other stock is sold or is sent or delivered to an abattoir for slaughter, as the case may be, within seven days after its introduction into New South Wales; or

- (b) paragraph (b) and subparagraph (ii) of paragraph (c) of subsection three of this section do not apply, where the cattle or other stock is sent or delivered to an abattoir for slaughter within seven days after it has been purchased.

License to
keep stock.

19B. (1) The Chief of the Division of Animal Industry may, upon application made in writing in or to the effect of the form prescribed, grant to any person a license to keep any kind of stock, not exceeding the number prescribed.

(2) A license granted under subsection one of this section shall be in or to the effect of the prescribed form and—

- (a) shall be subject to such conditions relating to the keeping or selling, or the sending or delivering to an abattoir for slaughter, of stock by the holder of the license as may be specified in the license;
- (b) shall be deemed to be revoked if at any time after the grant thereof the holder becomes the owner of more than the prescribed number of stock of the kind specified in the license;
- (c) may by notice in writing sent by post to the holder of the license at his address shown on the license be revoked by the Chief of the Division of Animal Industry for any reason which seems to him to be good and sufficient.

19C.

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19C. (1) For the purposes of subsection three of section 19A of this Act, the manner of identifying any stock shall be by attaching thereto, in accordance with the regulations, a tag bearing particulars of identification specified in a certificate issued by the registrar to the owner of the stock in accordance with the provisions of section 19D of this Act.

No. 25, 1967
 Identifica-
 tion of
 stock.

(2) No person shall attach to any stock a tag that bears particulars of identification allotted by the registrar unless those particulars were allotted to the owner of the stock by the registrar and the tag bears no other particulars.

19D. (1) Any person who is the occupier of a holding or, not being the occupier of a holding, is the owner of any cattle or other stock to which the provisions of section 19A of this Act apply, is entitled, upon application, in a form in or to the effect of the prescribed form, made by him to the registrar, to have allotted to him particulars of identification to be used on tags in accordance with the provisions of this Act.

Allotment
 of particu-
 lars of
 identifica-
 tion.

(2) Any such particulars of identification shall be allotted by the registrar by his issuing to the applicant a certificate in the prescribed form specifying the particulars allotted to the applicant.

(3) An application under subsection one of this section and any particulars of identification allotted pursuant to any such application shall be registered in a register to be kept for the purpose by the registrar.

(4) A certificate purporting to be signed by the registrar and certifying that any person specified in the certificate was, or was not, at any time so specified, the holder of a certificate in force issued under subsection two of this section and, if he was the holder of such a certificate, certifying the particulars allotted to him in accordance with the provisions of this section shall be prima facie evidence of the matters stated in the certificate.

19E.

*Stock Diseases (Amendment).***No. 25, 1967**Cancellation
of certifi-
cates of
identifica-
tion.

19E. (1) Where the holder of a certificate issued under section 19D of this Act, who was entitled to have particulars of identification allotted to him by reason of his being the occupier of a holding, ceases to be such an occupier, he shall forthwith notify the registrar to that effect.

(2) Where the registrar—

- (a) receives any such notification from the holder of such a certificate; or
- (b) is satisfied that any holder of such a certificate has no further need of any particulars of identification allotted to him in accordance with the provisions of section 19D of this Act,

the registrar shall—

- (c) cancel the certificate and, except where the holder of the certificate has died, send by post to the holder at the address shown on the certificate a notice in writing informing the holder that the certificate is cancelled; and
- (d) cause an appropriate notation of the cancellation of the certificate to be entered in the register kept by him under subsection three of section 19D of this Act.

Authority
for the
manufacture
of tags.

19F. (1) No person shall manufacture any tag intended for use in accordance with the provisions of this Act unless he is authorised in writing by the Minister to manufacture any such tag and he is in possession of an order in or to the effect of the prescribed form in which the particulars of identification to be included in the tag are specified and that is signed by a person whom an inspector has certified to be the person to whom those particulars have been allotted in accordance with the provisions of this Act.

(2)

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(2) Any authority issued by the Minister No. 25, 1967 for the purposes of subsection one of this section shall continue in force until it is cancelled by the Minister under subsection three of this section.

(3) The Minister may, by notice in writing sent by post to the holder of any such authority at his address shown on the authority, cancel the authority for any reason that he deems sufficient but shall not cancel the authority unless—

- (a) a notice in writing has been sent in like manner to the holder of the authority inviting him to show cause why in his opinion the authority should not be cancelled;
- (b) a period of at least twenty-eight days has elapsed since the sending of the notice; and
- (c) the Minister has taken into consideration any representations made by the holder of the authority and by any person on his behalf.

19G. Where any cattle or other stock to which the provisions of section 19A of this Act apply are delivered to an abattoir for slaughter and are not identified in the manner referred to in section 19C of this Act, the person in charge of the abattoir shall, within fourteen days after the slaughter of the stock, make or cause to be made, and keep for a period of two years after it is made, a record containing the prescribed particulars relating to that stock. Records to be kept of untagged stock.

- (1) (i) by inserting in paragraph (c) of subsection one of section twenty after the word “stock” the words “, other than stock that an owner, person or occupier has been ordered, under paragraph (b) of section eight of this Act, to slaughter or cause to be slaughtered”;

(ii)

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(ii) by omitting paragraph (g) of the same subsection and by inserting in lieu thereof the following paragraph :—

(g) obstructs, hinders, threatens or assaults an inspector, or any assistant of an inspector, while he is acting in the performance of his duties under this Act;

(iii) by omitting from paragraph (i) of the same subsection the word “moves” and by inserting in lieu thereof the words “except in pursuance of an order of an inspector given under paragraph (b) of section eight of this Act, moves”;

(iv) by omitting from paragraph (j) of the same subsection the word “transports” and by inserting in lieu thereof the words “except in pursuance of an order of an inspector given under paragraph (b) of section eight of this Act, transports”;

(v) by inserting next after paragraph (j) of the same subsection the following new paragraphs :—

(j1) not being an inspector or an inspector under the Meat Industry Act, 1915, or the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, or any Act amending either of those Acts, removes a tag or causes a tag to be removed from any cattle or other stock to which the provisions of section 19A of this Act apply that is being moved to or from any saleyard or place where the stock is to be kept for the purposes of sale or to an abattoir or from any stock that is being offered for sale or that have been sold within the next preceding fourteen days; or

(j2)

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- (j2) alters or defaces any tag which is attached to stock for the purposes of this Act or which is intended to be attached to stock for the purposes of this Act; or
- (j3) in respect of any application or information submitted or required for the purposes of this Act, supplies to the Minister or to the Chief of the Division of Animal Industry any information which is false or misleading in any material particular; or
- (vi) by inserting in the same subsection after the word "shall" the words "be guilty of an offence against this Act and";
- (vii) by omitting from the same section the words "one hundred dollars", "sixty dollars" and "two hundred dollars" and by inserting in lieu thereof the words "four hundred dollars", "two hundred and forty dollars", and "eight hundred dollars" respectively;
- (m) by inserting next after section twenty-one the following new sections :—
- No. 25, 1967
New secs.
21A, 21B.
Evidence
of
scientific
examination.
- 21A. (1) The Governor may appoint persons, having such scientific qualifications as he considers appropriate, to make examinations for the purposes of this Act.
- (2) In any proceedings against any person for an offence against this Act or the regulations, a certificate purporting to be signed by a person appointed under subsection one of this section and certifying that he has examined any stock, carcass or portion thereof, or any organ or specimen obtained from any stock or carcass, or any material or section derived from any stock or carcass or from any such organ or specimen, or any articles submitted to him by the Minister, the Chief of the Division of Animal Industry or an inspector, and certifying

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certifying the result of that examination and any conclusions arrived at by him as a result of that examination shall, without proof of the signature or appointment of the person signing the certificate, be prima facie evidence of the matters certified in the certificate.

Evidence
of appoint-
ment of
inspectors.

21B. In any proceedings against any person for an offence against this Act or the regulations, a certificate purporting to be signed by the Director-General of Agriculture or by a Deputy Director-General of Agriculture certifying that a person has been appointed as an inspector under this Act and during any period specified in the certificate held office as an inspector shall be prima facie evidence of the matters certified in the certificate.

Sec. 23.
(Power to
make
regula-
tions.)

- (n) (i) by omitting from paragraph (e) of subsection one of section twenty-three the words "or distribution" and by inserting in lieu thereof the words "distribution, storage, display or display for sale";
- (ii) by inserting next after paragraph (u) of the same subsection the following new paragraphs :—
- (v) prescribe the type of traffic sign to be displayed pursuant to subsection one of section 12A of this Act;
 - (w) prescribe the type of tag, label or other means of identification of stock to be used for the purposes of section 19A of this Act;
 - (x) prescribe the manner and position in which any prescribed tag, label or other means of identification shall be attached to any cattle or other stock to which the provisions of section 19A of this Act apply;

(y)

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- (y) prescribe exemptions for the purposes No. 25, 1967 of subparagraph (ii) of paragraph (a) of subsection four of section 19A of this Act;
 - (z) prescribe the number of any species of stock which may be kept by the holder of a license issued under section 19B of this Act;
 - (aa) prohibit or regulate the movement of any stock to, or to or from any land, vehicle or place used or to be used for the sale of stock.
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-