

STOCK DISEASES (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 84, 1974.

An Act to make further provisions with respect to the identification of stock intended for sale or slaughter; to extend the powers of inspectors appointed under the Stock Diseases Act, 1923, to make inquiries in relation to stock and in certain other respects; for these and other purposes to amend that Act; and for purposes connected therewith. [Assented to, 3rd December, 1974.]

BE

Stock Diseases (Amendment).

No. 84, 1974 **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. 1. This Act may be cited as the "Stock Diseases (Amendment) Act, 1974".

Commencement. 2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) The several provisions of section 5 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act. 3. The Stock Diseases Act, 1923, is, in this Act, referred to as the Principal Act.

Amendment of Act No. 34, 1923. 4. (1) The Principal Act is amended—

Sec. 3. (Definitions.) (a) by omitting the definition of "Abattoir" in section 3 and by inserting instead the following definition—

"Abattoir" means—

- (a) place licensed or required to be licensed as an abattoir or slaughterhouse within the meaning of the Meat Industry Authority Act, 1970; **and**
- (b) premises registered or required to be registered under the Noxious Trades Act, 1902, that are used for the slaughter of stock or for the processing of carcasses of stock.

(b)

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(b) by omitting from section 7 (b) the words “, and order any person to produce any documents or papers in his possession or under his control relating to the stock, carcass, fodder or fittings, and to truly answer any questions put to him relating thereto”; No. 84, 1974
Sec. 7.
(Powers of inspectors.)

(c) by inserting after section 7 the following section :— Sec. 7A.

7A. (1) Where an inspector at any reasonable time informs a person that he is making inquiries for the purposes of this Act in relation to any stock or carcass which is infected or which the inspector suspects to be or to have been infected, any stock which in the opinion of the inspector is straying, any fodder which is or fittings which are contaminated with disease or which the inspector suspects to have been so contaminated or any stock, carcass, fodder or fittings in respect of which, in the opinion of the inspector, an offence against this Act or the regulations has been committed, that person shall not fail to answer any question, being a question relating to that stock, carcass or fodder or those fittings, put to him by the inspector, or make a reply to any such question, that is false or misleading in any material particular. Questions and inquiries by inspectors.

(2) A person referred to in subsection (1) to whom an inspector has put any question in relation to any stock, carcass, fodder or fittings referred to in that subsection shall not fail, upon demand made of him by the inspector, to produce any record, document or paper in his possession or under his control relating to that stock, carcass or fodder or those fittings.

(3) An inspector may make copies of, or extracts or notes from, a record, document or paper referred to in subsection (2).

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(4) A person referred to in subsection (1) is not excused from—

- (a) answering a question put to him pursuant to subsection (1); or
- (b) producing any record, document or paper demanded of him pursuant to subsection (2),

on the ground that the answer or the record, document or paper might tend to incriminate him but, where the person claims, before answering the question or producing the record, document or paper, that the answer or the record, document or paper so produced might tend to incriminate him, neither the question nor the answer, nor any record, document or paper produced, is admissible in evidence against him in criminal proceedings other than proceedings under subsection (1) or (2).

Sec. 8.
(Further powers of inspectors.)

(d) by inserting after section 8 (1) the following subsection :—

(1A) An inspector may, in an order under subsection (1) (a), (b), (d), (e) or (f), specify a period within which the act, matter or thing required by the order shall be done or performed.

Sec. 11B.
(Protection against importation of diseased stock, etc.)

(e) by omitting section 11B (1) and by inserting instead the following subsection :—

(1) The Governor may, by proclamation published in the Gazette, restrict or absolutely prohibit the importation or introduction into the State of any of the following things that, in his opinion, might be infected or contaminated with disease or might carry or spread disease, namely, any stock, carcass, fodder, fittings or animal products or any description or class of stock, carcasses, fodder, fittings, animal products or other things specified in the proclamation.

(f)

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- (f) by omitting from section 12A (5) (c) the word “inspect,” and by inserting instead the following words and paragraph :—
- inspect; or
- (d) defaces, damages or removes a traffic sign which is displayed pursuant to subsection (1),
- (g) by inserting at the end of section 19G the following subsections :—
- (2) The person referred to in subsection (1) shall, upon request made by an inspector, produce to that inspector the record referred to in that subsection.
- (3) An inspector may at all reasonable times inspect a record referred to in subsection (1) and may make copies of, or extracts or notes from, the record.
- (h) (i) by omitting from section 20 (1) (c), (i) and (j) the words “paragraph (b) of section 8” wherever occurring and by inserting instead the words “section 8 (1) (b)”;
- (ii) by inserting in section 20 (1) (j3) after the word “Industry” the words “or to an inspector”;
- (iii) by inserting after section 20 (1) (j3) the following paragraph :—
- (j4) not being an inspector or a person authorised by an inspector, alters or defaces a brand applied to stock under or for the purposes of this Act or the regulations; or;

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Sec. 12A.
(Powers of inspectors to stop and search vehicles, etc.)

Sec. 19G.
(Records to be kept of untagged stock.)

Sec. 20.
(Offences.)

(i)

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- No. 84, 1974**
- Sec. 21.**
Orders and notices generally.
- (i) by omitting section 21 and by inserting instead the following section :—
21. (1) Where an order or notice is served or given under this Act by an inspector, the order or notice may be varied or revoked—
- (a) by the inspector who gave the order or notice—in the same manner in which the order or notice was given; or
- (b) by the Chief of the Division of Animal Industry or by an inspector authorised by him in writing—by notice in writing served in accordance with subsection (2).
- (2) An order or notice required by this Act or the regulations to be served on any person may be served by leaving the same at his usual or last known place of residence or business or may be served personally or by post addressed to his last known place of residence or business or in such manner as may be prescribed.
- Sec. 21A.**
(Evidence of scientific examination.)
- (j) by inserting in section 21A (2) after the words “the certificate, be” the words “admissible and be”;
- Sec. 21B.**
(Evidence of appointment of inspectors.)
- (k) by inserting in section 21B after the words “shall be” the words “admissible and be”;
- Sec. 23.**
(Power to make regulations.)
- (1) (i) by inserting in section 23 (1) after the word “may” where secondly occurring the words “, by regulation”;
- (ii) by omitting section 23 (1) (c) and by inserting instead the following paragraph :—
- (c) prescribe and regulate the branding, marking or ear-marking of stock for or in connection with the management or control of disease;

(iii)

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- (iii) by omitting from section 23 (3) (a) the words "two hundred dollars" and by inserting instead the matter "\$400";
- (iv) by omitting from section 23 (3) (b) the words "ten dollars" and by inserting instead the matter "\$20".

(2) A proclamation made under section 11B (1) of the Principal Act and in force immediately before the commencement of this section shall, on and from that commencement, be deemed to be a proclamation validly made and published under section 11B (1) of the Principal Act, as amended by subsection (1) (e), restricting or absolutely prohibiting, as the case may be, the importation or introduction into the State of such things, or things of such description or class, as are specified in the proclamation.

(3) A regulation made for the purposes of section 23 (1) (c) of the Principal Act and in force immediately before the commencement of this section shall, if it could have been made under the Principal Act as amended by this Act be deemed, on and from that commencement, to be a regulation made under the Principal Act as so amended.

(4) Notwithstanding the amendments to the Principal Act effected by subsection (1) (1) (iii) and (iv), the penalty to which a person convicted of an offence is liable is the penalty applicable to that offence at the time the offence was committed.

5. The Principal Act is further amended—

Further
amendment
of Act No.
34, 1923.

- (a) (i) by inserting in section 7 (c) after the words "muster them" the words "at a specified place on the land or, where in the opinion of the inspector no facilities suitable for the purposes of the order exist on that land, at a specified place on other land,";

(ii)

Sec. 7.
(Powers of
inspectors.)

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(ii) by omitting from section 7 (c) the words “, and to provide crushes or such other means as may be prescribed or the inspector may deem necessary for such purpose,”;

(iii) by inserting at the end of section 7 the following subsections :—

(2) An order under subsection (1) (c), and an order under subsection (1) (d) requiring a person to take stock to a place specified in the order, may specify a time at which, or a period within which, the order shall be complied with.

(3) Where an inspector is of the opinion—

(a) that stock (not being travelling stock) should be mustered for the purposes specified in subsection (1) (c); and

(b) that no facilities suitable for those purposes exist on the land on which the stock are located,

and he is of the further opinion—

(c) that the stock should not, for those purposes, be removed from that land because of the presence or suspected presence of disease on that or any other land; or

(d) that no facilities suitable for those purposes are available within a reasonable distance of the land on which the stock are located,

he may, with the approval of an authorised officer, order the occupier of the land on which the stock are located to provide at a specified place on that land, within such time as is specified in the order, such facilities, including crushes, as the inspector may deem necessary for those purposes.

(4)

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(4) In subsection (3), “authorised officer” No. 84, 1974
means a person holding office or acting as a
District Veterinary Officer of the Department
of Agriculture or the Chairman of the Board
of Tick Control.

- (b) by omitting from section 8A the words “(paragraph (b) excepted)”;
Sec. 8A.
(Further powers of inspectors in relation to special quarantine areas.)
- (c) by omitting from section 19 (2) the words “paragraph (b) of section 7” and by inserting instead the matter “section 7 (1) (b)”;
Sec. 19.
(Power to seize stock.)
- (d) (i) by inserting after section 19A (3) the following subsection :—
Sec. 19A.
(Identification of certain cattle and other stock.)
(3A) For the purposes only of subsection (3), where cattle or stock are offered for sale by auction they shall be deemed to have been sold upon the fall of the hammer.
- (ii) by omitting section 19A (4) (a) (iii);
- (e) (i) by omitting from section 19C (1) the words “to the owner of the stock”;
Sec. 19C.
(Identification of stock.)
- (ii) by omitting from section 19C (2) the words “allotted to the owner of the stock by the registrar and the tag bears no other particulars.” and by inserting instead the following words :—
allotted—
(a) to the owner of the stock otherwise than by virtue of an application made by him under section 19D (1)

as

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as the occupier of a holding of which he has ceased to be the occupier; or

- (b) to the occupier of the holding on which the stock is depastured and the tag is attached to the stock in accordance with any regulations relating to the use by an owner of stock of a tag bearing particulars allotted to the occupier of the holding on which the stock is depastured,

and the tag bears no other particulars.

Sec. 19D.
(Allotment of particulars of identification.)

- (f) by inserting at the end of section 19D the following subsection :—

(5) Where an application is made under subsection (1) by a person who is the occupier of a holding and immediately before that person became the occupier of that holding a certificate issued under this section was held by the person who then was the occupier of that holding, the particulars of identification allotted to the applicant shall be the same as the particulars of identification specified in that certificate and the registrar shall cause an appropriate notation to be entered in the register kept by him under subsection (3).

Sec. 19H.

- (g) by inserting after section 19G the following section :—

Feedlots.

19H. (1) In this section and in section 23, "feedlot" means land in respect of which an order under subsection (2) is in force.

(2) The Minister may, by order in writing, declare any land to be a feedlot.

(3)

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(3) Except as provided in subsection (4), No. 84, 1974
an order declaring land to be a feedlot shall not
be made until—

- (a) twenty-eight days after notice has been served by the Chief of the Division of Animal Industry on the occupier of the land informing the occupier—
 - (i) that it is proposed to request the Minister to make an order under subsection (2); and
 - (ii) that the occupier may, within twenty-one days after service of the notice upon him, submit to the Minister in writing any matters he wishes the Minister to consider; and
- (b) the Minister has considered the request referred to in paragraph (a) (i) and any matters submitted to him by the occupier within the period referred to in paragraph (a) (ii).

(4) Where the occupier of any land applies in writing to the Minister for an order declaring that land to be a feedlot or for the revocation of an order under subsection (2) relating to that land, the Minister shall refer the application to the Chief of the Division of Animal Industry for a report and may, after considering the report, make an order under subsection (2) or may make an order revoking the order relating to that land, as the case may be.

(5) An order referred to in subsection (2) and an order revoking any such order shall not take effect until twenty-eight days after notice of the making of the order is served upon the occupier of the land to which the order relates.

(6)

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(6) 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 any land therein described was or was not, on a day or between days therein specified, land in respect of which an order under subsection (2) is or was in force, shall be admissible and be prima facie evidence of the matters certified in the certificate.

(7) The person in charge of a feedlot shall—

- (a) within the prescribed period, record in the prescribed manner the prescribed particulars relating to the introduction of cattle into, and the removal of cattle from, the feedlot; and
- (b) keep the record referred to in paragraph (a) for a period of two years after the day on which it is made.

(8) The person referred to in subsection (7) shall, upon request made by an inspector at any reasonable time within the period specified in subsection (7) (b), produce to that inspector the record referred to in subsection (7) (a).

(9) An inspector may at all reasonable times inspect a record referred to in subsection (7) (a) and may make copies of, or extracts or notes from, the record.

Sec. 23.
(Power to
make
regulations.)

(h) by omitting from section 23 (1) (aa) the word "stock." and by inserting instead the following word and paragraphs—

stock;

- (bb) prohibit or regulate the movement of cattle from a feedlot generally or prohibit or regulate any such movement, in such circumstances

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circumstances as are prescribed, otherwise than in accordance with a permit issued under the regulations; No. 84, 1974

- (cc) provide for the issue of a permit to use a method of identification of cattle consigned for sale or slaughter from a feedlot as a method of identification alternative to that specified in section 19c;
- (dd) provide for the use by an owner of stock who is not the occupier of the holding on which the stock is depastured of an identification tag or other prescribed method of identification of stock which bears particulars allotted to the occupier of the holding.

6. (1) The Principal Act is further amended by omitting from section 23 (1) (q) the words "of orders and notices" and by inserting instead the words "to be used and the records to be kept".

Further amendment of Act No. 34, 1923. Sec. 23. (Power to make regulations.)

(2) A regulation purporting to have been made under the Principal Act prescribing any forms for the purposes of that Act and to be in force immediately before the commencement of this section shall, if it could have been made under the Principal Act as amended by this Act, be deemed, on and from that commencement, to be a regulation made under the Principal Act as so amended.

CLEAN