

**STOCK DISEASES (AMENDMENT) ACT, 1980,
No. 20**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 20, 1980.

An Act to amend the Stock Diseases Act, 1923, and the Stock Diseases (Amendment) Act, 1974, in relation to the identification of stock and to penalties for offences against the Stock Diseases Act, 1923, and in certain other respects.
[Assented to, 15th April, 1980.]

Stock Diseases (Amendment).

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, 1980".
- Commence-ment.** **2.** (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.
- (2) Section 5, in its application to Schedule 1 (6) and (7), and Schedule 1 (6) and (7) shall commence on the day that is 3 months after the date of assent to this Act.
- Principal Act.** **3.** The Stock Diseases Act, 1923, is referred to in this Act as the Principal Act.
- Schedules.** **4.** This Act contains the following Schedules :—
- SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.
- SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.
- SCHEDULE 3.—AMENDMENT TO THE STOCK DISEASES (AMENDMENT) ACT, 1974.
- Amendment of Act No. 34, 1923.** **5.** The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Stock Diseases (Amendment).

6. The Stock Diseases (Amendment) Act, 1974, is amended in the manner set forth in Schedule 3. Amendment
of Act No.
84, 1974.

7. (1) A person who was, immediately before the date of assent to this Act— Savings
provisions.

- (a) an inspector or other officer appointed by the Minister under section 6 of the Principal Act; or
- (b) authorised by the Minister under that section to carry out any or all of the duties and exercise any or all of the powers of an inspector,

shall, on and after that date, be deemed to have been appointed or authorised, as the case may be, by the Director-General under that section, as amended by this Act.

(2) The amendment made by Schedule 1 (11) does not affect any authorisation given under section 19F (1) of the Principal Act and in force immediately before the date of assent to this Act.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 3, definition of “Director-General”—

Before the definition of “Disease”, insert :—

“Director-General” means the person holding office or acting as Director-General of the Department of Agriculture.

Stock Diseases (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) (a) Section 5 (8A)—

After section 5 (8), insert :—

(8A) A member of the board is entitled to be paid such fees and allowances as the Minister may from time to time determine in respect of him.

(b) Section 5 (9) (a)—

Omit “, perform such other duties, and receive such fees as may be prescribed”, insert instead “and perform such other duties as may be prescribed”.

(3) Section 6—

Omit “Minister” wherever occurring, insert instead “Director-General”.

(4) Section 6A—

After section 6, insert :—

6A. A member of the police force may exercise all or any of the powers of an inspector.

Member of
police force
may exercise
powers of
inspector.

(5) (a) Section 17E (2) (a)—

Omit “regulations; or”, insert instead “regulations;”.

(b) Section 17E (2) (b)—

Omit “disease;”, insert instead “disease;”.

Stock Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 17E (2) (c), (d)—

After section 17E (2) (b), insert :—

- (c) any stock or property is moved into New South Wales in contravention of any provision of this Act, the regulations or the Quarantine Act 1908 of the Parliament of the Commonwealth; or
- (d) any stock has been infected, or exposed to the risk of infection, with a special disease or any other property has been contaminated, or exposed to the risk of contamination, with such a disease by reason of a contravention of any provision of this Act or the regulations,

(6) (a) Section 19A (3) (b), (c) (ii)—

After “slaughter” wherever occurring, insert “or to a saleyard or any other place for sale”.

(b) Section 19A (4) (a)—

After “slaughter” wherever occurring, insert “or to a saleyard or any other place for sale”.

(c) Section 19A (4) (b)—

Omit the paragraph, insert instead :—

- (b) subsection (3) (b) and (c) (ii) do not apply to the sending or delivering of any cattle or other stock to an abattoir for slaughter if it is so sent or delivered within 7 days after its purchase in New South Wales.

*Stock Diseases (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) Section 19B (2) (a)—

After “slaughter”, insert “or to a saleyard or any other place for sale”.

(8) Section 19C—

Omit the section, insert instead :—

Identifica-
tion of
stock.

19C. (1) For the purposes of section 19A (3), the manner of identifying any stock shall be by attaching thereto, in accordance with the regulations—

- (a) a tag bearing particulars of identification specified in a certificate issued by the registrar to the owner of the stock in accordance with section 19D;
- (b) a tag supplied pursuant to section 19EA; or
- (c) where the stock is being sent or delivered to an abattoir for slaughter from an approved feedlot— a tag referred to in paragraph (a) or (b) or a tag bearing particulars of identification specified in a certificate issued by the registrar to the occupier of the feedlot in accordance with section 19D.

(2) No person shall attach to any stock a tag that bears particulars of identification allotted by the registrar unless—

- (a) those particulars were allotted to the owner of the stock by the registrar and the tag bears no other particulars;
- (b) the tag was supplied to that person pursuant to section 19EA; or

Stock Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) where the stock is being sent or delivered to an abattoir for slaughter from an approved feedlot—paragraph (a) or (b) applies or those particulars were allotted to the occupier of the feedlot by the registrar and the tag bears no other particulars.

(3) For the purposes of subsections (1) (c) and (2) (c), a feedlot is an approved feedlot if—

(a) the occupier of the feedlot has been authorised in writing by the Chief of the Division of Animal Health to attach to stock sent or delivered to an abattoir for slaughter from the feedlot tags bearing particulars of identification allotted to the occupier by the registrar; and

(b) that occupier complies with the conditions (if any) to which the authority is subject.

(9) Section 19E (3)–(5)—

After section 19E (2), insert :—

(3) The registrar may amend the particulars of identification allotted to a holder of a certificate issued under section 19D by—

(a) cancelling that certificate;

(b) issuing a new certificate to the holder specifying the amended particulars of identification; and

(c) causing an appropriate notification of the cancellation of the old certificate and the issue of the new certificate to be entered in the register kept by him under section 19D (3).

*Stock Diseases (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) The cancellation of a certificate under subsection (3) (a) does not take effect until a date specified in a notice served on the holder of the certificate notwithstanding that the new certificate issued to that holder under subsection (3) (b) takes effect before that date.

(5) Where, at the time that the cancellation of a certificate under subsection (3) (a) takes effect, a person has any tags bearing particulars of identification specified on that cancelled certificate and the person purchased or agreed to purchase those tags before he was notified under subsection (4) of the cancellation of the certificate, the person shall be entitled to be paid, out of money provided by Parliament, compensation, at the rate determined by the Minister with the concurrence of the Treasurer, for each such tag that the person delivers to the registrar.

(10) Section 19EA—

After section 19E, insert :—

Emergency
tags.

19EA. (1) The registrar may allot particulars of identification to be used on tags supplied under this section and shall register any particulars so allotted in the register kept by him pursuant to section 19D (3).

(2) Tags bearing particulars of identification allotted under subsection (1) may be supplied by a person approved by the Chief of the Division of Animal Health for use on particular cattle or other stock to which section 19A applies where the cattle or other stock is required to be identified pursuant to that section but tags bearing particulars of identification allotted to the owner of the cattle or stock are not readily available for that purpose.

Stock Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) A person who is supplied with tags under this section shall forthwith attach the tags to the cattle or other stock for which they were supplied.

(11) Section 19F (1)—

Omit the subsection, insert instead :—

(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—

- (a) 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 or person approved by the Chief of the Division of Animal Health has certified to be the person to whom those particulars of identification have been allotted in accordance with this Act; or
- (b) that states that the particulars of identification to be included in the tag are particulars of identification allotted under section 19EA (1) and that is signed by the Chief of the Division of Animal Health or a person approved by him.

(12) (a) Section 20 (1) (i)—

After “stock” where firstly occurring, insert “, or causes or permits any stock to be moved,”.

(b) Section 20 (1) (i)—

After “stock” where secondly occurring, insert “, or causes or permits any stock to be transported, driven, or otherwise removed,”.

Stock Diseases (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 20 (1) (j)—

After “infected stock”, insert “, or causes or permits any infected stock to be transported, driven, or otherwise removed,”.

(d) Section 20 (1) (j5)—

After section 20 (1) (j4), insert :—

(j5) without lawful authority, makes or gives to an inspector any payment, gratuity or present in consideration of any act or omission pertaining to his office or employment; or

(e) Section 20 (1)—

Omit “for the first offence to a penalty not exceeding four hundred dollars, and for the second and any subsequent offence to a penalty not less than two hundred and forty dollars nor more than eight hundred dollars”, insert instead “to a penalty not exceeding \$2,000”.

(f) Section 20 (2)—

Omit “one thousand dollars”, insert instead “\$2,000”.

(13) (a) Section 23 (1) (e)—

Omit “sera and diagnostic agents”, insert instead “, sera, diagnostic agents and other biological substances used for testing, vaccinating or inoculating stock”.

(b) Section 23 (1) (aa)—

Omit “of stock.”, insert instead “of stock;”.

Stock Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 23 (1) (bb)—

After section 23 (1) (aa), insert :—

- (bb) regulate the supply of tags pursuant to section 19EA and prescribe the payment of fees for tags so supplied.

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

(1) (a) Section 3, definition of “Abattoir”—

Omit “Meat Industry Authority Act, 1970”, insert instead “Meat Industry Act, 1978”.

(b) Section 3, definition of “Chief of the Division of Animal Industry”—

Omit the definition, insert instead :—

“Chief of the Division of Animal Health” means the person for the time being holding office or acting as the Chief, Division of Animal Health, Department of Agriculture.

(c) Section 3, definition of “Disease”—

Omit “, and ‘diseased’ has a corresponding interpretation”.

Stock Diseases (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

- (d) Section 3, definition of “Holding”—
Omit “, as amended by subsequent Acts”.
 - (e) Section 3, definition of “Prescribed”—
Omit the definition.
 - (f) Section 3, definition of “Quarantine area”—
Omit “paragraph (c) of section 8”, insert instead
“section 8 (1) (c)”.
 - (g) Section 3, definition of “Registrar”—
Omit “, as amended by subsequent Acts”.
 - (h) Section 3, definition of “Special disease”—
Omit “subsection (2) of section 4”, insert instead
“section 4 (2)”.
 - (i) Section 3, definition of “Veterinary surgeon”—
Omit “, as amended by subsequent Acts”.
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- (2) (a) Section 5 (2)—
Omit “six persons”, insert instead “6 persons”.
 - (b) Section 5 (3A)—
Omit “seventy years”, insert instead “70 years”.
 - (c) Section 5 (4)—
Omit “three years”, insert instead “3 years”.

Stock Diseases (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(d) Section 5 (5) (b), (c)—

Omit the paragraphs, insert instead :—

(b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(e) Section 5 (5) (g)—

Omit “seventy years”, insert instead “70 years”.

(f) Section 5 (5) (h)—

Omit “four” wherever occurring, insert instead “4”.

(g) Section 5 (6)—

Omit “six months”, insert instead “6 months”.

(h) Section 5 (10) (a), (b)—

Omit “Public Service Act, 1902, as amended by subsequent Acts” wherever occurring, insert instead “Public Service Act, 1979”.

(i) Section 5 (10) (c)—

Omit “Local Government (Superannuation) Act, 1927, as amended by subsequent Acts” wherever occurring, insert instead “Local Government and Other Authorities (Superannuation) Act, 1927”.

Stock Diseases (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

- (j) Section 5 (10) (c) (ii)—
Omit “, as amended by subsequent Acts”.
- (k) Section 5 (10) (c)—
Omit “, as so amended,”.

- (3) Section 6—
Omit “subsection (9) of section 5”, insert instead “section 5 (9)”.

- (4) (a) Section 8 (1) (c) (i)—
Omit “forty days”, insert instead “40 days”.
- (b) Section 8 (2)—
Omit “subsection (4) of section 13”, insert instead “section 13 (4)”.
- (c) Section 8 (2)—
Omit “paragraph (c1) of subsection (1)”, insert instead “subsection (1) (c1)”.

- (5) (a) Section 9 (1), (2), (4)—
Omit “forty-eight hours” wherever occurring, insert instead “48 hours”.
- (b) Section 9 (3) (a)—
Omit “as amended by subsequent Acts.”.

Stock Diseases (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(c) Section 9 (3) (b)—

Omit “, as so amended,”.

(d) Section 9 (4) (a)—

Omit “five days”, insert instead “5 days”.

(e) Section 9 (4) (b)—

Omit “ten days”, insert instead “10 days”.

(f) Section 9 (6)—

Omit “twelve months”, insert instead “12 months”.

(6) Section 16 (3)—

Omit “twenty dollars”, insert instead “\$20”.

(7) (a) Section 17A (2) (a)—

Omit “paragraph (a) or (b) of that subsection”,
insert instead “subsection (1) (a) or (b)”.

(b) Section 17A (2) (b)—

Omit “paragraph (c) of that subsection”, insert
instead “subsection (1) (c)”.

(8) Section 17B (2) (c)—

Omit “paragraph (e) of subsection (1)”, insert instead
“subsection (1) (e)”.

(9) Section 17E (1)—

Omit “ninety days”, insert instead “90 days”.

Stock Diseases (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(10) (a) Section 17G (1) (c)—

Omit the paragraph, insert instead :—

- (c) where the Minister and the claimant have failed to agree upon the amount of compensation or upon the appointment of a valuer under paragraph (b), such amount as is fixed by the District Court sitting at the nearest proclaimed place under section 31 of the District Court Act, 1973, to the place where the destruction of the stock or property occurred or the stock otherwise died, as the case may be, upon an application made to that Court in accordance with and within the time prescribed by the rules of court made for the purposes of this subsection.

(b) Section 17G (2)—

Omit the subsection, insert instead :—

- (2) Where the District Court fixes the market value of any stock or property pursuant to subsection (1) (c), the Court may make such order as to the payment by the Minister of the amount so fixed as it deems fit.

(11) Section 17H—

Omit “two years”, insert instead “2 years”.

(12) (a) Section 17I—

Omit “one thousand dollars”, insert instead “\$1,000”.

Stock Diseases (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

- (b) Section 17I—
Omit “six months”, insert instead “6 months”.
- (13) (a) Section 19A (1)—
Omit “three months”, insert instead “3 months”.
- (b) Section 19A (3) (c)—
Omit “six months”, insert instead “6 months”.
- (c) Section 19A (3) (c)—
Omit “paragraph (a) of subsection (2)”, insert
instead “subsection (2) (a)”.
- (14) (a) Section 19B (1)—
Omit “Industry”, insert instead “Health”.
- (b) Section 19B (2) (c)—
Omit “Industry”, insert instead “Health”.
- (15) Section 19E (2) (d)—
Omit “subsection (3) of section 19D”, insert instead
“section 19D (3)”.
- (16) Section 19F (3) (b)—
Omit “twenty-eight days”, insert instead “28 days”.

Stock Diseases (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

- (17) (a) Section 19G (1)—
Omit “fourteen days”, insert instead “14 days”.
- (b) Section 19G (1)—
Omit “two years”, insert instead “2 years”.
- (18) (a) Section 20 (1) (j1)—
Omit “Meat Industry Act, 1915, or the Cattle Slaughtering and Diseased Animals and Meat Act, 1902, or any Act amending either of those Acts”, insert instead “Meat Industry Act, 1978”.
- (b) Section 20 (1) (j3)—
Omit “Industry”, insert instead “Health”.
- (c) Section 20 (2)—
Omit “six months”, insert instead “6 months”.
- (19) Section 21 (1) (b)—
Omit “Industry”, insert instead “Health”.
- (20) Section 21A (2)—
Omit “Industry”, insert instead “Health”.
- (21) Section 21B—
Omit “of Agriculture or by a Deputy Director-General of Agriculture”, insert instead “or by a Deputy Director-General of the Department of Agriculture”.

Stock Diseases (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

- (22) (a) Section 23 (1) (e)—
Omit “testing” where secondly occurring, insert instead
“testing,”.
- (b) Section 23 (1) (v)—
Omit “subsection (1) of section 12A”, insert instead
“section 12A (1)”.
- (c) Section 23 (1) (y)—
Omit “subparagraph (ii) of paragraph (a) of subsec-
tion (4) of section 19A”, insert instead “section 19A
(4) (a) (ii)”.
- (d) Section 23 (3A)—
Omit “five hundred dollars”, insert instead “\$500”.
- (e) Section 23 (3A)—
Omit “three months”, insert instead “3 months”.
- (f) Section 23 (4)—
Omit “police or”.
- (g) Section 23 (4)—
Omit “two or more”, insert instead “2 or more”.
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Stock Diseases (Amendment).

Sec. 6.

SCHEDULE 3.

AMENDMENT TO THE STOCK DISEASES (AMENDMENT) ACT,
1974.

Section 5 (e)-(h)—

Omit the paragraphs.
