

**STOCK DISEASES (SWINE BRANDING)
AMENDMENT ACT, 1981, No. 10**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 10, 1981.

An Act to amend the Stock Diseases Act, 1923, so as to require swine to be branded in certain circumstances; to repeal the Swine Branding Act, 1940; and for other purposes. [Assented to, 22nd April, 1981.]

See also Swine Compensation (Swine Branding) Amendment Act, 1981.

Stock Diseases (Swine Branding) 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 (Swine Branding) Amendment Act, 1981".

Commencement.

2. (1) Except as provided in subsections (2)–(4), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1–3, commence on the day on which that provision commences.

(3) Schedule 1 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 6 and Schedules 2 and 4 shall commence on such day (being a later day than that appointed and notified under subsection (3)) 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 referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE IDENTIFICATION OF STOCK.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 2.—FURTHER AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE IDENTIFICATION OF STOCK.

SCHEDULE 3.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 4.—REPEALS.

SCHEDULE 5.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 34, 1923.

5. The Principal Act is amended in the manner set forth in Schedules 1–3.

Repeals.

6. Each Act specified in Column 1 of Schedule 4 is, to the extent specified opposite that Act in Column 2 of Schedule 4, repealed.

Savings and transitional provisions.

7. Schedule 5 has effect.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
THE IDENTIFICATION OF STOCK.

(Sec. 5.)

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

Omit the definition, insert instead :—

“Registrar” means any person appointed for the time being as registrar or deputy registrar under section 3A.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
THE IDENTIFICATION OF STOCK—*continued.*

(b) Section 3 (1), definition of “Swine”—

After the definition of “Stock”, insert :—

“Swine” includes boar, sow, barrow and pig of any age, sex or breed.

(2) Section 3A—

After section 3, insert :—

Appointment of registrar and deputy registrars.

3A. (1) The Minister may, by order under his hand, appoint a registrar and deputy registrars for the purposes of this Act from among the officers and temporary employees of the Department of Agriculture.

(2) A person appointed under subsection (1) ceases to hold his office as registrar or deputy registrar if he ceases to be an officer or temporary employee of the Department of Agriculture.

(3) Section 19A—

Omit “kind” wherever occurring, insert instead “class”.

(4) (a) Section 19B (1)—

Omit “The Chief of the Division of Animal Health”, insert instead “A prescribed officer”.

(b) Section 19B (1)—

Omit “any kind of stock, not exceeding the number prescribed”, insert instead “, at any one time, not more than the prescribed number of stock of the kind specified in the license”.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
THE IDENTIFICATION OF STOCK—*continued.*

(c) Section 19B (2) (c)—

Omit “the Chief of the Division of Animal Health”, insert instead “a person empowered under subsection (1) to grant licenses of the class to which the license belongs”.

(5) (a) Section 19D (1)—

After “stock”, insert “, not being swine,”.

(b) Section 19D (1)—

Omit “to the registrar, to have allotted to him”, insert instead “, to have allotted to him by the registrar”.

(c) Section 19D (1A)—

After section 19D (1), insert :—

(1A) Any person who is the occupier of a holding or, not being the occupier of a holding, is the owner of any swine, is entitled, upon application, in a form in or to the effect of the prescribed form and accompanied by the prescribed fee, to have allotted to him by the registrar particulars of identification to be used as a brand on swine in accordance with the provisions of this Act.

(d) Section 19D (3)—

After “(1)”, insert “or (1A)”.

(6) (a) Section 19E (2) (b)—

Omit “in accordance with the provisions of section 19D”, insert instead “by the registrar”.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
THE IDENTIFICATION OF STOCK—*continued.*

(b) Section 19E (2A)—

After section 19E (2), insert :—

(2A) Where the holder of a certificate issued under section 19D pursuant to an application under section 19D (1A) fails, before the expiration of any of the prescribed periods following the issue of the certificate to him, to make an application, in a form in or to the effect of the prescribed form accompanied by the prescribed fee, for renewal of the registration of the particulars allotted to him and specified in the certificate, the registrar may exercise, with respect to the certificate, the powers conferred by subsection (2) (c) and (d).

(c) Section 19E (3) (b)—

Before “issuing”, insert “under section 19D (2) and in pursuance of this paragraph,”.

(d) Section 19E (4)—

Omit “under” where secondly occurring, insert instead “in pursuance of”.

(7) Section 19EA (2)—

After “stock” where firstly occurring, insert “, not being swine,”.

(8) (a) Section 19F (1)—

After “Act” where firstly occurring, insert “, any branding iron or other device intended for use in identifying swine with particulars of identification allotted under section 19D or any spare numbers designed to be fitted to any such branding iron or other device”.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
THE IDENTIFICATION OF STOCK—*continued.*

- (b) Section 19F (1)—
After “such tag”, insert “, branding iron, device or spare numbers, as the case may require,”.
- (c) Section 19F (1) (a)—
After “tag”, insert “or brand”.
- (d) Section 19F (1) (a)—
Omit “the Chief of the Division of Animal Health”, insert instead “a prescribed officer”.
- (9) (a) Section 20 (1) (j1)—
After “stock” where firstly and lastly occurring, insert “, not being swine,”.
- (b) Section 20 (1) (j3)—
Omit “or to the Chief of the Division of Animal Health”, insert instead “, to an officer or temporary employee of the Department of Agriculture”.
- (10) (a) Section 23 (1) (m)—
After “of stock”, insert “, or persons to or by whom stock is or has been delivered,”.
- (b) Section 23 (1) (m)—
After “furnish”, insert “or otherwise give, in accordance with the regulations and at such times or in such circumstances as are prescribed, notices or”.
- (c) Section 23 (1) (w), (x)—
After “tag,” wherever occurring, insert “brand,”.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
THE IDENTIFICATION OF STOCK—*continued.*

(d) Section 23 (1) (x)—

Omit “any cattle”, insert instead “or otherwise used to identify any cattle, swine”.

SCHEDULE 2.

(Sec. 5.)

FURTHER AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
THE IDENTIFICATION OF STOCK.

(1) (a) Section 19A (1)—

Omit the subsection, insert instead :—

(1) The provisions of this section apply to—

- (a) cattle of or above the age of 3 months;
- (b) swine weighing 25 kilograms or more; and
- (c) any other stock to which the provisions of this section are applied in accordance with subsection (2).

(b) Section 19A (3) (a), (b)—

After “cattle” wherever occurring, insert “or swine”.

(c) Section 19A (3)—

After “cattle” where lastly occurring, insert “, swine”.

(d) Section 19A (3)—

Omit “referred to in section 19C”, insert instead “prescribed with respect to it in section 19C (1) or (1A)”.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 2—*continued.*FURTHER AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
THE IDENTIFICATION OF STOCK—*continued.*

(e) Section 19A (3A)—

Omit “or stock are offered for sale by auction they”, insert instead “, swine or other stock is offered for sale by auction it”.

(f) Section 19A (4) (a) (i), (ii)—

After “cattle” wherever occurring, insert “, swine”.

(g) Section 19A (4) (b)—

After “stock”, insert “, not being swine to which this section applies,”.

(2) (a) Section 19C (1)—

After “any stock”, insert “, other than swine,”.

(b) Section 19C (1)—

After “identification” wherever occurring, insert “to be used on tags, being particulars”.

(c) Section 19C (1A)—

After section 19C (1), insert :—

(1A) For the purposes of section 19A (3), the manner of identifying swine shall be by identifying the swine, in accordance with the regulations, with particulars of identification to be used as a brand on swine, being particulars specified in a certificate issued by the registrar to the owner of the swine in accordance with section 19D.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 2—*continued.*

FURTHER AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
THE IDENTIFICATION OF STOCK—*continued.*

(d) Section 19C (2)—

After “registrar” where firstly occurring, insert “to be used on tags”.

(e) Section 19C (2A)—

After section 19C (2), insert :—

(2A) No person shall brand any swine with particulars of identification allotted by the registrar to be used as a brand on swine unless—

- (a) those particulars were allotted to the owner of the swine by the registrar and the certificate of registration specifying those particulars has not, since they were last allotted, been cancelled under section 19E; and
- (b) use of the branding iron or other device by which the swine is branded does not result in the swine being branded with any other particulars.

(3) Section 19G (1)—

After “cattle”, insert “, swine”.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 3.

(Sec. 5.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Part I, heading—

Before section 1, insert :—

PART I.

PRELIMINARY.

(2) Section 1A—

After section 1, insert :—

Arrangement.

1A. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–4.

PART II.—BOARD OF TICK CONTROL—s. 5.

PART III.—INSPECTORS—ss. 6–8C.

PART IV.—CONTROL OF DISEASES IN STOCK—ss.
9–19G.

DIVISION 1.—*Notification of Diseases*—s. 9.

DIVISION 2.—*Quarantine Areas and Protected
Areas*—ss. 10–15.

DIVISION 3.—*Destruction of Certain Stock*—ss.
16–17A.

DIVISION 4.—*Compensation and the Foot and
Mouth Disease Eradication Fund*—ss. 17B–
17I.

DIVISION 5.—*Further Powers of Inspectors, etc.*—
ss. 18, 19.

DIVISION 6.—*Identification of Certain Stock*—ss.
19A–19G.

PART V.—OFFENCES—s. 20.

PART VI.—MISCELLANEOUS—ss. 21–23.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

(3) Part II, heading—

After section 4, insert :—

PART II.

BOARD OF TICK CONTROL.

(4) Part III, heading—

After section 5, insert :—

PART III.

INSPECTORS.

(5) Part IV, heading—

After section 8C, insert :—

PART IV.

CONTROL OF DISEASES IN STOCK.

DIVISION 1.—*Notification of Diseases.*

(6) Part IV, Division 2, heading—

After section 9, insert :—

DIVISION 2.—*Quarantine Areas and Protected Areas.*

(7) Part IV, Division 3, heading—

After section 15, insert :—

DIVISION 3.—*Destruction of Certain Stock.*

(8) Part IV, Division 4, heading—

After section 17A, insert :—

DIVISION 4.—*Compensation and the Foot and Mout/*
Disease Eradication Fund.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 3—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

(9) Section 17F (4)—

Omit the subsection.

(10) Section 17HA—

After section 17H, insert :—

Compensation limited.

17HA. Notwithstanding the provisions of any other Act—

- (a) no compensation, other than the compensation, if any, payable under this Act, is payable by the Crown for or in respect of any stock or property referred to in section 17C; and
- (b) no compensation is payable under any other Act for or in respect of any stock or property for or in respect of which compensation has been or may be paid under this Act.

(11) Part IV, Division 5, heading—

After section 17I, insert :—

DIVISION 5.—*Further Powers of Inspectors, etc.*

(12) Part IV, Division 6, heading—

After section 19, insert :—

DIVISION 6.—*Identification of Certain Stock.*

(13) Section 19A (4) (a) (i)—

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

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

- (14) Section 19B (2) (b)—
Omit “license;”, insert instead “license; and”.
- (15) Part V, heading—
Before section 20, insert :—
PART V.
OFFENCES.
- (16) Part VI, heading—
After section 20, insert :—
PART VI.
MISCELLANEOUS.
- (17) (a) Section 23 (3) (a)—
Omit “\$400”, insert instead “\$1,000”.
- (b) Section 23 (3) (b)—
Omit “\$20”, insert instead “\$100”.
- (c) Section 23 (3A)—
Omit “offence under”, insert instead “breach of”.
- (d) Section 23 (3A)—
Omit “\$500”, insert instead “\$1,000”.
-

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 4.

(Sec. 6.)

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1940, No. 5 .. 1978, No. 67 ..	Swine Branding Act, 1940 Metric Conversion Act, 1978	The whole Act. Item 45 of Schedule 1.

SCHEDULE 5.

(Sec. 7.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Interpretation: Sch. 5.

1. In this Schedule, "the commencement" means the commencement of Schedule 1.

Saving of certain proclamations, licenses and applications.

2. (1) Any proclamation applying the provisions of section 19A of the Principal Act to a kind of stock that was—

- (a) published in the Gazette pursuant to section 19A (2) of that Act; and
- (b) in force immediately before the commencement,

shall, on the commencement, be deemed to be a proclamation published under section 19A (2) of that Act, as amended by this Act, applying the provisions of section 19A of that Act, as so amended, to the class of stock specified in the proclamation.

(2) A license granted under section 19B (1) of the Principal Act, being a license in force immediately before the commencement, shall, on the commencement, be deemed to be a license granted under section 19B (1) of that Act, as amended by this Act.

(3) Any application made under section 19D (1) of the Principal Act which has not been finally disposed of before the commencement shall be deemed to be an application made under section 19D (1) of that Act, as amended by this Act.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 5—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Savings of certain certificates, etc.**

3. (1) Any—

- (a) certificate or new certificate issued under section 19D (2) or 19E (3) (b) of the Principal Act, being a certificate that was in force immediately before the commencement; or
- (b) particulars of identification or amended particulars of identification specified in any such certificate,

shall, on the commencement, be deemed to be respectively a certificate specifying particulars of identification allotted for use on tags or particulars of identification for use on tags issued or allotted under section 19D of that Act, as amended by this Act.

(2) Any—

- (a) certificate of registration of a brand issued; or
- (b) brand allotted,

under section 7 of the Swine Branding Act, 1940, after 27th February, 1980, and before the commencement shall, on the commencement, be deemed to be respectively a certificate specifying particulars of identification allotted for use as a brand on swine or particulars of identification for use as a brand on swine issued or allotted under section 19D of the Principal Act, as amended by this Act, but only if the brand was registered under the Swine Branding Act, 1940, immediately before the commencement.

(3) Any particulars of identification allotted under section 19EA (1) of the Principal Act before the commencement shall, on the commencement, be deemed to be allotted under section 19EA (1) of that Act, as amended by this Act.

Saving of certain authorisations.

4. Any written authorisation issued before the commencement by the Registrar within the meaning of the Swine Branding Act, 1940, being an authorisation—

- (a) that had not been revoked by him before the commencement; and
- (b) that purported to authorise its holder to manufacture—
 - (i) branding irons or other devices intended for impressing brands allotted under section 7 of that Act; and
 - (ii) spare numbers designed to be fitted thereto,

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 5—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

shall, on the commencement, be deemed to be an authority issued by the Minister under section 19F (1) of the Principal Act, as amended by this Act, to manufacture branding irons or other devices intended for use in identifying swine with particulars of identification allotted under section 19D of that Act, as so amended, and spare numbers designed to be fitted thereto.

Saving of certain orders.

5. Any order—

- (a) that was, after 27th February, 1980, and before the commencement, signed by a person who had, during that period, been allotted a brand under section 7 of the Swine Branding Act, 1940;
- (b) that requested the manufacture, by the holder of an authorisation referred to in clause 4 issued by the Registrar for the purposes of that Act, of—
 - (i) a branding iron or other device intended for use in identifying swine with the brand so allotted; or
 - (ii) any spare numbers designed to be fitted thereto; and
- (c) that had not been complied with before the commencement,

shall, on the commencement, be deemed to be an order that complies with the requirements prescribed with respect to orders by section 19F (1) (a) of the Principal Act, as amended by this Act.

Saving of certain approvals.

6. Any person who was, immediately before the commencement, approved under section 19F (1) (a) of the Principal Act by the Chief, Division of Animal Health, Department of Agriculture, shall, on the commencement, be deemed to be approved by a prescribed officer under section 19F (1) (a) of that Act, as amended by this Act.

Transitional provisions.

7. (1) Where, on or after the commencement and before the day appointed and notified under section 2 (4), a person is the holder of a certificate issued to him under section 19D of the Principal Act, as amended by this Act, being a certificate that specifies particulars of identification allotted for use as a brand on swine and that is in force—

- (a) the particulars of identification specified in the certificate shall be deemed to be a brand allotted and registered under section 7 of the Swine Branding Act, 1940; and

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 5—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (b) the person shall be deemed to be the proprietor, within the meaning of that Act, of that brand.

(2) Nothing in subclause (1) prevents a certificate referred to in that subclause from being treated as a certificate issued under section 19D of the Principal Act, as amended by this Act, for the purposes of that Act, as so amended, during the period referred to in that subclause.

Further transitional provision and saving.

8. (1) On and from the day appointed and notified under section 2 (4)—

- (a) any certificate of registration of a brand issued; or
 (b) any brand allotted,

under section 7 of the Swine Branding Act, 1940, on or before 27th February, 1980, shall (if the brand was registered under that Act immediately before the day so appointed and notified) be deemed to be respectively a certificate specifying particulars of identification allotted for use as a brand on swine or particulars of identification for use as a brand on swine issued or allotted under section 19D of the Principal Act, as amended by this Act, until—

- (c) the expiration of 6 months after the day so appointed and notified;
 or
 (d) the certificate or the certificate specifying those particulars, as the case may require, is cancelled under section 19E of the Principal Act, as so amended,

whichever first occurs.

(2) Any license issued under section 6 of the Swine Branding Act, 1940, before the day appointed and notified under section 2 (4) shall, on and from that day but subject to section 19B (2) (b) and (c) of the Principal Act, as amended by this Act, be deemed to be a license granted under section 19B (1) of that Act, as so amended.

Saving relating to certain penalties.

9. Notwithstanding section 23 of the Principal Act, as amended by this Act, a person who, on or after the date of assent to this Act, is found guilty of a breach of the regulations made under the Principal Act which occurred before that date shall not be liable to any greater penalty than that to which he would have been liable if he had been found guilty of the breach immediately after he committed it.

Stock Diseases (Swine Branding) Amendment.

SCHEDULE 5—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Saving relating to certain references.**

10. Where the Swine Branding Act, 1940, an instrument made under that Act or any provision of that Act or of any such instrument is referred to in any other Act or any instrument made under any other Act, the reference shall, on and from the day appointed and notified under section 2 (4), extend to the Principal Act, as in force for the time being, to any corresponding instrument made under that Act, as so in force, or to any corresponding provision of that Act or of an instrument made under that Act, as so in force.
