

STOCK DISEASES (AMENDMENT) ACT 1992 No. 66

NEW SOUTH WALES



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STOCK DISEASES (AMENDMENT) ACT 1992 No. 66

NEW SOUTH WALES



Act No. 66, 1992

An Act to amend the Stock Diseases Act 1923 with respect to the identification of stock. [Assented to 3 November 1992]

Stock Diseases (Amendment) Act 1992 No. 66

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Stock Diseases (Amendment) Act 1992.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Stock Diseases Act 1923 No. 34

3. The Stock Diseases Act 1923 is amended as set out in Schedules 1 and 2.

Consequential amendment of Rural Lands Protection Act 1989 No. 197

4. The Rural Lands Protection Act 1989 is amended as set out in Schedule 3.

**SCHEDULE 1—AMENDMENT OF STOCK DISEASES
ACT 1923**

(Sec. 3)

Part 4, Division 6:

Omit the Division, insert:

PART 4A—IDENTIFICATION OF STOCK

Division 1—Preliminary

Object of Part

19A. The object of this Part is to facilitate the tracing of disease in cattle, swine and certain other stock by requiring any such stock which are being sold or sent or delivered for sale or slaughter to be marked with particulars which can later be used to identify the person (usually the owner) who was in charge of the stock at the time of the sale, sending or delivery.

SCHEDULE 1—AMENDMENT OF STOCK DISEASES
ACT 1923—continued

Stock to which this Part applies

19B. This Part applies to the following stock:

- (a) cattle;
- (b) swine weighing 25 kilograms or more;
- (c) any other stock of a class prescribed by the regulations.

Definitions

19C. In this Part:

“**board**” means a rural lands protection board established under the Rural Lands Protection Act 1989;

“**brand**” includes a tattoo or other permanent mark;

“**district**” means, in relation to a board, the rural lands protection district for which the board is established;

“**district registrar**” has the same meaning as in Part 12 of the Rural Lands Protection Act 1989;

“**particulars of identification**” means particulars of identification allotted under this Part and in force;

“**special tag**” means a tag supplied under section 19K;

“**tag**” means a tag, or label, of a kind prescribed by the regulations or other means of identification so prescribed.

Division 2—Identification of stock

Person must not sell, send or deliver unidentified stock

19D. (1) A person must not sell any stock to which this Part applies, or cause or permit any such stock to be sold, unless at the time of the sale the stock are identified in accordance with this Part.

(2) A person must not send or deliver any stock to which this Part applies, or cause or permit any such stock to be sent or delivered, to an abattoir for slaughter or to a saleyard (or other place) for sale, unless at the time of the sending or delivery the stock are identified in accordance with this Part.

(3) For the purposes of this section, if stock are offered for sale by auction, they are taken to have been sold upon the fall of the hammer.

Maximum penalty: 100 penalty units.

SCHEDULE 1—AMENDMENT OF STOCK DISEASES
ACT 1923—continued**Exceptions**

19E. (1) Section 19D does not apply to the sending or delivery of stock to an abattoir for slaughter if the stock are sent or delivered for slaughter within 7 days after being purchased in New South Wales.

(2) Section 19D does not apply to a person or to a person of a class exempted by the regulations.

(3) Section 19D does not apply to a sale, sending or delivery of a class exempted by the regulations.

(4) An exemption may be conditional or unconditional.

Manner of identification of stock

19F. (1) Stock other than swine are identified in accordance with this Part by attaching to them:

- (a) a tag (made in accordance with section 190) bearing the particulars of identification of the owner of the stock; or
- (b) a special tag which is one of those supplied specifically for the stock.

(2) However, stock other than swine, if they are being sent or delivered for slaughter to an abattoir approved by the Chief, Division of Animal Industries from an approved feedlot, may instead be identified by attaching to them a tag bearing the particulars of identification of the occupier of the feedlot as well as any other particulars prescribed by the regulations.

(3) Swine are identified in accordance with this Part if they are marked with a brand:

- (a) which sets out the particulars of identification of their owner; and
- (b) which is made using a branding device and ink, both made in accordance with section 190.

(4) Stock are not identified in accordance with this Part if the regulations prescribe further requirements as to the manner of their identification, and those regulations are not complied with in relation to the stock.

SCHEDULE 1—AMENDMENT OF STOCK DISEASES
ACT 1923—continued

(5) For the purposes of this section, a feedlot is an **“approved feedlot”** if:

- (a) the occupier of the feedlot has been authorised for the time being in writing by the Chief, Division of Animal Industries to attach tags bearing the particulars of identification of the occupier to stock sent or delivered to an abattoir for slaughter from the feedlot; and
- (b) that occupier complies with the conditions (if any) to which the authority is subject.

Person must not remove or alter tag

19G. (1) A person must not at any time remove a tag attached to stock (other than swine) for the purposes of this Part or cause such a tag to be removed if the stock:

- (a) are being moved at that time to an abattoir for slaughter; or
- (b) are being moved at that time to a saleyard (or other place) where the stock are to be kept for the purposes of sale or from any such saleyard or place; or
- (c) are being offered at that time for sale; or
- (d) have been sold during the period of 28 days immediately before that time.

(2) A person must not alter or deface a tag attached, or intended to be attached, to stock (other than swine) for the purposes of this Part, or alter or deface the particulars of identification on such a tag.

(3) Subsection (1) does not prevent an inspector or an inspector under the Meat Industry Act 1978 from removing a tag, or causing a tag to be removed, from stock.

Maximum penalty: 100 penalty units.

Division 3—Particulars of identification

Allotment of particulars of identification

19H. (1) A person who is the occupier of a holding or feedlot, or who is the owner of stock to which this Part applies, may apply to a district registrar for an allotment to the person of particulars of identification for stock.

**SCHEDULE 1—AMENDMENT OF STOCK DISEASES
ACT 1923—continued**

(2) An application is in accordance with this section if it is in the form approved by the Chief, Division of Animal Industries and is accompanied by the application fee prescribed by the regulations (unless the fee has been waived by the district registrar in accordance with the regulations).

(3) The district registrar must allot particulars of identification to an applicant who applies in accordance with this section and issue a certificate to the applicant setting out those particulars.

(4) The district registrar must:

- (a) maintain a register of applications received and of particulars allotted, amended and cancelled; and
- (b) supply to an inspector (or an inspector under the Meat Industry Act 1978) free of charge and to any other person on payment of such reasonable fee (if any) as the relevant board determines (not exceeding the maximum determined by the Chief, Division of Animal Industries), the name of a person allotted any particulars in relation to which the inspector or other person has inquired; and
- (c) provide information as to any particulars (and as to any holding, feedlot, stock or person to whom they relate) on request by the Chief, Division of Animal Industries.

Renewal of particulars

19I.(1) The particulars of identification of a person, unless they are renewed, cease to be in force on the first anniversary of their allotment or (if already renewed once or more) on the first anniversary of their last renewal.

(2) The particulars of identification allotted to a person by a district registrar are renewed:

- (a) if, in the 15 months ending on the day before that anniversary, the board for the district has levied a general rate on the person and the person has paid that rate; or

SCHEDULE 1—AMENDMENT OF STOCK DISEASES
ACT 1923—continued

- (b) if, before that anniversary, the person pays the renewal fee determined by the board for the district in respect of the year during which the payment is made; or
- (c) if, before that anniversary, the renewal fee is waived in whole or in part by the district registrar, and (if only in part) the person pays the remainder of the fee.

(3) The extent of the waiver of the renewal fee is to equal the annual fee paid to the district registrar under section 196 of the Rural Lands Protection Act 1989 for continuance of the registration of the person as a proprietor of a brand or earmark under that Act.

(4) Renewal takes effect by virtue of the payment of the levy, the renewal fee or the remainder of the renewal fee, or by virtue of the waiver of the entire fee.

(5) The renewal fee determined by the board in respect of any year cannot exceed the minimum general rate last levied by the board before that determination.

(6) In this section, “general rate” means, in relation to a board, the general rate levied under section 53 of the Rural Lands Protection Act 1989.

Amendment of particulars

19J. (1) A person who has no further need for particulars allotted under this Part may notify the relevant district registrar of that fact.

(2) A district registrar (whether notified under subsection (1) or not), once satisfied that a person has no further need of particulars of identification, must:

- (a) cancel the particulars and (except if the person has died) send by post to that person a notice in writing that the particulars are cancelled; and
- (b) record the cancellation in the register.

(3) Particulars cannot be transferred, but a district registrar may allot cancelled particulars again. That allotment may be to the same or a different person.

SCHEDULE 1—AMENDMENT OF STOCK DISEASES
ACT 1923—*continued*

(4) A district registrar may amend particulars of identification and, if he or she does so, must:

(a) issue a certificate setting out the amended particulars and send by post or give to the person to whom the particulars have been allotted both the certificate and a notice in writing that the particulars have been amended; and

(b) amend the register accordingly.

(5) If the particulars allotted to a person have been amended, the particulars (as in force immediately before that amendment) may be used by the person until the date specified by the district registrar by notice to the person as the date from which the particulars (as so amended) must be used.

Special tags

19K. (1) Each district registrar is to determine the particulars of identification to be used on special tags and to arrange for the production and supply of those tags.

(2) Special tags may be supplied by a district registrar or by an inspector (or other person approved by the district registrar) for use on specific stock if:

(a) the stock are stock to which this Part applies (but not swine); and

(b) the stock are required to be identified under this Part; and

(c) tags bearing particulars of identification allotted to the owner of the stock are not readily available for that purpose; and

(d) the fee determined by the relevant board (being a fee not higher than the maximum determined by the Chief, Division of Animal Industries) is paid for payment to that board.

(3) The regulations may prescribe conditions for the supply or use of special tags.

(4) A person, who is supplied with tags under this section must attach the tags without delay to the stock for which they were supplied and must not use them on other stock.

Maximum penalty (subsection (4)): 20 penalty units.

SCHEDULE 1—AMENDMENT OF STOCK DISEASES
ACT 1923—*continued*

Division 4—Administration

Registers

19L. (1). The Chief, Division of Animal Industries is to maintain a central register of all particulars of identification allotted by district registrars (other than those determined by district registrars for use on special tags).

(2) Each district registrar is to maintain a district register of the particulars of identification allotted to persons by the district registrar and of the particulars of identification determined by the district registrar for use on special tags supplied by or on behalf of the district registrar.

(3) A record must be kept in the central and district registers of particulars of identification that have been amended or cancelled.

Directions by Chief, Division of Animal Industries

19M. The Chief, Division of Animal Industries may direct the district registrars as to the particulars of identification that they may allot to persons, as to the manner of their allotment, amendment and cancellation, and as to the determination of particulars of identification for use on special tags.

Finance

19N. (1) The boards are to pay contributions for the maintenance of the central register.

(2) The amount of the contributions is to be as agreed between the Director-General and the Council of Advice under the Rural Lands Protection Act 1989, but in the absence of such an agreement, the amount (if any) determined by the Minister.

(3) The contributions are to be paid to the Director-General out of the money paid to the boards as rates under the Rural Lands Protection Act 1989 and out of the money collected under this Part for payment to the boards.

(4) The contributions are to be paid at such times as the Director-General determines.

SCHEDULE 1—AMENDMENT OF STOCK DISEASES
ACT 1923—continued**Division 5—Miscellaneous****Requirements for manufacture of tags, branding devices etc.**

19O. (1) A person must not make a tag, a branding device, or an ink, intended for use for the purposes of this Part (or any spare numbers designed to be fitted to such a branding device), unless the person is authorised for the time being in writing by the Chief, Division of Animal Industries to do so.

(2) A person must not make a tag (other than a special tag) or a branding device unless the person is also in possession of an order in writing.

(3) The order must be one in which the particulars of identification to be set out on the tag or device are specified and which includes a certificate by the district registrar as to the identity of the person to whom those particulars have been allotted and is signed by that person.

(4) A person does not need an authority or order under this section to make a tag bearing the particulars of identification of the occupier of a feedlot if the person establishes that the tag is to be used for the purposes of section 19F (2).

Maximum penalty: 100 penalty units.

Duration and cancellation of authority to manufacture tags

19P. (1) An authority issued for the purposes of section 19O continues in force until it is cancelled by the Chief, Division of Animal Industries.

(2) The Chief, Division of Animal Industries may, by notice in writing sent by post to the holder of any such authority (at the address shown on the authority) or given to that holder, cancel the authority.

(3) The Chief, Division of Animal Industries must not cancel such an authority unless:

- (a) a notice in writing has been sent by post to the holder of the authority (at the address shown on the authority), or given to that holder, inviting the holder to show cause why the authority should not be cancelled; and
- (b) a period of at least 28 days has elapsed since the sending of the notice; and

SCHEDULE 1—AMENDMENT OF STOCK DISEASES
ACT 1923—continued

- (c) the Chief has taken into consideration any representations made by the holder of the authority and by any person on the holder's behalf.

Records to be kept of untagged stock

19Q. (1) If stock to which this Part applies are delivered to an abattoir for slaughter and are not identified in accordance with this Part, the person in charge of the abattoir must make or cause to be made a record containing such information as the regulations prescribe.

(2) The person must do that within 24 hours after:

- (a) the delivery of the stock, except if the stock are swine;
or
(b) the slaughter of the stock, if the stock are swine.

(3) The person must keep the record for a period of 2 years after it is made and, on request by an inspector, produce the record to the inspector.

(4) An inspector may at any reasonable time inspect the record and may make copies of it or take extracts or notes from it.

Maximum penalty: 50 penalty units.

Power to take possession of misplaced tags etc.

19R. (1) An inspector may take possession of any tag, or branding device, on which there are particulars of identification and:

- (a) which the inspector believes on reasonable grounds to be for sale, or for or in use contrary to this Act or which is not being used for the purposes of this Act, or which appears to have been abandoned by the person to whom the particulars were allotted; or
(b) which is in the possession of a person without the approval of the person to whom the particulars were allotted.

(2) If an inspector takes possession of anything under this section, and the person to whom the particulars of identification on the thing were allotted does not claim it within 3 months, the thing may be disposed of in a manner approved by the Chief, Division of Animal Industries.

**SCHEDULE 1—AMENDMENT OF STOCK DISEASES
ACT 1923—continued****Certificate as to particulars**

19S. A certificate which purports to be signed by a district registrar or by the Chief, Division of Animal Industries and which states that specified particulars of identification of a person were in force at a specified time is admissible in evidence in any proceedings and is evidence of the matters stated in it.

Savings and transitional provisions

19T. (1) A provision in a regulation, being a provision made for the purposes of any section ~~a~~ in force immediately before the commencement of this Part, is taken to have been made for the purposes of the corresponding section (if any) as in force immediately after that commencement.

(2) Particulars of identification as in force under Division 6 of Part 4 immediately before the commencement of this Part are taken to be particulars of identification in force under this Part.

(3) Those particulars are taken to have been allotted or determined by the district registrar for the district in respect of which they were allotted before that commencement.

(4) For the purposes of section 19I, those particulars are taken to have been last renewed on the date of that commencement.

(5) A special tag attached to stock under Division 6 of Part 4 before that commencement and still attached to that stock immediately before that commencement is taken to be a special tag attached under this Part.

**SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF STOCK
DISEASES ACT 1923**

(Sec. 3)

(1) Section 3 (Definitions):

From section 3 (1), omit the definitions of “Registrar” and “Tag”.

(2) Section 3A (Appointment of registrar and deputy registrars):

Omit the section.

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SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF STOCK DISEASES ACT 1923—continued

(3) Section 6A (Police officers and Commonwealth inspectors exercising powers):

From section 6A (2), omit “19G and 20 (1) (j1)”, insert “19G and 19Q”.

(4) Section 20G:

Omit the section, insert instead:

Person must not deface brand or mark with yellow pigment

20G. (1) A person must not alter or deface a brand applied to stock under or for the purposes of this Act (except Part 4A) unless the person is an inspector or does so with the authority of an inspector.

(2) A person who is not an inspector must not brand or mark stock with yellow pigment.

Maximum penalty: 100 penalty units.

(5) Section 23 (Power to make regulations):

Omit section 23 (1) (w), (x), (y) and (bb).

SCHEDULE 3—CONSEQUENTIAL AMENDMENT OF RURAL LANDS PROTECTION ACT 1989

(Sec. 4)

(1) Section 9 (Functions generally):

At the end of section 9 (2) (h) insert:

;

- (i) the administration of the scheme of particulars of identification under Part 4A of the Stock Diseases Act 1923 within its district.

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SCHEDULE 3—CONSEQUENTIAL AMENDMENT OF RURAL
LANDS PROTECTION ACT 1989—*continued*

(2) Section 79 (**Responsibilities of certain officers with respect to animal health**):

Omit section 79 (3) (a).

*[Minister's second reading speech made in—
Legislative Assembly on 15 October 1992
Legislative Council on 28 October 1992]*