

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney,* 30 MAR 1966

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1966.

An Act to make further provisions with respect to the control of diseases in stock; to establish a Foot and Mouth Disease Eradication Fund and to provide for the payment of compensation from that fund in certain circumstances; for these purposes to amend the Stock Diseases Act, 1923, as amended by subsequent Acts, and certain other Acts; and for purposes connected therewith.

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:—

1. (1) This Act may be cited as the "Stock Diseases (Amendment) Act, 1966".

(2)

Short title
and
citation.

Stock Diseases (Amendment).

(2) The Stock Diseases Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Stock Diseases Act, 1923-1966.

2. The Stock Diseases Act, 1923-1965, is amended— Amendment
of Act No.
34, 1923.

5 (a) (i) by inserting in section three next after the definition of "Carcass" the following new definition :— Sec. 3.
(Defini-
tions.)

10 "Chief of the Division of Animal Industry" means the Chief of the Division of Animal Industry of the Department of Agriculture.

(ii) by inserting in the same section in the definition of "Fodder" after the word "corn" the words ", any type of stock food";

15 (iii) by inserting next after the same definition the following new definition :—

"Fund" means the Foot and Mouth Disease Eradication Fund established under section 17B of this Act.

20 (iv) by inserting in the same section next after the definition of "Infected" the following new definition :—

"Inspector" means inspector appointed under this Act.

25 (v) by inserting in the same section in the definition of "Occupier" after the word "superintendent" the words "or otherwise";

30 (vi) by inserting in the same section next after the definition of "Regulations" the following new definition :—

35 "Special disease" means foot and mouth disease, vesicular exanthema, vesicular stomatitis or any other disease declared to be a special disease under subsection two of section four of this Act. (vii)

Stock Diseases (Amendment).

- (vii) by inserting in the same section in the definition of "Stock" after the word "birds" the words "or any eggs of any birds";
- 5 (viii) by inserting in the same section next after the definition of "Travelling stock" the following new definition :—
- "Veterinary surgeon" means a person registered as a veterinary surgeon under the Veterinary Surgeons Act, 10 1923, as amended by subsequent Acts.
- (b) by inserting at the end of section four the following new subsection :— Sec. 4.
(Diseases may be proclaimed.)
- 15 (2) The Governor may, by the same or a subsequent proclamation published in the Gazette, declare that any disease therein specified shall be a special disease in respect of which the provisions of this Act applicable to special diseases or such of those provisions as may be specified in the 20 proclamation shall apply.
- (c) (i) by omitting from section seven the words "Any inspector" and by inserting in lieu thereof the words "Notwithstanding the provisions of any other Act, any inspector"; Sec. 7.
(Powers of inspectors.)
- 25 (ii) by inserting in paragraph (a) of the same section after the words "or carcass" the words "or fodder or fittings";
- (iii) by inserting in paragraph (b) of the same section after the word "straying," the words 30 "or any fodder or fittings which are contaminated with disease or which he suspects to be so contaminated,";
- (iv) by inserting in the same paragraph after the word "stock" where thirdly and fourthly 35 occurring the words ", carcass, fodder or fittings";
- (v)

Stock Diseases (Amendment).

- (v) by inserting next after the same paragraph the following new paragraph :—
- 5 (bi) cause any stock to be tested for any disease or take from any stock or carcass a specimen of any kind;
- (vi) by inserting in paragraph (c) of the same section after the words “or treatment” the words “or of enabling the inspector to cause any or all of them to be tested for any disease or to take any specimens from them”;
- 10
- (vii) by inserting in paragraph (d) of the same section after the words “or treatment” where firstly occurring the words “or of enabling the inspector to cause any or all of them to be tested for any disease or to take any specimens from them.”;
- 15
- (viii) by inserting in the same paragraph after the words “or treatment” where secondly occurring the words “or test or to enable specimens to be taken from them.”;
- 20
- (d) (i) by omitting from section eight the words “When any stock” and by inserting in lieu thereof the words “Notwithstanding the provisions of any other Act, when any stock”;
- 25 (ii) by inserting in paragraph (b) of the same section after the word “therewith” the words “or any thing produced by or from the stock”;
- (iii) by inserting in subparagraph (i) of paragraph (d) of the same section after the word “stock” where secondly occurring the words “or any thing produced by or from the stock”;
- 30
- (iv) by omitting from paragraph (e) of the same section the words “or article” and by inserting in lieu thereof the words “article or thing”;
- (e)

Stock Diseases (Amendment).

(e) by inserting next after section eight the following new section :— New sec. 8A.

5 8A. Where an inspector may, under section seven (paragraph (b) excepted) or eight of this Act, give an order to any person to do anything in a special quarantine area, the inspector may, instead of giving such an order, do that thing with or without assistants. Further powers of inspectors in relation to special quarantine areas.

10 (f) by omitting section nine and by inserting in lieu thereof the following section :— Subst. sec. 9.

15 9. (1) The occupier of any land upon which stock are depasturing, or the owner of any stock, or in the case of travelling stock the person in charge of the stock, shall, subject to subsection four of this section, give written notice in accordance with subsection three of this section within a period of forty-eight hours after it first comes to his knowledge that any of the stock are diseased. Occupier, etc., to give notice.

20 (2) Subject to subsection four of this section, every veterinary surgeon who examines or is consulted with respect to any stock, and any other person who, in the practice of veterinary science, attends or is consulted with respect to any stock shall, if he is of opinion or suspects that any of the stock is diseased, give written notice in accordance with subsection three of this section within a period of forty-eight hours after he examined or attended the stock or was consulted with respect to the stock.

30 (3) Every written notice referred to in subsection one or two of this section shall be in or to the effect of the prescribed form and shall be given to—

35 (a) a ranger employed by the pastures protection board, within the meaning of the Pastures Protection Act, 1934, as amended by subsequent Acts, for the pastures protection district in which the stock are then located;

(b)

Stock Diseases (Amendment).

(b) a veterinary inspector within the meaning of that Act, as so amended, for that district; or

5 (c) an inspector for the time being holding the office of district veterinary officer of the Department of Agriculture for the district in which the stock are then located.

(4) Where in any particular case it is impracticable for any such occupier, owner, person in charge, veterinary surgeon or other person to give such written notice within such period of forty-eight hours, it shall be a sufficient compliance with the provisions of subsection one or two of this section, as the case may be, if he gives to any such ranger, veterinary inspector or inspector verbal notice of the disease or suspected disease within such period and confirms it in such written form—

15 (a) in the case of an occupier, owner or person in charge, within five days; or

20 (b) in the case of a veterinary surgeon or other person, within ten days,

after the expiration of such period.

(5) An occupier, owner or person in charge referred to in subsection one of this section shall, so far as is practicable, cause any diseased stock to be drafted out and kept separate from stock which are not diseased.

30 (6) Proceedings against a person for a contravention of any of the provisions of this section may be instituted under this Act at any time within twelve months after the date on which the offence was committed.

(g) by inserting next after section ten the following new section :—

35 10A. (1) The Governor may by proclamation published in the Gazette declare any land therein described to be a special quarantine area on account of

New sec. 10A.
Declaration of special quarantine areas.

Stock Diseases (Amendment).

of the presence or suspected presence of any special disease, and may by a like proclamation suspend or extend for any period or annul any such proclamation.

5 (2) The provisions of this Act and the regulations relating to quarantine areas apply to and in respect of special quarantine areas as if they had been declared to be quarantine areas.

10 (h) by omitting from subsection one of section 11B the words "or animal products" and by inserting in lieu thereof the words "animal products or anything which in the opinion of the Governor is likely to introduce disease"; Sec. 11B. (Protection against importation of diseased stock, etc.)

15 (i) by inserting in subsection one of section thirteen after the words "quarantine area" the words "or a protected area"; Sec. 13. (Power to order fencing.)

20 (j) (i) by omitting from subsection four of section fourteen the word "directed" and by inserting in lieu thereof the words "in a quarantine area or protected area or is required"; Sec. 14. (Quarantine.)

(ii) by inserting in subsection five of the same section after the word "area" wherever occurring the words "or protected area";

25 (iii) by omitting from the same subsection the word "regulations" and by inserting in lieu thereof the word "provisions";

(iv) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

30 (6) The Minister may by a like notification direct that any or all stock within a quarantine area or protected area or within some specified part of a quarantine area or
35 prophylactic or curative methods for the disease or suspected disease in respect of which
the

Stock Diseases (Amendment).

5 the quarantine is imposed or the protected area is declared, whether the stock are diseased or infected or not, and in any such notification the Minister may also direct that any or all of such stock shall be submitted, at a specified time or at specified intervals, to any specified test or tests for any disease or suspected disease.

10 (k) (i) by inserting in paragraph (a) of subsection two of section seventeen after the words "quarantine area" the words "or protected area"; Sec. 17. (Power to order destruction.)

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

15 (3) The provisions of this section do not apply in respect of any stock or property which may be destroyed under section 17A of this Act.

20 (l) by inserting next after section seventeen the following new sections :— New secs. 17A-17I.

17A. (1) An inspector who is a veterinary surgeon and is authorised in writing by the Minister to do so may— Inspectors' powers to destroy stock or property in certain circumstances.

25 (a) destroy or cause to be destroyed any stock which are infected, or suspected by him to be infected, with a special disease;

30 (b) destroy or cause to be destroyed any other property, not being a building, which in the opinion of the inspector is or may have been contaminated by a special disease; or

(c) destroy or cause to be destroyed any building, not being a building used for residential purposes, which in the opinion of the inspector cannot be effectively disinfected.

(2)

Stock Diseases (Amendment).

(2) An authority given under subsection one of this section—

- 5 (a) for an inspector to exercise the powers conferred by paragraph (a) or (b) of that subsection may be general or apply in respect of any specified stock or property or class of stock or property or may be limited as to time, place or circumstances; and
- 10 (b) for an inspector to exercise the powers conferred by paragraph (c) of that subsection shall be limited to a specified building or to specified buildings.

15 17B. (1) There shall be established in the Special Deposits Account in the Treasury a Foot and Mouth Disease Eradication Fund into which shall be paid—

- 20 (a) moneys payable to the State of New South Wales by any other State of the Commonwealth of Australia or by the Commonwealth of Australia in accordance with any arrangement made, whether before or after the commencement of this section, between the State of New South Wales and such other States and the Commonwealth of Australia, or any of them;
- 25 (b) the proceeds of the sale of any goods and equipment purchased out of moneys standing to the credit of the Fund and any repayments of moneys paid out of the Fund;
- 30 (c) any gifts made for payment into the Fund;
- (d) all moneys appropriated by Parliament for payment into the Fund; and
- (e) any moneys from time to time advanced by the Treasurer for payment into the Fund.

35 (2) The Fund shall be applied to the following purposes, that is to say : —

- (a) the payment of expenses directly connected with the control or eradication of any special

Stock Diseases (Amendment).

special disease, except the salaries or wages of officers or employees of the State of New South Wales who are or would be employed irrespective of any outbreak of a special disease;

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(b) compensation payable under this Act and all costs and expenses incidental to determining the compensation so payable; and

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(c) the repayment to the Treasurer of any moneys referred to in paragraph (e) of subsection one of this section.

15

(3) The Treasurer may, at any time, direct, with respect to any moneys standing to the credit of the Fund that are not required for the purposes of the Fund, that those moneys be paid out of the Fund and divided among the State of New South Wales and the other States and the Commonwealth of Australia in such proportions as he determines having regard to the contributions made by the State of New South Wales and those other States and the Commonwealth of Australia to the Fund.

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(4) The share of the State of New South Wales in any moneys divided in accordance with subsection three of this section shall be paid to the credit of the Consolidated Revenue Fund.

17C. Compensation shall be paid as hereinafter in this Act provided to the owner of— Compensation.

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(a) any stock or property which is destroyed in pursuance of section 17A of this Act; and

(b) any stock which an inspector, who is a veterinary surgeon, certifies has died of a special disease.

17D.

Stock Diseases (Amendment).

17D. (1) Such compensation shall—

Persons to whom compensation payable.

(a) where there is only one owner of the stock or property—be paid to the owner; or

5 (b) where there is more than one owner of the stock or property—be divided among those owners in accordance with their interests in the stock or property at the time of its destruction or death.

10 (2) In this section, “owner” in relation to any stock or other property that has been destroyed or stock that has otherwise died, means a person who, or partnership which, had an interest in the stock or other property at the time of its destruction or death, but does not include the holder of a mortgage, lien or charge over the stock or other
15 property who was not in possession at that time.

17E. (1) No such compensation shall be payable in respect of any stock or property that has been destroyed or stock that has otherwise
20 died unless within ninety days after the destruction or death, as the case may be, a claim for compensation is lodged in the prescribed form and manner giving the prescribed particulars and the claim is verified as prescribed :

25 Provided that in any case where the application is made after the expiration of that period the Minister may authorise the payment of the whole or portion of the compensation if he is satisfied that reasonable grounds existed for the delay in
30 making the application.

(2) Where—

(a) any stock or property is moved into, within or out of a special quarantine area in contravention of any provision made by this
35 Act or the regulations; or

(b)

Stock Diseases (Amendment).

5 (b) any stock is bought by a person, such person, in the opinion of the Minister, knowing or having reasonable cause to suspect that such stock was infected with a special disease,

10 the Minister may, notwithstanding any other provision of this Act, determine that no compensation or that compensation not exceeding such amount as is determined by the Minister, shall be paid in respect of the destruction of that stock or property or the death, otherwise than by destruction, of that stock.

15 17F. (1) Such compensation shall, subject as hereinafter in this Act provided, be— Basis of compensation.

(a) in the case of stock—

20 (i) where the stock destroyed or the dead stock was infected by a special disease, the market value of such stock immediately before it became so infected;

(ii) in every other case, the market value of the stock immediately before it was destroyed;

25 (b) in the case of property, its market value at the time it was destroyed.

30 (2) In determining the compensation to be paid no allowance shall be made for loss of profit, loss occasioned by breach of contract, loss of production or any other consequential loss whatsoever.

35 (3) For the purpose of calculating the market value of the stock or property, that value shall be calculated upon a sale at the place where the stock or property was when it was destroyed or where the stock was when it otherwise died.

(4)

Stock Diseases (Amendment).

5 (4) Notwithstanding the provisions of any other Act, no compensation shall be paid 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.

17G. (1) The market value of any stock or property in respect of which compensation is payable under this Act shall be— Mode of valuation.

- 10 (a) such amount as is agreed upon by the Minister and the claimant; or
- (b) where such amount has not been so agreed upon, such amount as is fixed by a valuer appointed for the purpose jointly by the Minister and the claimant; or
- 15 (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) of this subsection, such amount as is fixed by a District Court Judge having jurisdiction in the district in which the destruction of the stock or property occurred or the stock otherwise died, as the case may be, upon an application made to that Judge in accordance with and within the time prescribed by the rules of court made for the purposes of this subsection.
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30 (2) Where a District Court Judge fixes the market value of any stock or property pursuant to paragraph (c) of subsection one of this section, that Judge may make such order as to the payment by the Minister of the amount so fixed as he deems fit.

35 17H. Where, after the commencement of this section, a person has, within the period of two years next preceding the date of his application for compensation under this Act, been convicted of Claim by convicted person.
an

Stock Diseases (Amendment).

an offence against this Act by reason of an act or omission as a result of which 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, the Minister may direct that the whole, or such part, as the Minister thinks fit, of the compensation to which that person would, but for this section, be entitled shall not be paid and any such direction shall have effect according to its tenor.

171. Any person who, with intent to mislead or defraud the Crown for the purpose of obtaining compensation for himself or any other person under this Act, knowingly makes a statement which is in any respect false or misleading or who practises or is concerned in any fraudulent act shall be guilty of an offence and upon summary conviction shall be liable to a penalty not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(m) by inserting in subsection one of section eighteen after the words "Act, and" the words "whether or not he has been convicted of that offence";

Sec. 18.
(Proceedings in default of compliance.)

(n) (i) by inserting in paragraph (a) of section twenty after the words "quarantine area" the words "or protected area";

Sec. 20.
(Offences.)

(ii) by omitting from paragraph (e) of the same section the words "or within such area" and by inserting in lieu thereof the words "or protected area or within any such area";

(iii) by omitting from the same section the words "shall be liable" and by inserting in lieu thereof the words "shall, subject to subsection two of this section, be liable";

(iv)

Stock Diseases (Amendment).

- (iv) by inserting at the end of the same section the following new subsection :—
- (2) Where any offence under subsection one of this section arises out of any act done or omitted to be done in a special quarantine area, or is committed in relation to stock infected with a special disease, or in relation to a special disease, the person committing the offence shall be liable to a penalty not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.
- (o) (i) by inserting in paragraph (b) of subsection one of section twenty-three after the words "quarantine area" the words "or protected area"; Sec. 23. (Power to make regulations.)
- (ii) by inserting in paragraph (e) of the same subsection after the word "use" the words ", manufacture, testing or distribution";
- (iii) by inserting in paragraph (j) of the same subsection after the words "a quarantine area" the words "or protected area";
- (iv) by omitting paragraph (l) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (1) provide for the examination, testing and treatment of any stock or class of stock within a quarantine area or protected area or any part of any such area;
- (v) by inserting next after paragraph (q) of the same subsection the following new paragraphs :—
- (r) prohibit or regulate the taking from stock of specimens and regulate the removal or dispatch of specimens taken from stock;
- (s)

Stock Diseases (Amendment).

- (s) prohibit or regulate the feeding to stock of food refuse of any kind and of any material or substance capable of harbouring any agent causing disease;
- 5 (t) prohibit or regulate the movement of any stock which have been vaccinated or inoculated or treated in respect of any disease;
- 10 (u) require any claim for compensation under this Act to be verified by statutory declaration.
- (vi) by inserting next after subsection (1A) of the same section the following new subsections :—
- 15 (1B) Without limiting the generality of subsection one of this section, the Governor may make regulations for or with respect to the destruction of wild animals and birds in special quarantine areas.
- 20 (1C) Regulations may be made so as to differ in their application according to time, place or circumstances.
- (vii) by inserting next after subsection three of the same section the following new subsection :—
- 25 (3A) Notwithstanding the provisions of subsection three of this section, the regulations may impose in respect of any offence under the regulations—
- 30 (a) arising out of any act done or omitted to be done in a special quarantine area; or
- (b) committed in relation to stock infected with or anything contaminated by a special disease; or
- (c)

Stock Diseases (Amendment).

(c) relating to a special disease,
a penalty not exceeding five hundred dollars
or imprisonment for a term not exceeding
three months or to both such penalty and
imprisonment.

5

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966
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CHICAGO, ILL.

No. , 1966.

A BILL

To make further provisions with respect to the control of diseases in stock; to establish a Foot and Mouth Disease Eradication Fund and to provide for the payment of compensation from that fund in certain circumstances; for these purposes to amend the Stock Diseases Act, 1923, as amended by subsequent Acts, and certain other Acts; and for purposes connected therewith.

[MR. CHAFFEY;—29 *March*, 1966.]

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 :—

1. (1) This Act may be cited as the "Stock Diseases (Amendment) Act, 1966".

(2)

Short title
and
citation.

Stock Diseases (Amendment).

(2) The Stock Diseases Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Stock Diseases Act, 1923-1966.

2. The Stock Diseases Act, 1923-1965, is amended— Amendment
of Act No.
34, 1923.

5 (a) (i) by inserting in section three next after the definition of "Carcass" the following new definition :— Sec. 3.
(Defini-
tions.)

10 "Chief of the Division of Animal Industry" means the Chief of the Division of Animal Industry of the Department of Agriculture.

(ii) by inserting in the same section in the definition of "Fodder" after the word "corn" the words ", any type of stock food";

15 (iii) by inserting next after the same definition the following new definition :—

"Fund" means the Foot and Mouth Disease Eradication Fund established under section 17B of this Act.

20 (iv) by inserting in the same section next after the definition of "Infected" the following new definition :—

"Inspector" means inspector appointed under this Act.

25 (v) by inserting in the same section in the definition of "Occupier" after the word "superintendent" the words "or otherwise";

30 (vi) by inserting in the same section next after the definition of "Regulations" the following new definition :—

35 "Special disease" means foot and mouth disease, vesicular exanthema, vesicular stomatitis or any other disease declared to be a special disease under subsection two of section four of this Act. (vii)

Stock Diseases (Amendment).

- (vii) by inserting in the same section in the definition of "Stock" after the word "birds" the words "or any eggs of any birds";
- 5 (viii) by inserting in the same section next after the definition of "Travelling stock" the following new definition :—
- "Veterinary surgeon" means a person registered as a veterinary surgeon under the Veterinary Surgeons Act, 10 1923, as amended by subsequent Acts.
- (b) by inserting at the end of section four the following new subsection :—
- (2) The Governor may, by the same or a subsequent proclamation published in the Gazette, 15 declare that any disease therein specified shall be a special disease in respect of which the provisions of this Act applicable to special diseases or such of those provisions as may be specified in the proclamation shall apply.
- 20
- (c) (i) by omitting from section seven the words "Any inspector" and by inserting in lieu thereof the words "Notwithstanding the provisions of any other Act, any inspector";
- (ii) by inserting in paragraph (a) of the same section after the words "or carcass" the words "or fodder or fittings";
- 25
- (iii) by inserting in paragraph (b) of the same section after the word "straying," the words "or any fodder or fittings which are contaminated with disease or which he suspects to be so contaminated,";
- 30
- (iv) by inserting in the same paragraph after the word "stock" where thirdly and fourthly occurring the words ", carcass, fodder or fittings";
- 35
- (v)

Sec. 4.
(Diseases may be proclaimed.)

Sec. 7.
(Powers of inspectors.)

Stock Diseases (Amendment).

- (v) by inserting next after the same paragraph the following new paragraph :—
- 5 (bi) cause any stock to be tested for any disease or take from any stock or carcass a specimen of any kind;
- (vi) by inserting in paragraph (c) of the same section after the words “or treatment” the words “or of enabling the inspector to cause any or all of them to be tested for any disease or to take any specimens from them”;
- 10
- (vii) by inserting in paragraph (d) of the same section after the words “or treatment” where firstly occurring the words “or of enabling the inspector to cause any or all of them to be tested for any disease or to take any specimens from them,”;
- 15
- (viii) by inserting in the same paragraph after the words “or treatment” where secondly occurring the words “or test or to enable specimens to be taken from them,”;
- 20
- (d) (i) by omitting from section eight the words “When any stock” and by inserting in lieu thereof the words “Notwithstanding the provisions of any other Act, when any stock”;
- 25 (ii) by inserting in paragraph (b) of the same section after the word “therewith” the words “or any thing produced by or from the stock”;
- (iii) by inserting in subparagraph (i) of paragraph (d) of the same section after the word “stock” where secondly occurring the words “or any thing produced by or from the stock”;
- 30
- (iv) by omitting from paragraph (e) of the same section the words “or article” and by inserting in lieu thereof the words “article or thing”;
- (e)

Stock Diseases (Amendment).

- (e) by inserting next after section eight the following New sec. 8A.
new section :—

5 8A. Where an inspector may, under section seven Further
(paragraph (b) excepted) or eight of this Act, give powers of
an order to any person to do anything in a special inspectors
quarantine area, the inspector may, instead of giving in relation
such an order, do that thing with or without to special
assistants. quarantine
areas.

- 10 (f) by omitting section nine and by inserting in lieu Subst. sec. 9.
thereof the following section :—

15 9. (1) The occupier of any land upon which Occupier,
stock are depasturing, or the owner of any stock, etc., to give
or in the case of travelling stock the person in notice.
charge of the stock, shall, subject to subsection
four of this section, give written notice in accord-
ance with subsection three of this section within a
period of forty-eight hours after it first comes to
his knowledge that any of the stock are diseased.

20 (2) Subject to subsection four of this section,
every veterinary surgeon who examines or is con-
sulted with respect to any stock, and any other
person who, in the practice of veterinary science,
attends or is consulted with respect to any stock
25 shall, if he is of opinion or suspects that any of
the stock is diseased, give written notice in
accordance with subsection three of this section
within a period of forty-eight hours after he
examined or attended the stock or was consulted
with respect to the stock.

30 (3) Every written notice referred to in
subsection one or two of this section shall be in
or to the effect of the prescribed form and shall
be given to—

35 (a) a ranger employed by the pastures protec-
tion board, within the meaning of the
Pastures Protection Act, 1934, as amended
by subsequent Acts, for the pastures
protection district in which the stock are
then located;

(b)

Stock Diseases (Amendment).

(b) a veterinary inspector within the meaning of that Act, as so amended, for that district; or

5

(c) an inspector for the time being holding the office of district veterinary officer of the Department of Agriculture for the district in which the stock are then located.

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(4) Where in any particular case it is impracticable for any such occupier, owner, person in charge, veterinary surgeon or other person to give such written notice within such period of forty-eight hours, it shall be a sufficient compliance with the provisions of subsection one or two of this section, as the case may be, if he gives to any such ranger, veterinary inspector or inspector verbal notice of the disease or suspected disease within such period and confirms it in such written form—

15

(a) in the case of an occupier, owner or person in charge, within five days; or

20

(b) in the case of a veterinary surgeon or other person, within ten days,

after the expiration of such period.

25

(5) An occupier, owner or person in charge referred to in subsection one of this section shall, so far as is practicable, cause any diseased stock to be drafted out and kept separate from stock which are not diseased.

30

(6) Proceedings against a person for a contravention of any of the provisions of this section may be instituted under this Act at any time within twelve months after the date on which the offence was committed.

(g) by inserting next after section ten the following New sec. 10A.
new section :—

35

10A. (1) The Governor may by proclamation published in the Gazette declare any land therein described to be a special quarantine area on account of Declaration of special quarantine areas.

Stock Diseases (Amendment).

of the presence or suspected presence of any special disease, and may by a like proclamation suspend or extend for any period or annul any such proclamation.

- 5 (2) The provisions of this Act and the regulations relating to quarantine areas apply to and in respect of special quarantine areas as if they had been declared to be quarantine areas.
- 10 (h) by omitting from subsection one of section 11B the words "or animal products" and by inserting in lieu thereof the words "animal products or anything which in the opinion of the Governor is likely to introduce disease"; Sec. 11B. (Protection against importation of diseased stock, etc.)
- 15 (i) by inserting in subsection one of section thirteen after the words "quarantine area" the words "or a protected area"; Sec. 13. (Power to order fencing.)
- 20 (j) (i) by omitting from subsection four of section fourteen the word "directed" and by inserting in lieu thereof the words "in a quarantine area or protected area or is required"; Sec. 14. (Quarantine.)
- (ii) by inserting in subsection five of the same section after the word "area" wherever occurring the words "or protected area";
- 25 (iii) by omitting from the same subsection the word "regulations" and by inserting in lieu thereof the word "provisions";
- (iv) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—
- 30 (6) The Minister may by a like notification direct that any or all stock within a quarantine area or protected area or within some specified part of a quarantine area or protected area shall be treated by prophylactic or curative methods for the disease
- 35 or suspected disease in respect of which the

Stock Diseases (Amendment).

5 the quarantine is imposed or the protected area is declared, whether the stock are diseased or infected or not, and in any such notification the Minister may also direct that any or all of such stock shall be submitted, at a specified time or at specified intervals, to any specified test or tests for any disease or suspected disease.

10 (k) (i) by inserting in paragraph (a) of subsection Sec. 17. two of section seventeen after the words (Power to "quarantine area" the words "or protected order destruction.) area";

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

15 (3) The provisions of this section do not apply in respect of any stock or property which may be destroyed under section 17A of this Act.

20 (l) by inserting next after section seventeen the follow- New secs. ing new sections : — 17A-17I.

17A. (1) An inspector who is a veterinary Inspectors' powers to destroy stock or property in certain circumstances. surgeon and is authorised in writing by the Minister to do so may—

25 (a) destroy or cause to be destroyed any stock which are infected, or suspected by him to be infected, with a special disease;

(b) destroy or cause to be destroyed any other property, not being a building, which in the opinion of the inspector is or may have been contaminated by a special disease; or

30

(c) destroy or cause to be destroyed any building, not being a building used for residential purposes, which in the opinion of the inspector cannot be effectively disinfected.

(2)

Stock Diseases (Amendment).

(2) An authority given under subsection one of this section—

- 5 (a) for an inspector to exercise the powers conferred by paragraph (a) or (b) of that subsection may be general or apply in respect of any specified stock or property or class of stock or property or may be limited as to time, place or circumstances; and
- 10 (b) for an inspector to exercise the powers conferred by paragraph (c) of that subsection shall be limited to a specified building or to specified buildings.

15 17B. (1) There shall be established in the Special Deposits Account in the Treasury a Foot and Mouth Disease Eradication Fund into which shall be paid—

- 20 (a) moneys payable to the State of New South Wales by any other State of the Commonwealth of Australia or by the Commonwealth of Australia in accordance with any arrangement made, whether before or after the commencement of this section, between the State of New South Wales and such other States and the Commonwealth of Australia, or any of them;
- 25 (b) the proceeds of the sale of any goods and equipment purchased out of moneys standing to the credit of the Fund and any repayments of moneys paid out of the Fund;
- 30 (c) any gifts made for payment into the Fund;
- (d) all moneys appropriated by Parliament for payment into the Fund; and
- (e) any moneys from time to time advanced by the Treasurer for payment into the Fund.

35 (2) The Fund shall be applied to the following purposes, that is to say :—

- (a) the payment of expenses directly connected with the control or eradication of any special

Stock Diseases (Amendment).

- 5 special disease, except the salaries or wages of officers or employees of the State of New South Wales who are or would be employed irrespective of any outbreak of a special disease;
- (b) compensation payable under this Act and all costs and expenses incidental to determining the compensation so payable; and
- 10 (c) the repayment to the Treasurer of any moneys referred to in paragraph (e) of subsection one of this section.
- (3) The Treasurer may, at any time, direct, with respect to any moneys standing to the credit of the Fund that are not required for the purposes of the Fund, that those moneys be paid out of the Fund and divided among the State of New South Wales and the other States and the Commonwealth of Australia in such proportions as he determines having regard to the contributions made by the State of New South Wales and those other States and the Commonwealth of Australia to the Fund.
- 15
- (4) The share of the State of New South Wales in any moneys divided in accordance with subsection three of this section shall be paid to the credit of the Consolidated Revenue Fund.
- 20
- 25
- 17C. Compensation shall be paid as hereinafter in this Act provided to the owner of— Compensation.
- 30 (a) any stock or property which is destroyed in pursuance of section 17A of this Act; and
- (b) any stock which an inspector, who is a veterinary surgeon, certifies has died of a special disease.

17D.

Stock Diseases (Amendment).

17D. (1) Such compensation shall—

Persons to whom compensation payable.

(a) where there is only one owner of the stock or property—be paid to the owner; or

5 (b) where there is more than one owner of the stock or property—be divided among those owners in accordance with their interests in the stock or property at the time of its destruction or death.

10 (2) In this section, “owner” in relation to any stock or other property that has been destroyed or stock that has otherwise died, means a person who, or partnership which, had an interest in the stock or other property at the time of its destruction or death, but does not include the holder of a mortgage, lien or charge over the stock or other
15 property who was not in possession at that time.

17E. (1) No such compensation shall be Claims.
payable in respect of any stock or property that has been destroyed or stock that has otherwise
20 died unless within ninety days after the destruction or death, as the case may be, a claim for compensation is lodged in the prescribed form and manner giving the prescribed particulars and the claim is verified as prescribed :

25 Provided that in any case where the application is made after the expiration of that period the Minister may authorise the payment of the whole or portion of the compensation if he is satisfied that reasonable grounds existed for the delay in
30 making the application.

(2) Where—

(a) any stock or property is moved into, within or out of a special quarantine area in contravention of any provision made by this
35 Act or the regulations; or

(b)

Stock Diseases (Amendment).

5 (b) any stock is bought by a person, such person, in the opinion of the Minister, knowing or having reasonable cause to suspect that such stock was infected with a special disease,

10 the Minister may, notwithstanding any other provision of this Act, determine that no compensation or that compensation not exceeding such amount as is determined by the Minister, shall be paid in respect of the destruction of that stock or property or the death, otherwise than by destruction, of that stock.

15 17F. (1) Such compensation shall, subject as hereinafter in this Act provided, be— Basis of compensation.

(a) in the case of stock—

20 (i) where the stock destroyed or the dead stock was infected by a special disease, the market value of such stock immediately before it became so infected;

(ii) in every other case, the market value of the stock immediately before it was destroyed;

25 (b) in the case of property, its market value at the time it was destroyed.

30 (2) In determining the compensation to be paid no allowance shall be made for loss of profit, loss occasioned by breach of contract, loss of production or any other consequential loss whatsoever.

35 (3) For the purpose of calculating the market value of the stock or property, that value shall be calculated upon a sale at the place where the stock or property was when it was destroyed or where the stock was when it otherwise died.

(4)

Stock Diseases (Amendment).

5 (4) Notwithstanding the provisions of any other Act, no compensation shall be paid 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.

17G. (1) The market value of any stock or property in respect of which compensation is payable under this Act shall be— Mode of valuation.

10 (a) such amount as is agreed upon by the Minister and the claimant; or

(b) where such amount has not been so agreed upon, such amount as is fixed by a valuer appointed for the purpose jointly by the Minister and the claimant; or

15 (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) of this subsection, such amount as is fixed by a District Court Judge having jurisdiction in the district in which the destruction of the stock or property occurred or the stock otherwise died, as the case may be, upon an application made to that Judge in accordance with and within the time prescribed by the rules of court made for the purposes of this subsection.

20 (2) Where a District Court Judge fixes the market value of any stock or property pursuant to paragraph (c) of subsection one of this section, that Judge may make such order as to the payment by the Minister of the amount so fixed as he deems fit.

25 35 17H. Where, after the commencement of this section, a person has, within the period of two years next preceding the date of his application for compensation under this Act, been convicted of Claim by convicted person.

an

Stock Diseases (Amendment).

5 an offence against this Act by reason of an act or
omission as a result of which 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 contamina-
tion, with such a disease, the Minister may direct
that the whole, or such part, as the Minister thinks
fit, of the compensation to which that person would,
but for this section, be entitled shall not be paid
10 and any such direction shall have effect according
to its tenor.

171. Any person who, with intent to mislead
or defraud the Crown for the purpose of obtaining
compensation for himself or any other person under
this Act, knowingly makes a statement which is
15 in any respect false or misleading or who practises
or is concerned in any fraudulent act shall be
guilty of an offence and upon summary conviction
shall be liable to a penalty not exceeding one
thousand dollars or to imprisonment for a term
20 not exceeding six months or to both such penalty
and imprisonment.

(m) by inserting in subsection one of section eighteen
after the words "Act, and" the words "whether or
25 not he has been convicted of that offence";

Sec. 18.
(Proceed-
ings in
default of
compliance.)

(n) (i) by inserting in paragraph (a) of section twenty
after the words "quarantine area" the words
30 "or protected area";

Sec. 20.
(Offences.)

(ii) by omitting from paragraph (e) of the same
section the words "or within such area" and
by inserting in lieu thereof the words "or
protected area or within any such area";

(iii) by omitting from the same section the words
"shall be liable" and by inserting in lieu
35 thereof the words "shall, subject to subsection
two of this section, be liable";

(iv)

Stock Diseases (Amendment).

- (iv) by inserting at the end of the same section the following new subsection : —
- 5 (2) Where any offence under subsection one of this section arises out of any act done or omitted to be done in a special quarantine area, or is committed in relation to stock infected with a special disease, or in relation to a special disease, the person committing the offence shall be liable to a penalty not exceeding 10 one thousand dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.
- 15 (o) (i) by inserting in paragraph (b) of subsection one of section twenty-three after the words “quarantine area” the words “or protected area”; Sec. 23. (Power to make regulations.)
- (ii) by inserting in paragraph (e) of the same subsection after the word “use” the words “, manufacture, testing or distribution”;
- 20 (iii) by inserting in paragraph (j) of the same subsection after the words “a quarantine area” the words “or protected area”;
- (iv) by omitting paragraph (l) of the same subsection and by inserting in lieu thereof the following paragraph : —
- 25 (1) provide for the examination, testing and treatment of any stock or class of stock within a quarantine area or protected area or any part of any such area;
- 30 (v) by inserting next after paragraph (q) of the same subsection the following new paragraphs : —
- 35 (r) prohibit or regulate the taking from stock of specimens and regulate the removal or dispatch of specimens taken from stock;
- (s)

Stock Diseases (Amendment).

- (s) prohibit or regulate the feeding to stock of food refuse of any kind and of any material or substance capable of harbouring any agent causing disease;
- 5 (t) prohibit or regulate the movement of any stock which have been vaccinated or inoculated or treated in respect of any disease;
- 10 (u) require any claim for compensation under this Act to be verified by statutory declaration.
- (vi) by inserting next after subsection (1A) of the same section the following new subsections :—
- 15 (1B) Without limiting the generality of subsection one of this section, the Governor may make regulations for or with respect to the destruction of wild animals and birds in special quarantine areas.
- 20 (1C) Regulations may be made so as to differ in their application according to time, place or circumstances.
- (vii) by inserting next after subsection three of the same section the following new subsection :—
- 25 (3A) Notwithstanding the provisions of subsection three of this section, the regulations may impose in respect of any offence under the regulations—
- 30 (a) arising out of any act done or omitted to be done in a special quarantine area; or
- (b) committed in relation to stock infected with or anything contaminated by a special disease; or
- (c)

Stock Diseases (Amendment).

5

(c) relating to a special disease,
a penalty not exceeding five hundred dollars
or imprisonment for a term not exceeding
three months or to both such penalty and
imprisonment.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966
[15c]

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RECEIVED
JAN 15 1964

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STOCK DISEASES (AMENDMENT) BILL, 1966.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to confer upon inspectors under the Stock Diseases Act, 1923, as amended by subsequent Acts (hereinafter referred to as the Principal Act) additional powers, including powers to cause any stock to be tested for any disease or to take from any stock or carcass specimens;
- (b) to extend section nine of the Principal Act so as to require occupiers of land, owners of stock, persons in charge of travelling stock, veterinary surgeons and certain other persons to give notice of the presence or suspected presence of disease in stock;
- (c) to empower the Governor to declare any land to be a special quarantine area on account of the presence or suspected presence of foot and mouth disease, vesicular exanthema, vesicular stomatitis or certain other proclaimed diseases (in the Bill referred to as special diseases);
- (d) to extend the application of certain provisions of the Principal Act relating to quarantine areas to protected areas notified under section 11A of the Principal Act;
- (e) to extend the Minister's powers with respect to directing the treatment and testing of stock for a disease or suspected disease in respect of which a quarantine is imposed or a protected area is declared;
- (f) to enable an inspector to be authorised by the Governor to exercise, within a protected area as well as a quarantine area, the Minister's powers to order the destruction of any infected stock or carcass or the produce of infected stock or any fodder or article used in connection with infected stock;
- (g) to empower an inspector who is a veterinary surgeon and who is authorised by the Minister to do so to destroy or cause to be destroyed any stock infected or suspected to be infected with a special disease and certain property contaminated by such a disease;
- (h) to establish a Foot and Mouth Disease Eradication Fund and to provide for the payment of compensation out of that Fund to any person whose stock or property is destroyed pursuant to the power referred to in paragraph (g) above;
- (i) to impose higher penalties for offences arising out of any act done or omitted to be done in a special quarantine area, or committed in relation to stock infected with a special disease or in relation to a special disease;
- (j) to enable regulations to be made with respect to—
 - (i) the manufacture, testing and distribution of vaccines, sera and diagnostic agents;
 - (ii) specimens from stock;
 - (iii) feeding food refuse and certain other substances to stock;
 - (iv) the movement of stock which have been vaccinated or inoculated or treated in respect of any disease;
 - (v) the destruction of wild animals and birds in special quarantine areas;
- (k) to make other amendments of a minor, consequential or ancillary character.

No. , 1966.

A BILL

To make further provisions with respect to the control of diseases in stock; to establish a Foot and Mouth Disease Eradication Fund and to provide for the payment of compensation from that fund in certain circumstances; for these purposes to amend the Stock Diseases Act, 1923, as amended by subsequent Acts, and certain other Acts; and for purposes connected therewith.

[MR. CHAFFEY;—29 March, 1966.]

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:—

1. (1) This Act may be cited as the "Stock Diseases (Amendment) Act, 1966".

Short title and citation.

(2)

Stock Diseases (Amendment).

(2) The Stock Diseases Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Stock Diseases Act, 1923-1966.

2. The Stock Diseases Act, 1923-1965, is amended— Amendment
of Act No.
34, 1923.

- 5 (a) (i) by inserting in section three next after the definition of "Carcass" the following new definition :— Sec. 3.
(Defini-
tions.)
- "Chief of the Division of Animal Industry"
means the Chief of the Division of
10 Animal Industry of the Department of
Agriculture.
- (ii) by inserting in the same section in the defini-
tion of "Fodder" after the word "corn" the
words ", any type of stock food";
- 15 (iii) by inserting next after the same definition the
following new definition :—
- "Fund" means the Foot and Mouth Disease
Eradication Fund established under
section 17B of this Act.
- 20 (iv) by inserting in the same section next after
the definition of "Infected" the following
new definition :—
- "Inspector" means inspector appointed
under this Act.
- 25 (v) by inserting in the same section in the defini-
tion of "Occupier" after the word "superin-
tendent" the words "or otherwise";
- (vi) by inserting in the same section next after
the definition of "Regulations" the following
30 new definition :—
- "Special disease" means foot and mouth
disease, vesicular exanthema, vesicular
stomatitis or any other disease
declared to be a special disease under
subsection two of section four of this
35 Act. (vii)

Stock Diseases (Amendment).

- (vii) by inserting in the same section in the definition of "Stock" after the word "birds" the words "or any eggs of any birds";
- 5 (viii) by inserting in the same section next after the definition of "Travelling stock" the following new definition :—
- "Veterinary surgeon" means a person registered as a veterinary surgeon under the Veterinary Surgeons Act, 10 1923, as amended by subsequent Acts.
- (b) by inserting at the end of section four the following new subsection :—
- (2) The Governor may, by the same or a 15 subsequent proclamation published in the Gazette, declare that any disease therein specified shall be a special disease in respect of which the provisions of this Act applicable to special diseases or such of those provisions as may be specified in the 20 proclamation shall apply.
- (c) (i) by omitting from section seven the words "Any inspector" and by inserting in lieu thereof the words "Notwithstanding the provisions of any other Act, any inspector";
- 25 (ii) by inserting in paragraph (a) of the same section after the words "or carcass" the words "or fodder or fittings";
- 30 (iii) by inserting in paragraph (b) of the same section after the word "straying," the words "or any fodder or fittings which are contaminated with disease or which he suspects to be so contaminated,";
- 35 (iv) by inserting in the same paragraph after the word "stock" where thirdly and fourthly occurring the words ", carcass, fodder or fittings";
- (v)

Sec. 4.
(Diseases
may be
proclaimed.)

Sec. 7.
(Powers of
inspectors.)

Stock Diseases (Amendment).

- (e) by inserting next after section eight the following New sec. 8A.
new section :—

5 8A. Where an inspector may, under section seven Further powers of inspectors in relation to special quarantine areas.
(paragraph (b) excepted) or eight of this Act, give an order to any person to do anything in a special quarantine area, the inspector may, instead of giving such an order, do that thing with or without assistants.

- 10 (f) by omitting section nine and by inserting in lieu Subst. sec. 9.
thereof the following section :—

15 9. (1) The occupier of any land upon which Occupier, etc., to give notice.
stock are depasturing, or the owner of any stock, or in the case of travelling stock the person in charge of the stock, shall, subject to subsection four of this section, give written notice in accordance with subsection three of this section within a period of forty-eight hours after it first comes to his knowledge that any of the stock are diseased.

20 (2) Subject to subsection four of this section, every veterinary surgeon who examines or is consulted with respect to any stock, and any other person who, in the practice of veterinary science, attends or is consulted with respect to any stock shall, if he is of opinion or suspects that any of the stock is diseased, give written notice in accordance with subsection three of this section within a period of forty-eight hours after he examined or attended the stock or was consulted with respect to the stock.

30 (3) Every written notice referred to in subsection one or two of this section shall be in or to the effect of the prescribed form and shall be given to—

35 (a) a ranger employed by the pastures protection board, within the meaning of the Pastures Protection Act, 1934, as amended by subsequent Acts, for the pastures protection district in which the stock are then located;

(b)

Stock Diseases (Amendment).

(b) a veterinary inspector within the meaning of that Act, as so amended, for that district; or

5 (c) an inspector for the time being holding the office of district veterinary officer of the Department of Agriculture for the district in which the stock are then located.

10 (4) Where in any particular case it is impracticable for any such occupier, owner, person in charge, veterinary surgeon or other person to give such written notice within such period of forty-eight hours, it shall be a sufficient compliance with the provisions of subsection one or two of this section, as the case may be, if he gives to any
15 such ranger, veterinary inspector or inspector verbal notice of the disease or suspected disease within such period and confirms it in such written form—

(a) in the case of an occupier, owner or person in charge, within five days; or

20 (b) in the case of a veterinary surgeon or other person, within ten days,

after the expiration of such period.

25 (5) An occupier, owner or person in charge referred to in subsection one of this section shall, so far as is practicable, cause any diseased stock to be drafted out and kept separate from stock which are not diseased.

30 (6) Proceedings against a person for a contravention of any of the provisions of this section may be instituted under this Act at any time within twelve months after the date on which the offence was committed.

(g) by inserting next after section ten the following new section :—

35 10A. (1) The Governor may by proclamation published in the Gazette declare any land therein described to be a special quarantine area on account

of

New sec.
10A.

Declaration
of special
quarantine
areas.

Stock Diseases (Amendment).

of the presence or suspected presence of any special disease, and may by a like proclamation suspend or extend for any period or annul any such proclamation.

- 5 (2) The provisions of this Act and the regulations relating to quarantine areas apply to and in respect of special quarantine areas as if they had been declared to be quarantine areas.
- 10 (h) by omitting from subsection one of section 11B the words "or animal products" and by inserting in lieu thereof the words "animal products or anything which in the opinion of the Governor is likely to introduce disease"; Sec. 11B. (Protection against importation of diseased stock, etc.)
- 15 (i) by inserting in subsection one of section thirteen after the words "quarantine area" the words "or a protected area"; Sec. 13. (Power to order fencing.)
- 20 (j) (i) by omitting from subsection four of section fourteen the word "directed" and by inserting in lieu thereof the words "in a quarantine area or protected area or is required"; Sec. 14. (Quarantine.)
- (ii) by inserting in subsection five of the same section after the word "area" wherever occurring the words "or protected area";
- 25 (iii) by omitting from the same subsection the word "regulations" and by inserting in lieu thereof the word "provisions";
- (iv) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—
- 30 (6) The Minister may by a like notification direct that any or all stock within a quarantine area or protected area or within some specified part of a quarantine area or protected area shall be treated by prophylactic or curative methods for the disease
- 35 or suspected disease in respect of which
the

Stock Diseases (Amendment).

the quarantine is imposed or the protected area is declared, whether the stock are diseased or infected or not, and in any such notification the Minister may also direct that any or all of such stock shall be submitted, at a specified time or at specified intervals, to any specified test or tests for any disease or suspected disease.

(k) (i) by inserting in paragraph (a) of subsection two of section seventeen after the words "quarantine area" the words "or protected area";

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

(3) The provisions of this section do not apply in respect of any stock or property which may be destroyed under section 17A of this Act.

(l) by inserting next after section seventeen the following new sections :—

17A. (1) An inspector who is a veterinary surgeon and is authorised in writing by the Minister to do so may—

(a) destroy or cause to be destroyed any stock which are infected, or suspected by him to be infected, with a special disease;

(b) destroy or cause to be destroyed any other property, not being a building, which in the opinion of the inspector is or may have been contaminated by a special disease; or

(c) destroy or cause to be destroyed any building, not being a building used for residential purposes, which in the opinion of the inspector cannot be effectively disinfected.

(2)

Stock Diseases (Amendment).

(2) An authority given under subsection one of this section—

5

(a) for an inspector to exercise the powers conferred by paragraph (a) or (b) of that subsection may be general or apply in respect of any specified stock or property or class of stock or property or may be limited as to time, place or circumstances; and

10

(b) for an inspector to exercise the powers conferred by paragraph (c) of that subsection shall be limited to a specified building or to specified buildings.

15

17B. (1) There shall be established in the Special Deposits Account in the Treasury a Foot and Mouth Disease Eradication Fund into which shall be paid—

20

(a) moneys payable to the State of New South Wales by any other State of the Commonwealth of Australia or by the Commonwealth of Australia in accordance with any arrangement made, whether before or after the commencement of this section, between the State of New South Wales and such other States and the Commonwealth of Australia, or any of them;

25

(b) the proceeds of the sale of any goods and equipment purchased out of moneys standing to the credit of the Fund and any repayments of moneys paid out of the Fund;

30

(c) any gifts made for payment into the Fund;

(d) all moneys appropriated by Parliament for payment into the Fund; and

(e) any moneys from time to time advanced by the Treasurer for payment into the Fund.

35

(2) The Fund shall be applied to the following purposes, that is to say :—

(a) the payment of expenses directly connected with the control or eradication of any special

Stock Diseases (Amendment).

5 special disease, except the salaries or wages of officers or employees of the State of New South Wales who are or would be employed irrespective of any outbreak of a special disease ;

(b) compensation payable under this Act and all costs and expenses incidental to determining the compensation so payable ; and

10 (c) the repayment to the Treasurer of any moneys referred to in paragraph (e) of subsection one of this section.

15 (3) The Treasurer may, at any time, direct, with respect to any moneys standing to the credit of the Fund that are not required for the purposes of the Fund, that those moneys be paid out of the Fund and divided among the State of New South Wales and the other States and the Commonwealth of Australia in such proportions as he determines having regard to the contributions made by the State of New South Wales and those other States and the Commonwealth of Australia to the Fund.

20 (4) The share of the State of New South Wales in any moneys divided in accordance with subsection three of this section shall be paid to the credit of the Consolidated Revenue Fund.

25 17C. Compensation shall be paid as hereinafter in this Act provided to the owner of— Compensation.

30 (a) any stock or property which is destroyed in pursuance of section 17A of this Act ; and

(b) any stock which an inspector, who is a veterinary surgeon, certifies has died of a special disease.

17D.

Stock Diseases (Amendment).

17D. (1) Such compensation shall—

Persons to whom compensation payable.

(a) where there is only one owner of the stock or property—be paid to the owner; or

(b) where there is more than one owner of the stock or property—be divided among those owners in accordance with their interests in the stock or property at the time of its destruction or death.

(2) In this section, “owner” in relation to any stock or other property that has been destroyed or stock that has otherwise died, means a person who, or partnership which, had an interest in the stock or other property at the time of its destruction or death, but does not include the holder of a mortgage, lien or charge over the stock or other property who was not in possession at that time.

17E. (1) No such compensation shall be payable in respect of any stock or property that has been destroyed or stock that has otherwise died unless within ninety days after the destruction or death, as the case may be, a claim for compensation is lodged in the prescribed form and manner giving the prescribed particulars and the claim is verified as prescribed :

Provided that in any case where the application is made after the expiration of that period the Minister may authorise the payment of the whole or portion of the compensation if he is satisfied that reasonable grounds existed for the delay in making the application.

(2) Where—

(a) any stock or property is moved into, within or out of a special quarantine area in contravention of any provision made by this Act or the regulations; or

(b)

Stock Diseases (Amendment).

5 (b) any stock is bought by a person, such person, in the opinion of the Minister, knowing or having reasonable cause to suspect that such stock was infected with a special disease,

10 the Minister may, notwithstanding any other provision of this Act, determine that no compensation or that compensation not exceeding such amount as is determined by the Minister, shall be paid in respect of the destruction of that stock or property or the death, otherwise than by destruction, of that stock.

15 17F. (1) Such compensation shall, subject as hereinafter in this Act provided, be— Basis of compensation.

(a) in the case of stock—

20 (i) where the stock destroyed or the dead stock was infected by a special disease, the market value of such stock immediately before it became so infected;

(ii) in every other case, the market value of the stock immediately before it was destroyed;

25 (b) in the case of property, its market value at the time it was destroyed.

30 (2) In determining the compensation to be paid no allowance shall be made for loss of profit, loss occasioned by breach of contract, loss of production or any other consequential loss whatsoever.

35 (3) For the purpose of calculating the market value of the stock or property, that value shall be calculated upon a sale at the place where the stock or property was when it was destroyed or where the stock was when it otherwise died.

(4)

Stock Diseases (Amendment).

5 (4) Notwithstanding the provisions of any other Act, no compensation shall be paid 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.

17G. (1) The market value of any stock or property in respect of which compensation is payable under this Act shall be— Mode of valuation.

10 (a) such amount as is agreed upon by the Minister and the claimant; or

(b) where such amount has not been so agreed upon, such amount as is fixed by a valuer appointed for the purpose jointly by the Minister and the claimant; or

15 (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) of this subsection, such amount as is fixed by a District Court Judge having jurisdiction in the district in which the destruction of the stock or property occurred or the stock otherwise died, as the case may be, upon an application made to that Judge in accordance with and within the time prescribed by the rules of court made for the purposes of this subsection.

30 (2) Where a District Court Judge fixes the market value of any stock or property pursuant to paragraph (c) of subsection one of this section, that Judge may make such order as to the payment by the Minister of the amount so fixed as he deems fit.

35 17H. Where, after the commencement of this section, a person has, within the period of two years next preceding the date of his application for compensation under this Act, been convicted of Claim by convicted person.
an

Stock Diseases (Amendment).

5 an offence against this Act by reason of an act or
omission as a result of which 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 contamina-
10 tion, with such a disease, the Minister may direct
that the whole, or such part, as the Minister thinks
fit, of the compensation to which that person would,
but for this section, be entitled shall not be paid
and any such direction shall have effect according
to its tenor.

15 17i. Any person who, with intent to mislead
or defraud the Crown for the purpose of obtaining
compensation for himself or any other person under
this Act, knowingly makes a statement which is
in any respect false or misleading or who practises
or is concerned in any fraudulent act shall be
guilty of an offence and upon summary conviction
20 shall be liable to a penalty not exceeding one
thousand dollars or to imprisonment for a term
not exceeding six months or to both such penalty
and imprisonment.

(m) by inserting in subsection one of section eighteen
after the words "Act, and" the words "whether or
25 not he has been convicted of that offence";

(n) (i) by inserting in paragraph (a) of section twenty
after the words "quarantine area" the words
"or protected area";

30 (ii) by omitting from paragraph (e) of the same
section the words "or within such area" and
by inserting in lieu thereof the words "or
protected area or within any such area";

35 (iii) by omitting from the same section the words
"shall be liable" and by inserting in lieu
thereof the words "shall, subject to subsection
two of this section, be liable";

(iv)

Stock Diseases (Amendment).

- (iv) by inserting at the end of the same section the following new subsection :—
- 5 (2) Where any offence under subsection one of this section arises out of any act done or omitted to be done in a special quarantine area, or is committed in relation to stock infected with a special disease, or in relation to a special disease, the person committing the offence shall be liable to a penalty not exceeding 10 one thousand dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.
- (o) (i) by inserting in paragraph (b) of subsection 15 one of section twenty-three after the words “quarantine area” the words “or protected area”; Sec. 23. (Power to make regulations.)
- (ii) by inserting in paragraph (e) of the same subsection after the word “use” the words “, manufacture, testing or distribution”;
- 20 (iii) by inserting in paragraph (j) of the same subsection after the words “a quarantine area” the words “or protected area”;
- (iv) by omitting paragraph (l) of the same subsection and by inserting in lieu thereof the 25 following paragraph :—
- (l) provide for the examination, testing and treatment of any stock or class of stock within a quarantine area or 30 protected area or any part of any such area;
- (v) by inserting next after paragraph (q) of the same subsection the following new paragraphs :—
- 35 (r) prohibit or regulate the taking from stock of specimens and regulate the removal or dispatch of specimens taken from stock;
- (s)

Stock Diseases (Amendment).

- (s) prohibit or regulate the feeding to stock of food refuse of any kind and of any material or substance capable of harbouring any agent causing disease;
- 5 (t) prohibit or regulate the movement of any stock which have been vaccinated or inoculated or treated in respect of any disease;
- 10 (u) require any claim for compensation under this Act to be verified by statutory declaration.
- (vi) by inserting next after subsection (1A) of the same section the following new subsections :—
- 15 (1B) Without limiting the generality of subsection one of this section, the Governor may make regulations for or with respect to the destruction of wild animals and birds in special quarantine areas.
- 20 (1C) Regulations may be made so as to differ in their application according to time, place or circumstances.
- (vii) by inserting next after subsection three of the same section the following new subsection :—
- 25 (3A) Notwithstanding the provisions of subsection three of this section, the regulations may impose in respect of any offence under the regulations—
- 30 (a) arising out of any act done or omitted to be done in a special quarantine area; or
- (b) committed in relation to stock infected with or anything contaminated by a special disease; or

(a)

(c)

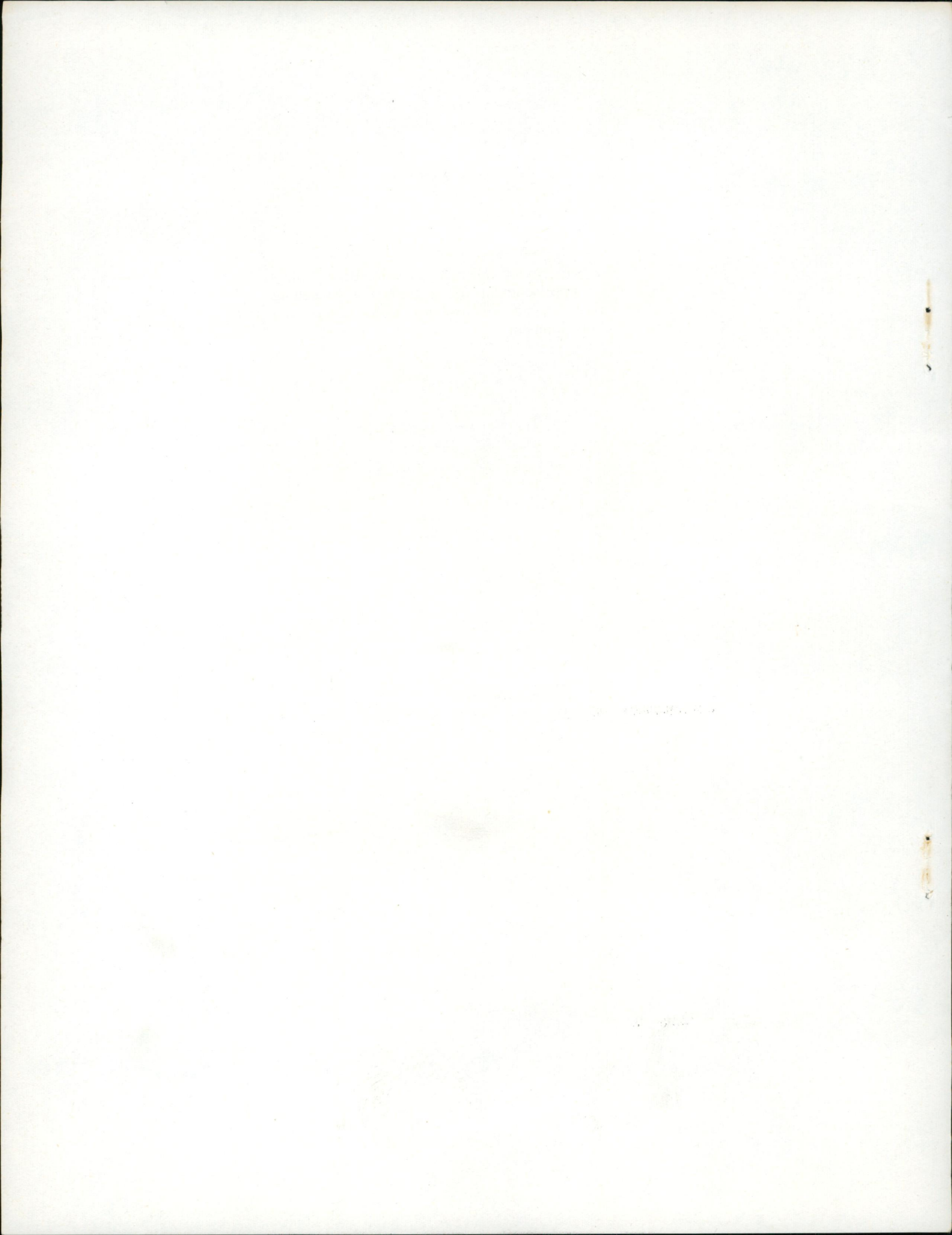
Stock Diseases (Amendment).

5

(c) relating to a special disease,
a penalty not exceeding five hundred dollars
or imprisonment for a term not exceeding
three months or to both such penalty and
imprisonment.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966



New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 32, 1966.

An Act to make further provisions with respect to the control of diseases in stock; to establish a Foot and Mouth Disease Eradication Fund and to provide for the payment of compensation from that fund in certain circumstances; for these purposes to amend the Stock Diseases Act, 1923, as amended by subsequent Acts, and certain other Acts; and for purposes connected therewith. [Assented to, 13th April, 1966.]

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 :—

1. (1) This Act may be cited as the "Stock Diseases (Amendment) Act, 1966".
- (2)

Short title
and
citation.

Stock Diseases (Amendment).

(2) The Stock Diseases Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Stock Diseases Act, 1923-1966.

Amendment
of Act No.
34, 1923.

2. The Stock Diseases Act, 1923-1965, is amended—

Sec. 3.
(Defini-
tions.)

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

"Chief of the Division of Animal Industry"
means the Chief of the Division of
Animal Industry of the Department of
Agriculture.

(ii) by inserting in the same section in the defini-
tion of "Fodder" after the word "corn" the
words ", any type of stock food";

(iii) by inserting next after the same definition the
following new definition :—

"Fund" means the Foot and Mouth Disease
Eradication Fund established under
section 17B of this Act.

(iv) by inserting in the same section next after
the definition of "Infected" the following
new definition :—

"Inspector" means inspector appointed
under this Act.

(v) by inserting in the same section in the defini-
tion of "Occupier" after the word "superin-
tendent" the words "or otherwise";

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

"Special disease" means foot and mouth
disease, vesicular exanthema, vesicular
stomatitis or any other disease
declared to be a special disease under
subsection two of section four of this
Act. (vii)

Stock Diseases (Amendment).

- (vii) by inserting in the same section in the definition of "Stock" after the word "birds" the words "or any eggs of any birds";
- (viii) by inserting in the same section next after the definition of "Travelling stock" the following new definition :—
- "Veterinary surgeon" means a person registered as a veterinary surgeon under the Veterinary Surgeons Act, 1923, as amended by subsequent Acts.
- (b) by inserting at the end of section four the following new subsection :—
- (2) The Governor may, by the same or a subsequent proclamation published in the Gazette, declare that any disease therein specified shall be a special disease in respect of which the provisions of this Act applicable to special diseases or such of those provisions as may be specified in the proclamation shall apply.
- (c) (i) by omitting from section seven the words "Any inspector" and by inserting in lieu thereof the words "Notwithstanding the provisions of any other Act, any inspector";
- (ii) by inserting in paragraph (a) of the same section after the words "or carcass" the words "or fodder or fittings";
- (iii) by inserting in paragraph (b) of the same section after the word "straying," the words "or any fodder or fittings which are contaminated with disease or which he suspects to be so contaminated,";
- (iv) by inserting in the same paragraph after the word "stock" where thirdly and fourthly occurring the words ", carcass, fodder or fittings";
- (v)

Sec. 4.

(Diseases may be proclaimed.)

Sec. 7.

(Powers of inspectors.)

Stock Diseases (Amendment).

- (v) by inserting next after the same paragraph the following new paragraph :—
- (bi) cause any stock to be tested for any disease or take from any stock or carcass a specimen of any kind;
- (vi) by inserting in paragraph (c) of the same section after the words “or treatment” the words “or of enabling the inspector to cause any or all of them to be tested for any disease or to take any specimens from them”;
- (vii) by inserting in paragraph (d) of the same section after the words “or treatment” where firstly occurring the words “or of enabling the inspector to cause any or all of them to be tested for any disease or to take any specimens from them.”;
- (viii) by inserting in the same paragraph after the words “or treatment” where secondly occurring the words “or test or to enable specimens to be taken from them.”;
- Sec. 8.
(Further powers of inspectors.)
- (d) (i) by omitting from section eight the words “When any stock” and by inserting in lieu thereof the words “Notwithstanding the provisions of any other Act, when any stock”;
- (ii) by inserting in paragraph (b) of the same section after the word “therewith” the words “or any thing produced by or from the stock”;
- (iii) by inserting in subparagraph (i) of paragraph (d) of the same section after the word “stock” where secondly occurring the words “or any thing produced by or from the stock”;
- (iv) by omitting from paragraph (e) of the same section the words “or article” and by inserting in lieu thereof the words “article or thing”;
- (e)

Stock Diseases (Amendment).

- (e) by inserting next after section eight the following New sec. 8A.
new section :—

8A. Where an inspector may, under section seven Further powers of inspectors in relation to special quarantine areas. (paragraph (b) excepted) or eight of this Act, give an order to any person to do anything in a special quarantine area, the inspector may, instead of giving such an order, do that thing with or without assistants.

- (f) by omitting section nine and by inserting in lieu Subst. sec. 9. thereof the following section :—

9. (1) The occupier of any land upon which Occupier, etc., to give notice. stock are depasturing, or the owner of any stock, or in the case of travelling stock the person in charge of the stock, shall, subject to subsection four of this section, give written notice in accordance with subsection three of this section within a period of forty-eight hours after it first comes to his knowledge that any of the stock are diseased.

(2) Subject to subsection four of this section, every veterinary surgeon who examines or is consulted with respect to any stock, and any other person who, in the practice of veterinary science, attends or is consulted with respect to any stock shall, if he is of opinion or suspects that any of the stock is diseased, give written notice in accordance with subsection three of this section within a period of forty-eight hours after he examined or attended the stock or was consulted with respect to the stock.

(3) Every written notice referred to in subsection one or two of this section shall be in or to the effect of the prescribed form and shall be given to—

- (a) a ranger employed by the pastures protection board, within the meaning of the Pastures Protection Act, 1934, as amended by subsequent Acts, for the pastures protection district in which the stock are then located;

(b)

Stock Diseases (Amendment).

- (b) a veterinary inspector within the meaning of that Act, as so amended, for that district; or
- (c) an inspector for the time being holding the office of district veterinary officer of the Department of Agriculture for the district in which the stock are then located.

(4) Where in any particular case it is impracticable for any such occupier, owner, person in charge, veterinary surgeon or other person to give such written notice within such period of forty-eight hours, it shall be a sufficient compliance with the provisions of subsection one or two of this section, as the case may be, if he gives to any such ranger, veterinary inspector or inspector verbal notice of the disease or suspected disease within such period and confirms it in such written form—

- (a) in the case of an occupier, owner or person in charge, within five days; or
- (b) in the case of a veterinary surgeon or other person, within ten days,

after the expiration of such period.

(5) An occupier, owner or person in charge referred to in subsection one of this section shall, so far as is practicable, cause any diseased stock to be drafted out and kept separate from stock which are not diseased.

(6) Proceedings against a person for a contravention of any of the provisions of this section may be instituted under this Act at any time within twelve months after the date on which the offence was committed.

- (g) by inserting next after section ten the following new section :—

**New sec.
10A.**

**Declaration
of special
quarantine
areas.**

10A. (1) The Governor may by proclamation published in the Gazette declare any land therein described to be a special quarantine area on account
of

Stock Diseases (Amendment).

of the presence or suspected presence of any special disease, and may by a like proclamation suspend or extend for any period or annul any such proclamation.

(2) The provisions of this Act and the regulations relating to quarantine areas apply to and in respect of special quarantine areas as if they had been declared to be quarantine areas.

- (h) by omitting from subsection one of section 11B the words "or animal products" and by inserting in lieu thereof the words "animal products or anything which in the opinion of the Governor is likely to introduce disease"; Sec. 11B.
(Protection against importation of diseased stock, etc.)
- (i) by inserting in subsection one of section thirteen after the words "quarantine area" the words "or a protected area"; Sec. 13.
(Power to order fencing.)
- (j) (i) by omitting from subsection four of section fourteen the word "directed" and by inserting in lieu thereof the words "in a quarantine area or protected area or is required"; Sec. 14.
(Quarantine.)
- (ii) by inserting in subsection five of the same section after the word "area" wherever occurring the words "or protected area";
- (iii) by omitting from the same subsection the word "regulations" and by inserting in lieu thereof the word "provisions";
- (iv) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

(6) The Minister may by a like notification direct that any or all stock within a quarantine area or protected area or within some specified part of a quarantine area or protected area shall be treated by prophylactic or curative methods for the disease or suspected disease in respect of which

the

Stock Diseases (Amendment).

the quarantine is imposed or the protected area is declared, whether the stock are diseased or infected or not, and in any such notification the Minister may also direct that any or all of such stock shall be submitted, at a specified time or at specified intervals, to any specified test or tests for any disease or suspected disease.

Sec. 17.
(Power to
order
destruction.)

- (k) (i) by inserting in paragraph (a) of subsection two of section seventeen after the words "quarantine area" the words "or protected area";
- (ii) by inserting at the end of the same section the following new subsection :—

(3) The provisions of this section do not apply in respect of any stock or property which may be destroyed under section 17A of this Act.

New secs.
17A-17I.

- (l) by inserting next after section seventeen the following new sections :—

Inspectors' powers to destroy stock or property in certain circumstances.

17A. (1) An inspector who is a veterinary surgeon and is authorised in writing by the Minister to do so may—

- (a) destroy or cause to be destroyed any stock which are infected, or suspected by him to be infected, with a special disease;
- (b) destroy or cause to be destroyed any other property, not being a building, which in the opinion of the inspector is or may have been contaminated by a special disease; or
- (c) destroy or cause to be destroyed any building, not being a building used for residential purposes, which in the opinion of the inspector cannot be effectively disinfected.

(2)

Stock Diseases (Amendment).

(2) An authority given under subsection one of this section—

- (a) for an inspector to exercise the powers conferred by paragraph (a) or (b) of that subsection may be general or apply in respect of any specified stock or property or class of stock or property or may be limited as to time, place or circumstances; and
- (b) for an inspector to exercise the powers conferred by paragraph (c) of that subsection shall be limited to a specified building or to specified buildings.

17B. (1) There shall be established in the Special Deposits Account in the Treasury a Foot and Mouth Disease Eradication Fund into which shall be paid—

- (a) moneys payable to the State of New South Wales by any other State of the Commonwealth of Australia or by the Commonwealth of Australia in accordance with any arrangement made, whether before or after the commencement of this section, between the State of New South Wales and such other States and the Commonwealth of Australia, or any of them;
- (b) the proceeds of the sale of any goods and equipment purchased out of moneys standing to the credit of the Fund and any repayments of moneys paid out of the Fund;
- (c) any gifts made for payment into the Fund;
- (d) all moneys appropriated by Parliament for payment into the Fund; and
- (e) any moneys from time to time advanced by the Treasurer for payment into the Fund.

(2) The Fund shall be applied to the following purposes, that is to say:—

- (a) the payment of expenses directly connected with the control or eradication of any special

Stock Diseases (Amendment).

special disease, except the salaries or wages of officers or employees of the State of New South Wales who are or would be employed irrespective of any outbreak of a special disease;

- (b) compensation payable under this Act and all costs and expenses incidental to determining the compensation so payable; and
- (c) the repayment to the Treasurer of any moneys referred to in paragraph (e) of subsection one of this section.

(3) The Treasurer may, at any time, direct, with respect to any moneys standing to the credit of the Fund that are not required for the purposes of the Fund, that those moneys be paid out of the Fund and divided among the State of New South Wales and the other States and the Commonwealth of Australia in such proportions as he determines having regard to the contributions made by the State of New South Wales and those other States and the Commonwealth of Australia to the Fund.

(4) The share of the State of New South Wales in any moneys divided in accordance with subsection three of this section shall be paid to the credit of the Consolidated Revenue Fund.

Compensation.

17C. Compensation shall be paid as hereinafter in this Act provided to the owner of—

- (a) any stock or property which is destroyed in pursuance of section 17A of this Act; and
- (b) any stock which an inspector, who is a veterinary surgeon, certifies has died of a special disease.

17D.

Stock Diseases (Amendment).

17D. (1) Such compensation shall—

- (a) where there is only one owner of the stock or property—be paid to the owner; or
- (b) where there is more than one owner of the stock or property—be divided among those owners in accordance with their interests in the stock or property at the time of its destruction or death.

Persons to whom compensation payable.

(2) In this section, “owner” in relation to any stock or other property that has been destroyed or stock that has otherwise died, means a person who, or partnership which, had an interest in the stock or other property at the time of its destruction or death, but does not include the holder of a mortgage, lien or charge over the stock or other property who was not in possession at that time.

17E. (1) No such compensation shall be **Claims.** payable in respect of any stock or property that has been destroyed or stock that has otherwise died unless within ninety days after the destruction or death, as the case may be, a claim for compensation is lodged in the prescribed form and manner giving the prescribed particulars and the claim is verified as prescribed :

Provided that in any case where the application is made after the expiration of that period the Minister may authorise the payment of the whole or portion of the compensation if he is satisfied that reasonable grounds existed for the delay in making the application.

(2) Where—

- (a) any stock or property is moved into, within or out of a special quarantine area in contravention of any provision made by this Act or the regulations; or

(b)

Stock Diseases (Amendment).

- (b) any stock is bought by a person, such person, in the opinion of the Minister, knowing or having reasonable cause to suspect that such stock was infected with a special disease,

the Minister may, notwithstanding any other provision of this Act, determine that no compensation or that compensation not exceeding such amount as is determined by the Minister, shall be paid in respect of the destruction of that stock or property or the death, otherwise than by destruction, of that stock.

Basis of
compensa-
tion.

17F. (1) Such compensation shall, subject as hereinafter in this Act provided, be—

(a) in the case of stock—

- (i) where the stock destroyed or the dead stock was infected by a special disease, the market value of such stock immediately before it became so infected;
- (ii) in every other case, the market value of the stock immediately before it was destroyed;

(b) in the case of property, its market value at the time it was destroyed.

(2) In determining the compensation to be paid no allowance shall be made for loss of profit, loss occasioned by breach of contract, loss of production or any other consequential loss whatsoever.

(3) For the purpose of calculating the market value of the stock or property, that value shall be calculated upon a sale at the place where the stock or property was when it was destroyed or where the stock was when it otherwise died.

(4)

Stock Diseases (Amendment).

(4) Notwithstanding the provisions of any other Act, no compensation shall be paid 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.

17G. (1) The market value of any stock or property in respect of which compensation is payable under this Act shall be— Mode of valuation.

- (a) such amount as is agreed upon by the Minister and the claimant; or
- (b) where such amount has not been so agreed upon, such amount as is fixed by a valuer appointed for the purpose jointly by the Minister and the claimant; or
- (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) of this subsection, such amount as is fixed by a District Court Judge having jurisdiction in the district in which the destruction of the stock or property occurred or the stock otherwise died, as the case may be, upon an application made to that Judge in accordance with and within the time prescribed by the rules of court made for the purposes of this subsection.

(2) Where a District Court Judge fixes the market value of any stock or property pursuant to paragraph (c) of subsection one of this section, that Judge may make such order as to the payment by the Minister of the amount so fixed as he deems fit.

17H. Where, after the commencement of this section, a person has, within the period of two years next preceding the date of his application for compensation under this Act, been convicted of

Claim by convicted person.

an

Stock Diseases (Amendment).

an offence against this Act by reason of an act or omission as a result of which 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, the Minister may direct that the whole, or such part, as the Minister thinks fit, of the compensation to which that person would, but for this section, be entitled shall not be paid and any such direction shall have effect according to its tenor.

Offence.

171. Any person who, with intent to mislead or defraud the Crown for the purpose of obtaining compensation for himself or any other person under this Act, knowingly makes a statement which is in any respect false or misleading or who practises or is concerned in any fraudulent act shall be guilty of an offence and upon summary conviction shall be liable to a penalty not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

Sec. 18.
(Proceedings in default of compliance.)

- (m) by inserting in subsection one of section eighteen after the words "Act, and" the words "whether or not he has been convicted of that offence";

Sec. 20.
(Offences.)

- (n) (i) by inserting in paragraph (a) of section twenty after the words "quarantine area" the words "or protected area";
- (ii) by omitting from paragraph (e) of the same section the words "or within such area" and by inserting in lieu thereof the words "or protected area or within any such area";
- (iii) by omitting from the same section the words "shall be liable" and by inserting in lieu thereof the words "shall, subject to subsection two of this section, be liable";

(iv)

Stock Diseases (Amendment).

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

(2) Where any offence under subsection one of this section arises out of any act done or omitted to be done in a special quarantine area, or is committed in relation to stock infected with a special disease, or in relation to a special disease, the person committing the offence shall be liable to a penalty not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

- (o) (i) by inserting in paragraph (b) of subsection one of section twenty-three after the words "quarantine area" the words "or protected area"; Sec. 23. (Power to make regulations.)
- (ii) by inserting in paragraph (e) of the same subsection after the word "use" the words ", manufacture, testing or distribution";
- (iii) by inserting in paragraph (j) of the same subsection after the words "a quarantine area" the words "or protected area";
- (iv) by omitting paragraph (l) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (1) provide for the examination, testing and treatment of any stock or class of stock within a quarantine area or protected area or any part of any such area;
- (v) by inserting next after paragraph (q) of the same subsection the following new paragraphs :—
- (r) prohibit or regulate the taking from stock of specimens and regulate the removal or dispatch of specimens taken from stock;
- (s)

Stock Diseases (Amendment).

- (s) prohibit or regulate the feeding to stock of food refuse of any kind and of any material or substance capable of harbouring any agent causing disease;
- (t) prohibit or regulate the movement of any stock which have been vaccinated or inoculated or treated in respect of any disease;
- (u) require any claim for compensation under this Act to be verified by statutory declaration.

(vi) by inserting next after subsection (1A) of the same section the following new subsections :—

(1B) Without limiting the generality of subsection one of this section, the Governor may make regulations for or with respect to the destruction of wild animals and birds in special quarantine areas.

(1C) Regulations may be made so as to differ in their application according to time, place or circumstances.

(vii) by inserting next after subsection three of the same section the following new subsection :—

(3A) Notwithstanding the provisions of subsection three of this section, the regulations may impose in respect of any offence under the regulations—

- (a) arising out of any act done or omitted to be done in a special quarantine area; or
- (b) committed in relation to stock infected with or anything contaminated by a special disease; or

(c)

Stock Diseases (Amendment).

(c) relating to a special disease,
a penalty not exceeding five hundred dollars
or imprisonment for a term not exceeding
three months or to both such penalty and
imprisonment.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 31 March, 1966.*

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 32, 1966.

An Act to make further provisions with respect to the control of diseases in stock; to establish a Foot and Mouth Disease Eradication Fund and to provide for the payment of compensation from that fund in certain circumstances; for these purposes to amend the Stock Diseases Act, 1923, as amended by subsequent Acts, and certain other Acts; and for purposes connected therewith. [Assented to, 13th April, 1966.]

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:—

1. (1) This Act may be cited as the "Stock Diseases (Amendment) Act, 1966".
- (2)

Short title
and
citation.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. R. CRAWFORD,
Chairman of Committees of the Legislative Assembly.

Stock Diseases (Amendment).

(2) The Stock Diseases Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Stock Diseases Act, 1923-1966.

Amendment
of Act No.
34, 1923.

2. The Stock Diseases Act, 1923-1965, is amended—

Sec. 3.
(Defini-
tions.)

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

"Chief of the Division of Animal Industry" means the Chief of the Division of Animal Industry of the Department of Agriculture.

(ii) by inserting in the same section in the definition of "Fodder" after the word "corn" the words ", any type of stock food";

(iii) by inserting next after the same definition the following new definition :—

"Fund" means the Foot and Mouth Disease Eradication Fund established under section 17B of this Act.

(iv) by inserting in the same section next after the definition of "Infected" the following new definition :—

"Inspector" means inspector appointed under this Act.

(v) by inserting in the same section in the definition of "Occupier" after the word "superintendent" the words "or otherwise";

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

"Special disease" means foot and mouth disease, vesicular exanthema, vesicular stomatitis or any other disease declared to be a special disease under subsection two of section four of this Act. (vii)

Stock Diseases (Amendment).

(vii) by inserting in the same section in the definition of "Stock" after the word "birds" the words "or any eggs of any birds";

(viii) by inserting in the same section next after the definition of "Travelling stock" the following new definition:—

"Veterinary surgeon" means a person registered as a veterinary surgeon under the Veterinary Surgeons Act, 1923, as amended by subsequent Acts.

(b) by inserting at the end of section four the following new subsection:—

Sec. 4.

(Diseases may be proclaimed.)

(2) The Governor may, by the same or a subsequent proclamation published in the Gazette, declare that any disease therein specified shall be a special disease in respect of which the provisions of this Act applicable to special diseases or such of those provisions as may be specified in the proclamation shall apply.

(c) (i) by omitting from section seven the words

Sec. 7.

"Any inspector" and by inserting in lieu thereof the words "Notwithstanding the provisions of any other Act, any inspector";

(Powers of inspectors.)

(ii) by inserting in paragraph (a) of the same section after the words "or carcass" the words "or fodder or fittings";

(iii) by inserting in paragraph (b) of the same section after the word "straying," the words "or any fodder or fittings which are contaminated with disease or which he suspects to be so contaminated,";

(iv) by inserting in the same paragraph after the word "stock" where thirdly and fourthly occurring the words ", carcass, fodder or fittings";

(v)

Stock Diseases (Amendment).

- (v) by inserting next after the same paragraph the following new paragraph : —
- (bi) cause any stock to be tested for any disease or take from any stock or carcass a specimen of any kind;
- (vi) by inserting in paragraph (c) of the same section after the words “or treatment” the words “or of enabling the inspector to cause any or all of them to be tested for any disease or to take any specimens from them”;
- (vii) by inserting in paragraph (d) of the same section after the words “or treatment” where firstly occurring the words “or of enabling the inspector to cause any or all of them to be tested for any disease or to take any specimens from them,”;
- (viii) by inserting in the same paragraph after the words “or treatment” where secondly occurring the words “or test or to enable specimens to be taken from them,”;
- Sec. 8.
(Further powers of inspectors.)
- (d) (i) by omitting from section eight the words “When any stock” and by inserting in lieu thereof the words “Notwithstanding the provisions of any other Act, when any stock”;
- (ii) by inserting in paragraph (b) of the same section after the word “therewith” the words “or any thing produced by or from the stock”;
- (iii) by inserting in subparagraph (i) of paragraph (d) of the same section after the word “stock” where secondly occurring the words “or any thing produced by or from the stock”;
- (iv) by omitting from paragraph (e) of the same section the words “or article” and by inserting in lieu thereof the words “article or thing”;
- (e)

Stock Diseases (Amendment).

(e) by inserting next after section eight the following New sec. 8A.
new section :—

8A. Where an inspector may, under section seven Further powers of inspectors in relation to special quarantine areas.
(paragraph (b) excepted) or eight of this Act, give an order to any person to do anything in a special quarantine area, the inspector may, instead of giving such an order, do that thing with or without assistants.

(f) by omitting section nine and by inserting in lieu Subst. sec. 9.
thereof the following section :—

9. (1) The occupier of any land upon which Occupier, etc., to give notice.
stock are depasturing, or the owner of any stock, or in the case of travelling stock the person in charge of the stock, shall, subject to subsection four of this section, give written notice in accordance with subsection three of this section within a period of forty-eight hours after it first comes to his knowledge that any of the stock are diseased.

(2) Subject to subsection four of this section, every veterinary surgeon who examines or is consulted with respect to any stock, and any other person who, in the practice of veterinary science, attends or is consulted with respect to any stock shall, if he is of opinion or suspects that any of the stock is diseased, give written notice in accordance with subsection three of this section within a period of forty-eight hours after he examined or attended the stock or was consulted with respect to the stock.

(3) Every written notice referred to in subsection one or two of this section shall be in or to the effect of the prescribed form and shall be given to—

(a) a ranger employed by the pastures protection board, within the meaning of the Pastures Protection Act, 1934, as amended by subsequent Acts, for the pastures protection district in which the stock are then located;

(b)

Stock Diseases (Amendment).

- (b) a veterinary inspector within the meaning of that Act, as so amended, for that district; or
- (c) an inspector for the time being holding the office of district veterinary officer of the Department of Agriculture for the district in which the stock are then located.

(4) Where in any particular case it is impracticable for any such occupier, owner, person in charge, veterinary surgeon or other person to give such written notice within such period of forty-eight hours, it shall be a sufficient compliance with the provisions of subsection one or two of this section, as the case may be, if he gives to any such ranger, veterinary inspector or inspector verbal notice of the disease or suspected disease within such period and confirms it in such written form—

- (a) in the case of an occupier, owner or person in charge, within five days; or
- (b) in the case of a veterinary surgeon or other person, within ten days,

after the expiration of such period.

(5) An occupier, owner or person in charge referred to in subsection one of this section shall, so far as is practicable, cause any diseased stock to be drafted out and kept separate from stock which are not diseased.

(6) Proceedings against a person for a contravention of any of the provisions of this section may be instituted under this Act at any time within twelve months after the date on which the offence was committed.

**New sec.
10A.**

**Declaration
of special
quarantine
areas.**

- (g) by inserting next after section ten the following new section :—

10A. (1) The Governor may by proclamation published in the Gazette declare any land therein described to be a special quarantine area on account of

of

Stock Diseases (Amendment).

of the presence or suspected presence of any special disease, and may by a like proclamation suspend or extend for any period or annul any such proclamation.

(2) The provisions of this Act and the regulations relating to quarantine areas apply to and in respect of special quarantine areas as if they had been declared to be quarantine areas.

- (h) by omitting from subsection one of section 11B the words "or animal products" and by inserting in lieu thereof the words "animal products or anything which in the opinion of the Governor is likely to introduce disease"; Sec. 11B. (Protection against importation of diseased stock, etc.)
- (i) by inserting in subsection one of section thirteen after the words "quarantine area" the words "or a protected area"; Sec. 13. (Power to order fencing.)
- (j) (i) by omitting from subsection four of section fourteen the word "directed" and by inserting in lieu thereof the words "in a quarantine area or protected area or is required"; Sec. 14. (Quarantine.)
- (ii) by inserting in subsection five of the same section after the word "area" wherever occurring the words "or protected area";
- (iii) by omitting from the same subsection the word "regulations" and by inserting in lieu thereof the word "provisions";
- (iv) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection : —

(6) The Minister may by a like notification direct that any or all stock within a quarantine area or protected area or within some specified part of a quarantine area or protected area shall be treated by prophylactic or curative methods for the disease or suspected disease in respect of which
the

Stock Diseases (Amendment).

the quarantine is imposed or the protected area is declared, whether the stock are diseased or infected or not, and in any such notification the Minister may also direct that any or all of such stock shall be submitted, at a specified time or at specified intervals, to any specified test or tests for any disease or suspected disease.

Sec. 17.
(Power to
order
destruction.)

(k) (i) by inserting in paragraph (a) of subsection two of section seventeen after the words "quarantine area" the words "or protected area";

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

(3) The provisions of this section do not apply in respect of any stock or property which may be destroyed under section 17A of this Act.

New secs.
17A-17I.

(1) by inserting next after section seventeen the following new sections :—

Inspectors'
powers to
destroy
stock or
property
in certain
circum-
stances.

17A. (1) An inspector who is a veterinary surgeon and is authorised in writing by the Minister to do so may—

(a) destroy or cause to be destroyed any stock which are infected, or suspected by him to be infected, with a special disease;

(b) destroy or cause to be destroyed any other property, not being a building, which in the opinion of the inspector is or may have been contaminated by a special disease; or

(c) destroy or cause to be destroyed any building, not being a building used for residential purposes, which in the opinion of the inspector cannot be effectively disinfected.

(2)

Stock Diseases (Amendment).

(2) An authority given under subsection one of this section—

- (a) for an inspector to exercise the powers conferred by paragraph (a) or (b) of that subsection may be general or apply in respect of any specified stock or property or class of stock or property or may be limited as to time, place or circumstances; and
- (b) for an inspector to exercise the powers conferred by paragraph (c) of that subsection shall be limited to a specified building or to specified buildings.

17B. (1) There shall be established in the Special Deposits Account in the Treasury a Foot and Mouth Disease Eradication Fund into which shall be paid—

- (a) moneys payable to the State of New South Wales by any other State of the Commonwealth of Australia or by the Commonwealth of Australia in accordance with any arrangement made, whether before or after the commencement of this section, between the State of New South Wales and such other States and the Commonwealth of Australia, or any of them;
- (b) the proceeds of the sale of any goods and equipment purchased out of moneys standing to the credit of the Fund and any repayments of moneys paid out of the Fund;
- (c) any gifts made for payment into the Fund;
- (d) all moneys appropriated by Parliament for payment into the Fund; and
- (e) any moneys from time to time advanced by the Treasurer for payment into the Fund.

(2) The Fund shall be applied to the following purposes, that is to say :—

- (a) the payment of expenses directly connected with the control or eradication of any special

Stock Diseases (Amendment).

special disease, except the salaries or wages of officers or employees of the State of New South Wales who are or would be employed irrespective of any outbreak of a special disease;

(b) compensation payable under this Act and all costs and expenses incidental to determining the compensation so payable; and

(c) the repayment to the Treasurer of any moneys referred to in paragraph (e) of subsection one of this section.

(3) The Treasurer may, at any time, direct, with respect to any moneys standing to the credit of the Fund that are not required for the purposes of the Fund, that those moneys be paid out of the Fund and divided among the State of New South Wales and the other States and the Commonwealth of Australia in such proportions as he determines having regard to the contributions made by the State of New South Wales and those other States and the Commonwealth of Australia to the Fund.

(4) The share of the State of New South Wales in any moneys divided in accordance with subsection three of this section shall be paid to the credit of the Consolidated Revenue Fund.

Compensation.

17C. Compensation shall be paid as hereinafter in this Act provided to the owner of—

(a) any stock or property which is destroyed in pursuance of section 17A of this Act; and

(b) any stock which an inspector, who is a veterinary surgeon, certifies has died of a special disease.

17D.

Stock Diseases (Amendment).

17D. (1) Such compensation shall—

Persons to whom compensation payable.

- (a) where there is only one owner of the stock or property—be paid to the owner; or
- (b) where there is more than one owner of the stock or property—be divided among those owners in accordance with their interests in the stock or property at the time of its destruction or death.

(2) In this section, “owner” in relation to any stock or other property that has been destroyed or stock that has otherwise died, means a person who, or partnership which, had an interest in the stock or other property at the time of its destruction or death, but does not include the holder of a mortgage, lien or charge over the stock or other property who was not in possession at that time.

17E. (1) No such compensation shall be payable in respect of any stock or property that has been destroyed or stock that has otherwise died unless within ninety days after the destruction or death, as the case may be, a claim for compensation is lodged in the prescribed form and manner giving the prescribed particulars and the claim is verified as prescribed :

Claims.

Provided that in any case where the application is made after the expiration of that period the Minister may authorise the payment of the whole or portion of the compensation if he is satisfied that reasonable grounds existed for the delay in making the application.

(2) Where—

- (a) any stock or property is moved into, within or out of a special quarantine area in contravention of any provision made by this Act or the regulations; or

(b)

Stock Diseases (Amendment).

- (b) any stock is bought by a person, such person, in the opinion of the Minister, knowing or having reasonable cause to suspect that such stock was infected with a special disease,

the Minister may, notwithstanding any other provision of this Act, determine that no compensation or that compensation not exceeding such amount as is determined by the Minister, shall be paid in respect of the destruction of that stock or property or the death, otherwise than by destruction, of that stock.

Basis of
compensa-
tion.

17F. (1) Such compensation shall, subject as hereinafter in this Act provided, be—

(a) in the case of stock—

(i) where the stock destroyed or the dead stock was infected by a special disease, the market value of such stock immediately before it became so infected;

(ii) in every other case, the market value of the stock immediately before it was destroyed;

(b) in the case of property, its market value at the time it was destroyed.

(2) In determining the compensation to be paid no allowance shall be made for loss of profit, loss occasioned by breach of contract, loss of production or any other consequential loss whatsoever.

(3) For the purpose of calculating the market value of the stock or property, that value shall be calculated upon a sale at the place where the stock or property was when it was destroyed or where the stock was when it otherwise died.

(4)

Stock Diseases (Amendment).

(4) Notwithstanding the provisions of any other Act, no compensation shall be paid 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.

17G. (1) The market value of any stock or property in respect of which compensation is payable under this Act shall be— Mode of valuation.

- (a) such amount as is agreed upon by the Minister and the claimant; or
- (b) where such amount has not been so agreed upon, such amount as is fixed by a valuer appointed for the purpose jointly by the Minister and the claimant; or
- (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) of this subsection, such amount as is fixed by a District Court Judge having jurisdiction in the district in which the destruction of the stock or property occurred or the stock otherwise died, as the case may be, upon an application made to that Judge in accordance with and within the time prescribed by the rules of court made for the purposes of this subsection.

(2) Where a District Court Judge fixes the market value of any stock or property pursuant to paragraph (c) of subsection one of this section, that Judge may make such order as to the payment by the Minister of the amount so fixed as he deems fit.

17H. Where, after the commencement of this section, a person has, within the period of two years next preceding the date of his application for compensation under this Act, been convicted of Claim by convicted person.
an

Stock Diseases (Amendment).

an offence against this Act by reason of an act or omission as a result of which 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, the Minister may direct that the whole, or such part, as the Minister thinks fit, of the compensation to which that person would, but for this section, be entitled shall not be paid and any such direction shall have effect according to its tenor.

Offence.

171. Any person who, with intent to mislead or defraud the Crown for the purpose of obtaining compensation for himself or any other person under this Act, knowingly makes a statement which is in any respect false or misleading or who practises or is concerned in any fraudulent act shall be guilty of an offence and upon summary conviction shall be liable to a penalty not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

Sec. 18.
(Proceedings in default of compliance.)

(m) by inserting in subsection one of section eighteen after the words "Act, and" the words "whether or not he has been convicted of that offence";

Sec. 20.
(Offences.)

(n) (i) by inserting in paragraph (a) of section twenty after the words "quarantine area" the words "or protected area";

(ii) by omitting from paragraph (e) of the same section the words "or within such area" and by inserting in lieu thereof the words "or protected area or within any such area";

(iii) by omitting from the same section the words "shall be liable" and by inserting in lieu thereof the words "shall, subject to subsection two of this section, be liable";

(iv)

Stock Diseases (Amendment).

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

(2) Where any offence under subsection one of this section arises out of any act done or omitted to be done in a special quarantine area, or is committed in relation to stock infected with a special disease, or in relation to a special disease, the person committing the offence shall be liable to a penalty not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(o) (i) by inserting in paragraph (b) of subsection one of section twenty-three after the words "quarantine area" the words "or protected area"; Sec. 23. (Power to make regulations.)

(ii) by inserting in paragraph (e) of the same subsection after the word "use" the words ", manufacture, testing or distribution";

(iii) by inserting in paragraph (j) of the same subsection after the words "a quarantine area" the words "or protected area";

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

(1) provide for the examination, testing and treatment of any stock or class of stock within a quarantine area or protected area or any part of any such area;

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

(r) prohibit or regulate the taking from stock of specimens and regulate the removal or dispatch of specimens taken from stock;

(s)

Stock Diseases (Amendment).

- (s) prohibit or regulate the feeding to stock of food refuse of any kind and of any material or substance capable of harbouring any agent causing disease;
- (t) prohibit or regulate the movement of any stock which have been vaccinated or inoculated or treated in respect of any disease;
- (u) require any claim for compensation under this Act to be verified by statutory declaration.

(vi) by inserting next after subsection (1A) of the same section the following new subsections :—

(1B) Without limiting the generality of subsection one of this section, the Governor may make regulations for or with respect to the destruction of wild animals and birds in special quarantine areas.

(1C) Regulations may be made so as to differ in their application according to time, place or circumstances.

(vii) by inserting next after subsection three of the same section the following new subsection :—

(3A) Notwithstanding the provisions of subsection three of this section, the regulations may impose in respect of any offence under the regulations—

(a) arising out of any act done or omitted to be done in a special quarantine area; or

(b) committed in relation to stock infected with or anything contaminated by a special disease; or

(c)

Stock Diseases (Amendment).

(c) relating to a special disease,
a penalty not exceeding five hundred dollars
or imprisonment for a term not exceeding
three months or to both such penalty and
imprisonment.

*In the name and on behalf of Her Majesty I assent to
this Act.*

A. R. CUTLER,
Governor.

*Government House,
Sydney, 13th April, 1966.*

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A. R. CUTLER
Contractor

Government of the United States
Spring, 1971 April 1966