

# STOCK DISEASES (FURTHER AMENDMENT) BILL, 1980

---

## EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The following Bills are cognate with this Bill :—

Plant Diseases (Amendment) Bill, 1980;

Swine Compensation (Amendment) Bill, 1980.

The object of this Bill is to amend the Stock Diseases Act, 1923, so as—

- (a) to provide that, for the purposes of that Act, a power to issue a proclamation, make an order or give a notification, a notice or an authority shall include and shall be deemed always to have included a power to revoke or amend that instrument (Schedule 1 (1));
  - (b) to permit the declaration of a special quarantine area by order under the Minister's hand instead of by proclamation issued by the Governor (Schedule 1 (3));
  - (c) to allow the Minister to release an owner of land from an undertaking to comply with certain requirements in respect of that land (Schedule 1 (4)); and
  - (d) to make other provisions of a minor, consequential or ancillary nature.
-





**STOCK DISEASES (FURTHER AMENDMENT) BILL,  
1980**

No. , 1980.

---

**A BILL FOR**

An Act to amend the Stock Diseases Act, 1923, with respect to the revocation or variation of proclamations and other instruments, and for other purposes.

[MR DAY—16 *October*, 1980.]

---

See also Plant Diseases (Amendment) Bill, 1980; Swine Compensation (Amendment) Bill, 1980.

*Stock Diseases (Further Amendment).*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the "Stock Diseases (Further Amendment) Act, 1980". Short title.

2. The Stock Diseases Act, 1923, is amended in the manner set forth in Schedule 1. Amendment of Act No. 34, 1923.

3. A proclamation published in the Gazette pursuant to section 10A (1) of the Stock Diseases Act, 1923, and in force immediately before the date of assent to this Act shall, on that date, be deemed to be an order duly made and published pursuant to section 10A of the Stock Diseases Act, 1923, as amended by this Act. Saving.

SCHEDULE 1.

Sec. 2.

15 AMENDMENTS TO THE STOCK DISEASES ACT, 1923.

(1) Section 3 (2)—

At the end of section 3, insert :—

20 (2) For the purposes of this Act (other than section 1), a power to issue a proclamation, to make an order or to give a notification, a notice or an authority shall include and shall be deemed always to have included a power—

(a) to revoke or amend that instrument; or

(b) to extend or suspend for any period the effect of that instrument.



---

*Stock Diseases (Further Amendment).*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE STOCK DISEASES ACT, 1923—*continued.*

## (2) Section 10—

- 5 Omit “, and may by a like notification suspend or extend for any period or cancel any such notification or any quarantine ordered to be imposed by an inspector in accordance with this Act”.

## (3) Section 10A (1), (1A)—

Omit section 10A (1), insert instead :—

- 10 (1) The Minister may, by order under his hand, declare any land described in the order to be, for the period specified in the order, a special quarantine area on account of the presence or suspected presence of any special disease within the boundaries of that land.

## 15 (1A) An order made under subsection (1)—

- (a) shall, as soon as practicable after it has been made, be published in the Gazette and in a newspaper circulating in or in the vicinity of the land to which it relates; and
- 20 (b) shall, if it has not been so published within the period of 14 days after it was made or if it has not been revoked within that period, be deemed to have been revoked at the expiration of that period.

## 25 (4) Section 11 (3)—

After section 11 (2), insert :—

- 30 (3) The Minister may release an owner or occupier of land from an undertaking given by the owner or occupier and, upon that release, subsection (2) shall cease to have effect with respect to that undertaking and the period referred to in that subsection shall be deemed to have ended.

---

*Stock Diseases (Further Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK DISEASES ACT, 1923—*continued.*

- (5) (a) Section 11A (1)—  
5 Omit “prohibit either absolutely or except subject to the prescribed conditions”, insert instead “restrict or prohibit”.
- (b) Section 11A (2)—  
10 Omit “the prescribed test for the disease in respect of which the area has been declared to be protected”, insert instead “such test as is specified in the notification”.
- (c) Section 11A (3)—  
Omit the subsection.
- (6) Section 11B (2)—  
15 Omit the subsection.
- (7) Section 14 (2)—  
After “notice”, insert “, order”.
- (8) (a) Section 19A (2)—  
20 Omit the subsection, insert instead :—  
(2) The Governor may by proclamation published in the Gazette apply the provisions of this section to any stock of a kind specified in the proclamation.
- (b) Section 19A (3) (c)—  
25 Omit “subsection (2) (a)”, insert instead “subsection (2)”.
- (9) (a) Section 20 (1) (a1)—  
After “proclamation”, insert “, order”.



---

*Stock Diseases (Further Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK DISEASES ACT, 1923—*continued.*

(b) Section 20 (1) (h)—

Omit the paragraph, insert instead :—

- 5           (h) being required to comply with the terms and conditions of an undertaking given by him under section 11, fails to comply with any of those terms or conditions; or

(10) Section 21 (1), (1A)—

- 10       Omit section 21 (1), insert instead :—

15           (1) Where an order or a notice is served or given under this Act by an inspector, the order or notice may, by notice in writing served in accordance with subsection (2), be revoked, or amended, or its effect extended or suspended for any period, by the Chief of the Division of Animal Health or by an inspector authorised by him in writing.

20           (1A) Subsection (1) does not affect the power of an inspector to revoke or amend an order or notice which he himself has served or given or to extend or suspend the effect of such an order or notice.

---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980

(20e)

Stock Diseases (Further Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE STOCK DISEASES ACT, 1923—continued.

(b) Section 20 (1) (b) —

Omit the paragraph, insert instead:—

(b) being required to comply with the terms and conditions of an undertaking given by him under section 14, fails to comply with any of those terms or conditions, or

(10) Section 21 (1), (1A) —

Omit section 21 (1), insert instead:—

(1) Where an order or a notice is served or given under this Act by an inspector, the order or notice may, by notice in writing served in accordance with subsection (2), be revoked, or amended, or its effect extended or suspended for any period by the Chief of the Division of Animal Health or by an inspector authorized by him in writing.

(1A) Subsection (1) does not affect the power of an inspector to revoke or amend an order or notice which he himself has served or given or to extend or suspend the effect of such an order or notice.

BY AUTHORITY

H. W. G. ...



**STOCK DISEASES (FURTHER AMENDMENT)  
ACT 1980, No. 172**

**New South Wales**



ANNO VICESIMO NONO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 172, 1980.**

An Act to amend the Stock Diseases Act, 1923, with respect to the revocation or variation of proclamations and other instruments, and for other purposes. [Assented to, 17th December, 1980.]

---

See also Plant Diseases (Amendment) Act, 1980; Swine Compensation (Amendment) Act, 1980.



---

*Stock Diseases (Further Amendment).*

---

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short  
title.

**1.** This Act may be cited as the "Stock Diseases (Further Amendment) Act, 1980".

Amendment  
of Act No.  
34, 1923.

**2.** The Stock Diseases Act, 1923, is amended in the manner set forth in Schedule 1.

Saving.

**3.** A proclamation published in the Gazette pursuant to section 10A (1) of the Stock Diseases Act, 1923, and in force immediately before the date of assent to this Act shall, on that date, be deemed to be an order duly made and published pursuant to section 10A of the Stock Diseases Act, 1923, as amended by this Act.

Sec. 2.

---

SCHEDULE 1.

AMENDMENTS TO THE STOCK DISEASES ACT, 1923.

(1) Section 3 (2)—

At the end of section 3, insert :—

(2) For the purposes of this Act (other than section 1), a power to issue a proclamation, to make an order or to give a notification, a notice or an authority shall include and shall be deemed always to have included a power—

- (a) to revoke or amend that instrument; or
- (b) to extend or suspend for any period the effect of that instrument.



---

*Stock Diseases (Further Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK DISEASES ACT, 1923—*continued.*

(2) Section 10—

Omit “, and may by a like notification suspend or extend for any period or cancel any such notification or any quarantine ordered to be imposed by an inspector in accordance with this Act”.

(3) Section 10A (1), (1A)—

Omit section 10A (1), insert instead :—

(1) The Minister may, by order under his hand, declare any land described in the order to be, for the period specified in the order, a special quarantine area on account of the presence or suspected presence of any special disease within the boundaries of that land.

(1A) An order made under subsection (1)—

- (a) shall, as soon as practicable after it has been made, be published in the Gazette and in a newspaper circulating in or in the vicinity of the land to which it relates; and
- (b) shall, if it has not been so published within the period of 14 days after it was made or if it has not been revoked within that period, be deemed to have been revoked at the expiration of that period.

(4) Section 11 (3)—

After section 11 (2), insert :—

(3) The Minister may release an owner or occupier of land from an undertaking given by the owner or occupier and, upon that release, subsection (2) shall cease to have effect with respect to that undertaking and the period referred to in that subsection shall be deemed to have ended.



---

*Stock Diseases (Further Amendment).*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE STOCK DISEASES ACT, 1923—*continued.*

## (5) (a) Section 11A (1)—

Omit “prohibit either absolutely or except subject to the prescribed conditions”, insert instead “restrict or prohibit”.

## (b) Section 11A (2)—

Omit “the prescribed test for the disease in respect of which the area has been declared to be protected”, insert instead “such test as is specified in the notification”.

## (c) Section 11A (3)—

Omit the subsection.

## (6) Section 11B (2)—

Omit the subsection.

## (7) Section 14 (2)—

After “notice”, insert “, order”.

## (8) (a) Section 19A (2)—

Omit the subsection, insert instead :—

(2) The Governor may by proclamation published in the Gazette apply the provisions of this section to any stock of a kind specified in the proclamation.

## (b) Section 19A (3) (c)—

Omit “subsection (2) (a)”, insert instead “subsection (2)”.

## (9) (a) Section 20 (1) (a1)—

After “proclamation”, insert “, order”.



---

*Stock Diseases (Further Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK DISEASES ACT, 1923—*continued.*

(b) Section 20 (1) (h)—

Omit the paragraph, insert instead :—

- (h) being required to comply with the terms and conditions of an undertaking given by him under section 11, fails to comply with any of those terms or conditions; or

(10) Section 21 (1), (1A)—

Omit section 21 (1), insert instead :—

(1) Where an order or a notice is served or given under this Act by an inspector, the order or notice may, by notice in writing served in accordance with subsection (2), be revoked, or amended, or its effect extended or suspended for any period, by the Chief of the Division of Animal Health or by an inspector authorised by him in writing.

(1A) Subsection (1) does not affect the power of an inspector to revoke or amend an order or notice which he himself has served or given or to extend or suspend the effect of such an order or notice.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 17th December, 1980.*









