

**STOCK DISEASES (BOARD OF TICK CONTROL)
AMENDMENT ACT 1988 No. 38**

NEW SOUTH WALES



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3. Amendment of Stock Diseases Act 1923 No. 34
4. Transitional provision

SCHEDULE 1—AMENDMENTS



**STOCK DISEASES (BOARD OF TICK CONTROL) AMENDMENT
ACT 1988 No. 38**

NEW SOUTH WALES



Act No. 38, 1988

An Act to amend the Stock Diseases Act 1923 in connection with the Board of Tick Control; and for other purposes. [Assented to 6 July 1988]

Stock Diseases (Board of Tick Control) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Stock Diseases (Board of Tick Control) Amendment Act 1988.

Commencement

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

Amendment of Stock Diseases Act 1923 No. 34

3. The Stock Diseases Act 1923 is amended as set out in Schedule 1.

Transitional provision

4. (1) A person who, immediately before the commencement of this Act, held office as a member of the Board of Tick Control as then constituted under Part 2 of the Stock Diseases Act 1923—

- (a) ceases to hold office on the commencement of this Act; and
- (b) is not entitled to any remuneration or compensation because of the loss of that office.

(2) The repeal by this Act of Part 2 of the Stock Diseases Act 1923 does not affect the continuity of employment of an inspector referred to in section 5 (10) of that Act.

(3) Any right or interest, and any duty or obligation, that was, immediately before the commencement of this Act, conferred or imposed on an inspector by virtue of section 5 (9) or (10) of the Stock Diseases Act 1923 continues as if this Act had not been enacted.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 1A (Arrangement)—

Omit the section.

(2) Part 2—

Omit the Part, insert instead:

PART 2—BOARD OF TICK CONTROL

The Board

5. (1) There shall be a Board of Tick Control.

(2) The Board has the following functions:

*Stock Diseases (Board of Tick Control) Amendment 1988***SCHEDULE 1—AMENDMENTS—*continued***

- (a) to furnish recommendations to the Minister on matters relating to the control and eradication of cattle tick, including the proclamation of areas as quarantine areas;
- (b) to advise the Minister concerning any matter referred to it by the Minister.
- (3) The Board—
 - (a) has such other powers and functions as may be conferred or imposed on it by or under this or any other Act; and
 - (b) is, in the exercise or performance of its powers and functions, subject to the control and direction of the Minister.
- (4) The Board shall consist of 8 part-time members appointed by the Governor.
- (5) Of the members—
 - (a) 1 shall be an officer of the Department of Agriculture and Fisheries nominated by the Minister; and
 - (b) 1 shall be a member of the Public Service Association of New South Wales nominated in accordance with the regulations; and
 - (c) the other 6 shall be persons, elected as prescribed by the regulations, who are the owners of stock within quarantine areas declared as such on account of the presence or suspected presence of cattle tick.
- (6) Schedule 1 has effect with respect to the members and procedure of the Board.
- (7) The officer referred to in subsection (5) (a) shall be the Chairperson of the Board.
- (8) The Minister may appoint such advisory committees as the Minister thinks fit to advise the Minister in relation to the control and eradication of cattle tick.
- (3) Schedule 1—
At the end of the Act, insert:

SCHEDULE 1—PROVISIONS RELATING TO THE MEMBERS AND PROCEDURE OF THE BOARD OF TICK CONTROL

(Sec. 5 (6))

Age of members

1. A person of or above the age of 70 years is not eligible to be appointed as a member of the Board or to act in the office of a member.

Stock Diseases (Board of Tick Control) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

Acting members

2. (1) The Minister may, from time to time, appoint a person to act in the office of a member of the Board during any illness or absence of the member, and the person, while so acting, has all the functions and powers of the member and shall be taken to be a member of the Board.

(2) The Minister may, at any time, remove a person from any office to which the person was appointed under this clause.

(3) For the purposes of this clause, a vacancy in the office of a member of the Board shall be taken to be an absence from office of the member.

Term of office

3. Subject to this Schedule, a member of the Board shall hold office for such period not exceeding 3 years as may be specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

Remuneration of elected members

4. An elected member of the Board (including an acting elected member) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

Vacancy in office of member

5. (1) The office of a member of the Board becomes vacant if the member—

- (a) dies; or
- (b) completes a term of office and is not re-appointed; or
- (c) resigns the office by instrument in writing addressed to the Minister; or
- (d) is removed from office by the Governor under this clause; or
- (e) reaches the age of 70 years.

(2) The Governor may remove a member from office at any time.

Filling of vacancy in office of member

6. If the office of any member of the Board becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

Effect of certain other Acts

7. (1) The Public Service Act 1979 does not apply to the appointment of a member of the Board and a member is not, as a member, subject to that Act.

(2) If by or under any other Act provision is made—

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member of the Board or from accepting and retaining any remuneration payable to the person under this Act as such a member.

(3) The office of a member of the Board is not, for the purposes of any Act, an office or place of profit under the Crown.

Stock Diseases (Board of Tick Control) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

Liability of members etc.

8. No matter or thing done by the Board, any member of the Board or any person acting under the direction of the Board shall, if the matter or thing was done in good faith for the purpose of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.

General procedure

9. The procedure for the calling of meetings of the Board and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Board.

Presiding member

10. (1) At a meeting of the Board—
- (a) the Chairperson of the Board; or
 - (b) in the absence of the Chairperson, one of the members chosen by the members present, shall preside.
- (2) The person presiding at a meeting of the Board has a deliberative vote only.

Quorum

11. The quorum for a meeting of the Board is 5 members.

**STOCK DISEASES (BOARD OF TICK CONTROL)
AMENDMENT BILL 1988**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Stock Diseases Act 1923 to reconstitute the Board of Tick Control.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Stock Diseases Act 1923.

Clause 4 is a transitional provision consequent on the reconstitution of the Board of Tick Control and the substitution of Part 2 of the Principal Act.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) omits section 1A by way of statute law revision.

Schedule 1 (2) omits Part 2 (Board of Tick Control) from the Principal Act and inserts a new Part 2 to provide for the composition of the Board.

The current Board comprises a representative of the Department of Agriculture and Fisheries, a representative of the Public Service Association and 6 persons who are owners of stock in cattle tick quarantine areas. At the present time, only 3 of the stock-owner members are required to be elected, the other 3 being appointed by the Governor-in-Council. Under the amended provisions, all 6 stock-owner members will be elected.

Stock Diseases (Board of Tick Control) Amendment 1988

Schedule 1 (3) inserts a Schedule into the Principal Act containing provisions relating to the constitution and procedure of the Board.

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SCHEDULE 1—AMENDMENTS



**STOCK DISEASES (BOARD OF TICK CONTROL)
AMENDMENT BILL 1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Stock Diseases Act 1923 in connection with the Board of Tick Control; and for other purposes.

Stock Diseases (Board of Tick Control) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Stock Diseases (Board of Tick Control) Amendment Act 1988.

5 Commencement

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

Amendment of Stock Diseases Act 1923 No. 34

3. The Stock Diseases Act 1923 is amended as set out in Schedule 1.

Transitional provision

10 4. (1) A person who, immediately before the commencement of this Act, held office as a member of the Board of Tick Control as then constituted under Part 2 of the Stock Diseases Act 1923—

(a) ceases to hold office on the commencement of this Act; and

15 (b) is not entitled to any remuneration or compensation because of the loss of that office.

(2) The repeal by this Act of Part 2 of the Stock Diseases Act 1923 does not affect the continuity of employment of an inspector referred to in section 5 (10) of that Act.

20 (3) Any right or interest, and any duty or obligation, that was, immediately before the commencement of this Act, conferred or imposed on an inspector by virtue of section 5 (9) or (10) of the Stock Diseases Act 1923 continues as if this Act had not been enacted.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

25 (1) Section 1A (**Arrangement**)—

Omit the section.

(2) Part 2—

Omit the Part, insert instead:

PART 2—BOARD OF TICK CONTROL

30 **The Board**

5. (1) There shall be a Board of Tick Control.

(2) The Board has the following functions:

SCHEDULE 1—AMENDMENTS—*continued*

- (a) to furnish recommendations to the Minister on matters relating to the control and eradication of cattle tick, including the proclamation of areas as quarantine areas;
- 5 (b) to advise the Minister concerning any matter referred to it by the Minister.
- (3) The Board—
- (a) has such other powers and functions as may be conferred or imposed on it by or under this or any other Act; and
- 10 (b) is, in the exercise or performance of its powers and functions, subject to the control and direction of the Minister.
- (4) The Board shall consist of 8 part-time members appointed by the Governor.
- (5) Of the members—
- 15 (a) 1 shall be an officer of the Department of Agriculture and Fisheries nominated by the Minister; and
- (b) 1 shall be a member of the Public Service Association of New South Wales nominated in accordance with the regulations; and
- 20 (c) the other 6 shall be persons, elected as prescribed by the regulations, who are the owners of stock within quarantine areas declared as such on account of the presence or suspected presence of cattle tick.
- (6) Schedule 1 has effect with respect to the members and procedure of the Board.
- 25 (7) The officer referred to in subsection (5) (a) shall be the Chairperson of the Board.
- (8) The Minister may appoint such advisory committees as the Minister thinks fit to advise the Minister in relation to the control and eradication of cattle tick.
- 30 (3) Schedule 1—
- At the end of the Act, insert:

SCHEDULE 1—PROVISIONS RELATING TO THE MEMBERS
AND PROCEDURE OF THE BOARD OF TICK CONTROL

35

(Sec. 5 (6))

Age of members

1. A person of or above the age of 70 years is not eligible to be appointed as a member of the Board or to act in the office of a member.

*Stock Diseases (Board of Tick Control) Amendment 1988*SCHEDULE 1—AMENDMENTS—*continued***Acting members**

2. (1) The Minister may, from time to time, appoint a person to act in the office of a member of the Board during any illness or absence of the member, and the person, while so acting, has all the functions and powers of the member and shall be taken to be a member of the Board.

(2) The Minister may, at any time, remove a person from any office to which the person was appointed under this clause.

(3) For the purposes of this clause, a vacancy in the office of a member of the Board shall be taken to be an absence from office of the member.

Term of office

3. Subject to this Schedule, a member of the Board shall hold office for such period not exceeding 3 years as may be specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

Remuneration of elected members

4. An elected member of the Board (including an acting elected member) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

Vacancy in office of member

5. (1) The office of a member of the Board becomes vacant if the member—

(a) dies; or

(b) completes a term of office and is not re-appointed; or

(c) resigns the office by instrument in writing addressed to the Minister;
or

(d) is removed from office by the Governor under this clause; or

(e) reaches the age of 70 years.

(2) The Governor may remove a member from office at any time.

Filling of vacancy in office of member

6. If the office of any member of the Board becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

Effect of certain other Acts

7. (1) The Public Service Act 1979 does not apply to the appointment of a member of the Board and a member is not, as a member, subject to that Act.

(2) If by or under any other Act provision is made—

(a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or

(b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member of the Board or from accepting and retaining any remuneration payable to the person under this Act as such a member.

(3) The office of a member of the Board is not, for the purposes of any Act, an office or place of profit under the Crown.

Stock Diseases (Board of Tick Control) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

Liability of members etc.

- 5 8. No matter or thing done by the Board, any member of the Board or any person acting under the direction of the Board shall, if the matter or thing was done in good faith for the purpose of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.

General procedure

- 10 9. The procedure for the calling of meetings of the Board and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Board.

Presiding member

- 15 10. (1) At a meeting of the Board—
(a) the Chairperson of the Board; or
(b) in the absence of the Chairperson, one of the members chosen by the members present, shall preside.
(2) The person presiding at a meeting of the Board has a deliberative vote only.

Quorum

11. The quorum for a meeting of the Board is 5 members.



