

First print



New South Wales

Stock Diseases Amendment Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make a number of amendments to the *Stock Diseases Act 1923* to update or simplify various provisions including those relating to the powers of inspectors. Some of the amendments stem from the repeal and re-enactment of the regulations under the Act which took effect on 1 September 1992. A number of matters dealt with in the now repealed regulations are to be transferred to the Act itself by this Bill.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

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

Clause 3 gives effect to the Schedule of amendments to the *Stock Diseases Act 1923* (Schedule 1).

Schedule 1 Amendments

Schedule 1 contains the amendments described above.

Schedule 1 [1]–[4] amend section 3 to provide a definition of *protected area* (a concept already in the Act, meaning an area notified by the Minister under existing section 11A as an area into which certain stock or things must not be brought), to define *record* in order to simplify references to documents, papers and other records in the substantive provisions of the Act, and to update or consequentially amend the definitions of *Director-General*, *infected* and *quarantine area*.

Schedule 1 [5] amends section 5 so that it will refer to the Department of Agriculture (as it is now called).

Schedule 1 [6] amends section 6 to ensure that the appointment of inspectors is not dependent on notification in the Gazette.

Schedule 1 [7]–[11] incorporate in section 7 an inspector's power to require stock to be tested by their owner or person in charge of them (in addition to the present power of an inspector simply to do the testing), to detain or take possession of stock by displaying a notice adjacent to the stock, to brand or otherwise mark stock for the purposes of the Act and to permit the movement of stock in a number of cases where it would otherwise be illegal to move the stock. The items also update a reference to Departmental officers.

Schedule 1 [12] and [13] simplify the expression of the requirement in section 7A that a person produce records on demand to an inspector, but limit the situation in which the person must comply with the requirement (so that an inspector must warn the person that it is an offence not to comply with such a requirement).

Schedule 1 [14]–[17] amend section 8 in relation to the manner of disinfecting buildings and land and, in addition, empower an inspector to require a person to disinfect clothing or footwear or to test infected stock.

Schedule 1 [18] and [36] replace sections 8C and 20I with a provision prohibiting the obstruction of inspectors which largely parallels section 50 of the *Exotic Diseases of Animals Act 1991* (proposed section 20I).

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Schedule 1 [19] and [20] amend section 9 to provide a fresh list of officers to whom notice must be given if there is an outbreak of disease in stock, to indicate the matters to be included in the notice and to provide for a specific penalty for failing to give such a notice.

Schedule 1 [21] amends section 11 to enable voluntary quarantine undertakings to be accepted or ended by an inspector on behalf of the Minister, instead of solely by the Minister, as at present.

Schedule 1 [22] amends section 12A to enable the stop sign used by inspectors to be one approved by the Chief, Division of Animal Industries instead of one prescribed by the regulations.

Schedule 1 [23] restates provisions from the old regulations as a new section 12B to enable the Minister to prohibit agricultural shows and public sales in cases where it is necessary to do so to prevent the spread of disease in stock.

Schedule 1 [24] amends section 13 to enable fencing orders to be given by inspectors to occupiers of land as well as landowners, and lessees of Crown land, if the land is in an area where there is a general Ministerial requirement to fence land.

Schedule 1 [25] substitutes section 17 to enable the Minister to authorise the Chief, Division of Animal Industries and Senior Field Veterinary Officers to order the destruction of infected stock, infected carcasses and other infected things. The destruction of uninfected stock, carcasses and other things may also be ordered, but only in quarantine areas or protected areas. Whether the stock are infected or not, destruction may only be ordered if it would help prevent the spread of disease and only if certain formal requirements set out in the proposed section are met.

Schedule 1 [26] amends section 18 to require the approval of the Chief, Division of Animal Industries, a Senior Field Veterinary Officer or the Chairman of the Board of Tick Control before an order for destruction under section 17 (as substituted by the proposed Act) which has not been complied with can be carried out by an inspector.

Schedule 1 [27] inserts proposed section 19FA to create an offence of attaching wrong tags to stock or branding stock wrongly.

Schedule 1 [28] inserts in section 20 an additional subsection to prohibit the sale of stock illegally brought into New South Wales unless an inspector has authorised the sale.

Schedule 1 [29] replaces section 20B (which prohibits the sale of diseased stock) with a provision that will apply only to cases where a person has reason to believe, or ought to know, that stock are diseased. The new section will allow special sales of diseased stock to be held in limited circumstances.

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Schedule 1 [29] also inserts proposed section 20BA to require notice of a public sale to be given in advance to inspectors if the sale is to be held in a quarantine area.

Schedule 1 [30] and **[31]** extend the application of the restrictions on the movement of stock contained in section 20C to movement into, within and out of quarantine areas, and makes certain consequential amendments. It is also made clear that section 20C does not prevent the movement of stock in accordance with orders or permits under the Act or to special sales of diseased stock. Section 20C (as amended) will also require the cleaning of vehicles used to move infected stock.

Schedule 1 [32] enlarges the concept of straying in section 20D to include stock straying from a quarantine area.

Schedule 1 [33] introduces a prohibition (in section 20F) against interfering with inspectors' notices (such as notices to detain cattle or to stop vehicles).

Schedule 1 [34] transfers prohibitions included in the old regulations to proposed sections 20FA (Treatment or seizure of stock) and 20FB (Feeding of prohibited substance to stock).

Schedule 1 [35] amends section 20G to broaden its prohibition to cover the removal of brands and marks.

Schedule 1 [37]–[40] make miscellaneous (including consequential) amendments to the regulation-making power in section 23.

Schedule 1 [41] and **[42]** insert savings and transitional provisions (proposed section 24 and Schedule 2).

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New South Wales

Stock Diseases Amendment Bill 1995

No. , 1995

A Bill for

An Act to amend the *Stock Diseases Act 1923* with respect to the powers of inspectors and the sale of diseased stock; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Stock Diseases Amendment Act 1995*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation. 5

3 Amendment of Stock Diseases Act 1923 No 34

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

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Section 3 (1), definition of Director-General

Omit the definition. Insert instead:

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Director-General means the Director-General of the Department of Agriculture.

[2] Section 3 (1), definition of Infected

Omit the definition. Insert instead:

Infected means:

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(a) in relation to stock—that the stock are diseased or have been on land on which there are, or have been within the preceding 12 months, diseased stock, or

(b) in relation to a carcass—that the carcass is of infected stock, or

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(c) in relation to land—that the land is land on which diseased stock are present, or have been present during the preceding 12 months, except if that presence consisted only in the transport of the stock by vehicle over the land.

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[3] Section 3 (1)

Insert in alphabetical order:

Protected area means land declared by the Minister to be a protected area under section 11A.

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Record means any book, account, document, paper or other source of written information compiled, recorded or stored in written form, or on microfilm, or by electronic process, or in any other manner or by any other means.

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Schedule 1 Amendments

- [4] Section 3 (1), definition of Quarantine area**
Omit "(1) (c)" from paragraph (c).
- [5] Section 5 Board of Tick Control**
Omit "and Fisheries" from section 5 (5) (a).
- [6] Section 6 Inspectors** 5
Omit section 6 (1). Insert instead:
(1) The Director-General may appoint a person to be an inspector for the purposes of this Act.
- [7] Section 7 Powers of inspectors**
Section 7 (1) (b) 10
Omit "take possession of".
Insert instead "detain or take possession of".
- [8] Section 7 (1) (bii)**
Insert after section 7 (1) (bi):
(bii) order the owner or person in charge of stock to 15
cause the stock to be tested for any disease in a
manner approved by the Chief, Division of
Animal Industries, whether or not the stock have
previously been tested, and whether or not that 20
testing was ordered or caused to be done by an
inspector,
- [9] Section 7 (1A)**
Insert after section 7 (1):
(1A) For the purposes of (and without limiting) subsection (1) 25
(b), an inspector may detain or take possession of stock
by displaying a notice stating that the inspector has
detained or taken possession of the stock (as
appropriate). The notice must be prominently displayed
on, next to, or on a gate to, the pen, yard, paddock or 30
other enclosure or area where the stock are located.

[10] Section 7 (2)

Insert "(bii) or" before "(c)".

[11] Section 7 (4)-(6)

Omit section 7 (4). Insert instead:

- (4) For the purposes of subsection (3), an authorised officer is the Chief, Division of Animal Industries, a Senior Field Veterinary Officer or the Chairman of the Board of Tick Control. 5
- (5) An inspector may, in a manner approved by the Chief, Division of Animal Industries, brand or otherwise mark any stock or things: 10
 - (a) which the inspector otherwise suspects on reasonable grounds are infected, or
 - (b) which the inspector suspects on reasonable grounds have been moved contrary to this Act or a regulation or other instrument made under this Act, or 15
 - (c) which are straying, or the subject of any order, or seized, under this Act, or
 - (d) otherwise for the purpose of investigating or controlling diseases, even if the stock or things themselves are not infected. 20
- (6) An inspector may issue a written permit to a person who is the owner, or person in charge, of stock, permitting that person (despite the provisions of this Act) to move the stock in accordance with the terms of the permit. 25

[12] Section 7A Questions and inquiries by inspectors

Omit section 7A (2). Insert instead:

- (2) The person must also comply with any demand by the inspector to produce any record in the possession or 30

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Schedule 1 Amendments

under the control of the person relating to the stock, carcass, fodder or fittings if the inspector has put a question to the person under subsection (1) and also warned the person that it is an offence not to comply with a demand under this subsection.

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[13] Section 7A (3) and (4)

Omit “, document or paper” wherever occurring.

[14] Section 8 Further powers of inspectors in relation to infected stock

Section 8 (1) (a)

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Omit “identified or treated”.
Insert instead “identified, tested or treated”.

[15] Section 8 (1) (a), (d) and (e)

Omit “as the inspector may require or as may be prescribed” wherever occurring.

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Insert instead “as the inspector may specify (but subject to any requirement prescribed by the regulations)”.

[16] Section 8 (1) (f)

Omit “as may be prescribed to the satisfaction of the inspector”.
Insert instead “as the inspector may specify (but subject to any requirement prescribed by the regulations)”.

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[17] Section 8 (5)

Insert after section 8 (4):

- (5) An inspector may order a person who enters or leaves a quarantine area, or who enters or leaves a vehicle, vessel or land which has been in contact with infected stock or an infected carcass or an infected thing, to disinfect the person’s clothes and footwear in such manner and within such time as the inspector may specify (but subject to any requirement prescribed by the regulations).

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[18] Section 8C Personation of inspector

Omit the section.

[19] Section 9 Occupier etc to give notice

Insert after section 9 (1), (2) and (5):

Maximum penalty: 100 penalty units.

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[20] Section 9 (3)

Omit section 9 (3). Insert instead:

(3) A written notice referred to in subsection (1) or (2) is to be given to:

(a) a ranger employed by the rural lands protection board for the rural lands protection district in which the stock are then located, or 10

(b) the district veterinarian for that district, or

(c) the Senior Field Veterinary Officer for the rural lands protection district in which the stock are then located. 15

(3AA) The notice must state the following matters to the best of the knowledge of the person giving the notice:

(a) the nature of the disease,

(b) the number and description of the stock and of the stock which are diseased or believed or suspected to be diseased, 20

(c) the location of the stock,

(d) the name and address of the owner of the stock,

(e) the name of the occupier of the land where the stock are located, 25

(f) if the stock are travelling, the name and address of the person in charge of the stock.

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[21] Section 11 Undertaking in certain cases

Insert after section 11 (3):

- (4) For the purposes of this section, an inspector may, on behalf of the Minister, accept an undertaking given by an owner or occupier in a form acceptable to the inspector and release the owner or occupier from an undertaking. 5

[22] Section 12A Powers of inspectors to stop, enter and search vehicles etc

Omit "of a type prescribed" from section 12A (1).

Insert instead "of a type approved by the Chief, Division of Animal Industries". 10

[23] Section 12B

Insert after section 12A:

12B Bans on shows or sales

- (1) The Minister may, by order published in the Gazette, prohibit, or impose conditions on, the holding of agricultural shows or public sales of stock in a specified area if the Minister considers that such shows or sales are likely to facilitate the spread of a disease among stock. 15
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- (2) A person must not hold or assist in holding an agricultural show or public sale of stock, or cause such a show or sale to be held, if the show or sale has been prohibited under this section.
- (3) A person who holds or assists in holding an agricultural show or public sale of stock, or causes such a show or sale to be held, must not do anything contrary to any condition imposed under this section on the holding of the show or sale. 25
- (4) An order under this section remains in force for the period (if any) specified in the order, or 6 months, whichever is the shorter. 30

Maximum penalty: 100 penalty units.

[24] Section 13 Power to order fencing

Omit section 13 (1)–(3). Insert instead:

- (1) The Minister may, by notice published in the Gazette, require all owners of land, and all lessees of any Crown land, within a quarantine area or a protected area, to fence the land within the time specified in the notice and in a manner sufficient to prevent any stock of a class specified in the notice from getting in or getting out. 5
- (2) If an inspector is of the opinion that there are stock of that class in the area where such a requirement is in force, on land which is not sufficiently fenced or enclosed to prevent stock of that class getting in or getting out, the inspector may, by notice in writing, order the owner of the land (or the lessee if it is Crown land) or the occupier of the land to carry out such fencing or repairs or additions to fencing as the inspector considers necessary, within the time specified in the notice. 10
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[25] Section 17

Omit the section. Insert instead:

- 17 Power to order destruction** 20
- (1) An order may be given to a person to destroy or dispose of infected stock or any carcass, or produce, of infected stock, or fodder or other thing used in connection with infected stock.
 - (2) An order may be given to a person to destroy or dispose of stock or any carcass, or produce, of stock, or fodder or other thing used in connection with stock, if the stock, carcass, produce, fodder or other thing is in a quarantine area or protected area. For the purposes of this subsection, it does not matter whether the stock are infected or not. 25
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- (3) An order under this section may be given:
- (a) only if the person giving it is satisfied that the destruction or disposal would tend to prevent the spread or occurrence of disease, and
 - (b) only to the owner or person in charge of the stock, carcass, produce, fodder or other thing concerned or to any owner or occupier of land on which the stock, carcass, produce, fodder or other thing is located, and 5
 - (c) only by the Minister or a person authorised by the Minister for the purposes of this section. 10
- (4) Authorisation for the purposes of this section may be granted by the Minister to any one or more of the following:
- (a) the Chief, Division of Animal Industries, 15
 - (b) Senior Field Veterinary Officers.
- (5) A person referred to in subsection (4) (a) or (b) cannot give an order under this section unless he or she has in possession a certificate of authorisation signed by the Minister and shows it on demand to the person to whom he or she gives the order. The certificate may be either an original or a copy made by facsimile transmission. 20

[26] Section 18 Proceedings in default of compliance

Insert after section 18 (2):

- (3) The requirements of an order under section 17 for destruction or disposal must not be carried out under this section without the express approval of the Chief, Division of Animal Industries, a Senior Field Veterinary Officer or the Chairman of the Board of Tick Control. That approval can only be given in a particular case. 25 30

[27] Section 19FA

Insert after section 19F:

19FA Wrong tags and brands

- (1) A person must not attach to stock (other than swine) a tag bearing particulars of identification, or cause or permit its attachment, unless by the attachment of the tag to them they are identified in accordance with this Part. 5
- (2) A person must not mark swine with a brand which sets out particulars of identification, or cause or permit that marking, unless by so marking them they are identified in accordance with this Part. 10

Maximum penalty: 100 penalty units.

[28] Section 20 Illegal introduction of stock

Insert before "Maximum penalty":

- (2) A person must not sell, assist in selling, offer for sale or attempt to sell stock if: 15
 - (a) the person has reason to believe or ought to know that the stock have been introduced into the State in contravention of subsection (1), and
 - (b) the stock have been so introduced, and 20
 - (c) since that introduction an inspector has not authorised the sale of the stock.

[29] Sections 20B, 20BA

Omit section 20B. Insert instead:

20B Sale of diseased stock 25

- (1) A person must not sell stock which the person has reason to believe, or ought to know, are diseased.

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- (2) This section does not prevent the sale of diseased stock which an order under section 8 (1) (b) requires to be removed either to the place of the sale or to another place from the place of the sale.
- (3) This section does not prevent the sale of stock diseased only with footrot, sheep lice or *Brucella ovis* infection (or only with more than one of those diseases), if the sale takes place at a sale approved by a Senior Field Veterinary Officer for stock infected only with one or more of those diseases. 5
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Maximum penalty: 200 penalty units.
- (4) In this section, *sell* includes offer for sale, assist in selling and attempt to sell.

20BA Notice of public sale in quarantine area

A person must not hold a public sale of stock (even if the stock are not diseased) within a quarantine area if 14 days' notice in writing of the sale has not been given to an inspector. 15

Maximum penalty: 100 penalty units.

[30] Section 20C Movement of stock 20

Omit section 20C (1) (c). Insert instead:

- (c) into, within or out of a quarantine area or from infected land, or
- (d) if an inspector has ordered the stock to be tested under section 7 (1) (bii), the stock have not yet been tested in accordance with that order and an inspector has not given permission for the stock to be moved, or 25
- (e) otherwise in contravention of this Act or the regulations. 30

[31] Section 20C (3)–(5)

Omit section 20C (3). Insert instead:

- (3) A person does not commit an offence against this section by doing anything in accordance with a permit under section 7 (6) or an order under section 8 (1) (b) or if the person moves stock when all of the following conditions are satisfied:
 - (a) the stock are infected only with footrot, sheep lice or *Brucella ovis* infection (or only with more than one of those diseases),
 - (b) the stock are transported in a vehicle directly to an abattoir for the slaughter of the stock or directly to a sale approved by a Senior Field Veterinary Officer for stock infected only with one or more of those diseases,
 - (c) the stock are accompanied by a transported stock statement under the *Rural Lands Protection Act 1989*.
- (4) For the purposes of subsection (2) (c), the holder of an authority under the *Rural Lands Protection Act 1989* to walk or graze stock on a travelling stock reserve is not an occupier of that reserve.
- (5) The owner of a vehicle in which infected stock are transported in compliance with a permit or order (as referred to in subsection (3)) and any person having custody or control of the vehicle are guilty of an offence against this Act if any manure, hair and other matter which is, or can harbour, a disease or disease organism have not been cleaned from the vehicle immediately after the stock have left the vehicle.

Maximum penalty: 20 penalty units.

[32] Section 20D Straying stock

Omit “within a quarantine area or protected area” from section 20D (1).

Insert instead “within or out of a quarantine area or within a protected area”.

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[33] Section 20F Interfering with a quarantine fence, gate or notice

Insert before "Maximum penalty":

- (2) A person must not remove or interfere with a notice displayed by an inspector under this Act, unless the person is an inspector or does so with the authority of an inspector. 5

[34] Sections 20FA, 20FB

Insert after section 20F:

20FA Treatment or seizure of stock

- (1) A person must carry out treatment ordered by an inspector, or prescribed by or under this Act, in accordance with the directions (if any) given to the person by an inspector. 10
- (2) A person must not remove or attempt to remove a chemical or solution from stock to which it has been applied as part of a treatment ordered by an inspector or prescribed by or under this Act, unless the person is an inspector or does so with the authority of an inspector. 15
- (3) A person must not recover, attempt to recover, or aid or permit another person to recover or attempt to recover any stock, carcass, fodder or other thing which an inspector has detained or taken possession of under this Act, unless the person is an inspector or does so with the authority of an inspector. 20

Maximum penalty: 100 penalty units. 25

20FB Feeding of prohibited substance to stock

- (1) A person must not feed a prohibited substance to stock or cause or permit stock to feed on a prohibited substance.
- (2) The owner and any person in charge of stock must take all steps that are reasonably practicable to prevent stock from having access to a prohibited substance. 30

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- (3) This section does not apply in relation to stock prescribed by the regulations or in the circumstances (if any) prescribed by the regulations.
- (4) In this section, *prohibited substance* means a substance prescribed by the regulations as a prohibited substance. 5
Maximum penalty: 100 penalty units.
- [35] Section 20G Person must not deface brand or mark with yellow pigment**
- Omit “alter or deface a brand” from section 20G (1).
Insert instead “alter, deface or remove a brand (or mark)”. 10
- [36] Section 20I**
- Omit the section. Insert instead:
- 20I Obstruction**
- (1) A person must not:
- (a) assault or threaten an inspector in the exercise of the inspector’s powers under this Act, or 15
 - (b) assault or threaten a person assisting an inspector in the exercise of those powers, or
 - (c) threaten any person because the person has been questioned by, or who has furnished information or records to, an inspector in the exercise of those powers, or 20
 - (d) impersonate an inspector.
- Maximum penalty: 200 penalty units.
- (2) A person must not, without reasonable excuse: 25
- (a) obstruct or hinder an inspector in the exercise of the inspector’s powers under this Act, or
 - (b) obstruct or hinder a person assisting an inspector in the exercise of those powers, or

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- (c) prevent or attempt to prevent a person from giving information to or being questioned by an inspector acting in the exercise of those powers.

Maximum penalty: 100 penalty units.

- [37] Section 23 Regulations** 5
- Section 23 (1) (g) and (v), (1A) and (1C)**
Omit section 23 (1) (g) and (v), (1A) and (1C)
- [38] Section 23 (1) (m)**
- Omit "stock are found or are pastured or kept".
Insert instead "there are stock". 10
- [39] Section 23 (1) (n)**
- Omit "are depastured or kept".
Insert instead "there are or have been".
- [40] Section 23 (1) (t)**
- Omit "in respect of any disease". 15
Insert instead "or tested in respect of any disease or which there is reason to suspect are infected".
- [41] Section 24**
- Insert after section 23:
- 24 Savings, transitional and other provisions** 20
Schedule 2 has effect.

[42] Schedule 2

Insert after Schedule 1:

Schedule 2 Savings, transitional and other provisions

(Section 24) 5

Part 1 Preliminary

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts: 10

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- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 15
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or 20
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done, or omitted to be done, before the date of its publication. 25

Part 2 Provisions consequent on the enactment of the Stock Diseases Amendment Act 1995

2 Definition

In this Part, *1995 Act* means the *Stock Diseases Amendment Act 1995*. 30

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3 Inspectors

A person who was an inspector immediately before section 6 (1) was replaced by the 1995 Act continues in office as if the person had been appointed under that subsection (as so replaced).

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4 Occupier's notice as to diseased stock

(1) A notice given in accordance with section 9 before the amendment of that section by the 1995 Act is taken to have been given in accordance with section 9 as so amended.

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(2) If, before the amendment of section 9 by the 1995 Act, a person complied with that section to the extent of providing verbal notice by virtue of section 9 (4), that section is taken to continue in force in relation to that notice as if it had not been so amended until the time for confirming the notice would have elapsed had the section not been so amended.

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5 Notice to stop vehicle

A type of traffic sign that, immediately before the amendment of section 12A by the 1995 Act, was a prescribed type of traffic sign under that section is taken to have been approved by the Chief, Division of Animal Industries on the day when that amendment commenced.

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6 Notice to fence land

(1) A requirement in force under section 13 immediately before the amendment of that section by the 1995 Act and contained in a notification published in the Gazette continues in force on and from the commencement of that amendment as if it had been contained in a notice under section 13 as so amended.

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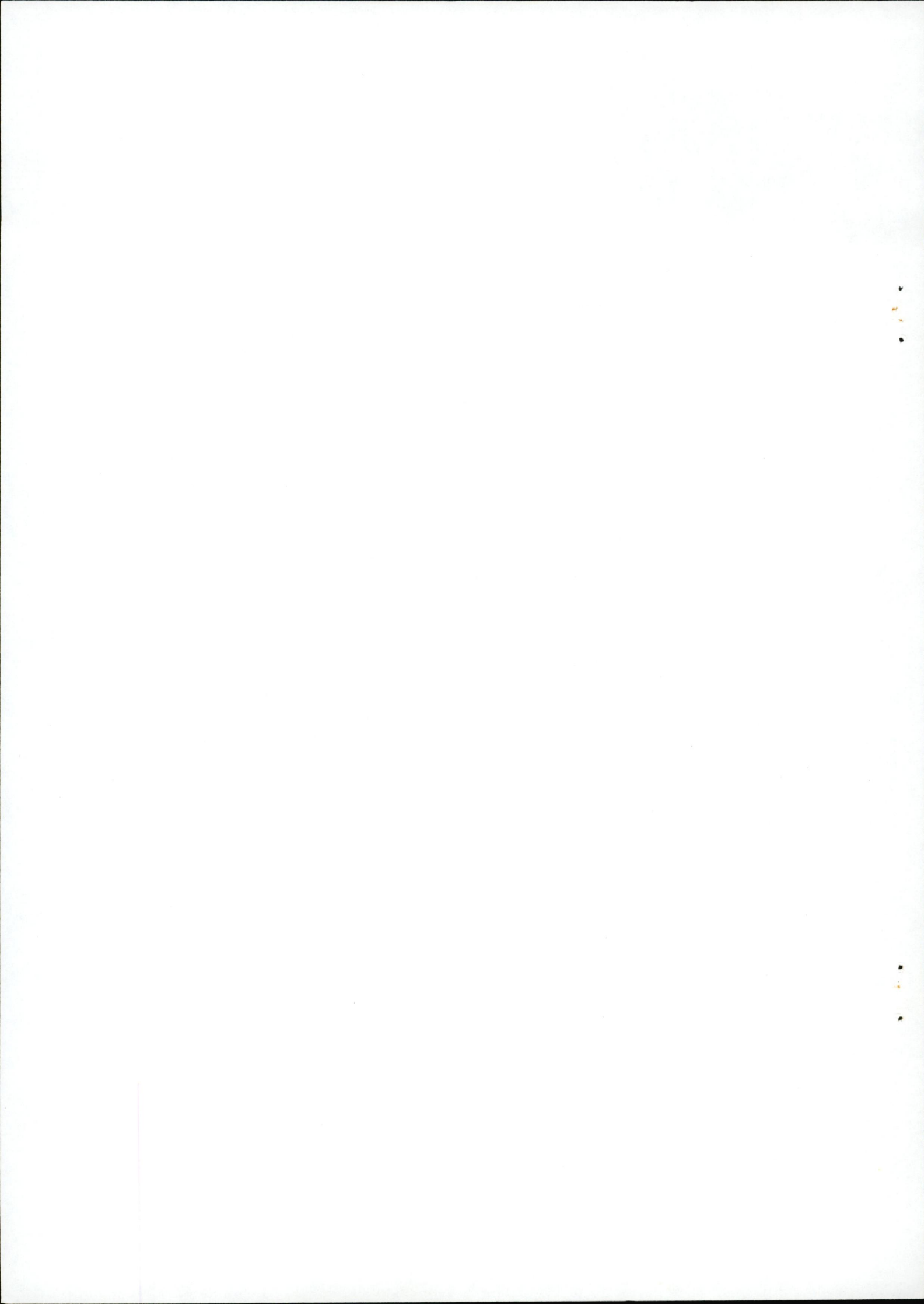
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(2) Any stock specified in such a notification is taken to have been specified as a class of stock for the purposes of the notice.

- (3) When a requirement in a notification continues in force as a requirement in a notice, the notice is taken to specify a reasonable time from the time when the notification was published as the time for the fencing to be carried out. 5
- (4) An order given by notice by an inspector, and in force, under section 13 before the amendment of that section by the 1995 Act continues in force under that section as so amended on and from the commencement of that amendment. 10
- (5) On and from that commencement, the time specified in an order saved under subclause (4) is taken to run from the day when that order was given before the commencement.

7 Destruction order 15

An order by the Minister in force under section 17 immediately before the replacement of that section by the 1995 Act continues in force under section 17 as so replaced.



STOCK DISEASES (AMENDMENT) BILL 1995

MR PRESIDENT

I MOVE THAT THIS BILL BE READ A SECOND TIME.

THIS BILL AMENDS THE STOCK DISEASES ACT 1923.

ITS PURPOSE IS TO UPDATE AND SIMPLIFY VARIOUS PROVISIONS INCLUDING THOSE RELATING TO THE POWERS OF INSPECTORS. IT ALSO PROVIDES FOR GREATER ADMINISTRATIVE AND COST EFFICIENCY.

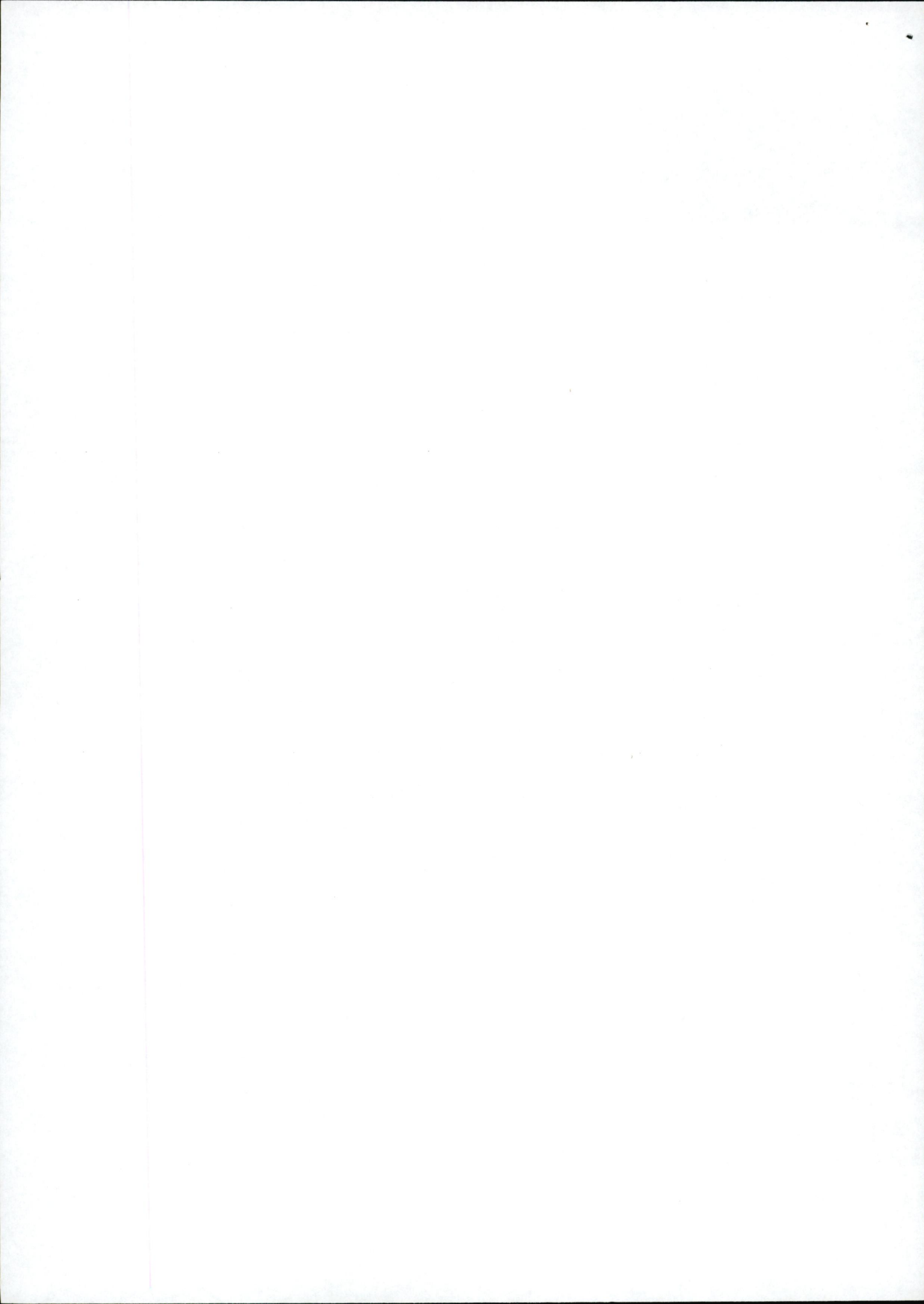
AT PRESENT, THE APPOINTMENT OF INSPECTORS CANNOT TAKE EFFECT WITHOUT PUBLICATION FIRST IN THE GOVERNMENT GAZETTE. THE BILL REMOVES THIS REQUIREMENT, AND PROVIDES FOR APPOINTMENT BY THE DIRECTOR-GENERAL WHO WILL ISSUE INSPECTORS WITH A SIGNED IDENTIFY CARD WHICH ARE FAR MORE PRACTICAL AND A MORE IMMEDIATE AND USEFUL PROOF OF THEIR APPOINTMENT.

THE DEFINITION OF INFECTED LAND HAS BEEN AMENDED. AS THE ACT PRESENTLY STANDS, ALL LAND AND ROADS OVER WHICH A VEHICLE HAS CARRIED INFECTED STOCK OVER THE PAST 12 MONTHS ARE DEEMED TO BE INFECTED. THE AMENDMENT RECOGNISES THAT LAND AND ROADS ARE NOT INFECTED MERELY BECAUSE ROAD TRANSPORT HAS BEEN USED, AND WHERE THE DISEASED STOCK HAVE NOT BEEN IN CONTACT WITH THE LAND OR THE ROAD ITSELF.

A NUMBER OF PROVISIONS HAVE BEEN SIMPLIFIED AND REDRAFTED INTO PLAIN ENGLISH.

A NUMBER OF PROVISIONS, OF A SUBSTANTIVE NATURE, WERE LOCATED IN THE REGULATIONS. THESE HAVE NOW, MORE APPROPRIATELY, BEEN PLACED IN THE ACT. THE FOLLOWING ARE SOME EXAMPLES—

- THE POWER OF AN INSPECTOR TO DETAIN STOCK BY PLACING A DETENTION NOTICE PROMINENTLY ON OR NEXT TO THE ENCLOSURE CONTAINING THE STOCK. THIS TEMPORARY DETENTION ENABLES INSPECTORS TO ASCERTAIN THE DISEASE STATUS OF SUSPECT STOCK BEFORE THE STOCK ARE PRESENTED FOR SALE.
- THIS POWER OF DETENTION ALSO ENABLES OWNERSHIP OF CATTLE TO BE DETERMINED WHERE THE STOCK ARE EITHER WRONGLY TAGGED OR LEFT UNTAGGED BEFORE THEY ARE OFFERED FOR SALE. THE BENEFITS OF THIS PROVISION INCLUDE:
 - AVOIDANCE OF COSTLY TRACE-BACK WHERE STOCK ARE DISEASED;
 - EARLY IDENTIFICATION OF THE NEED FOR ERADICATION OR CONTROL OF A DISEASE;

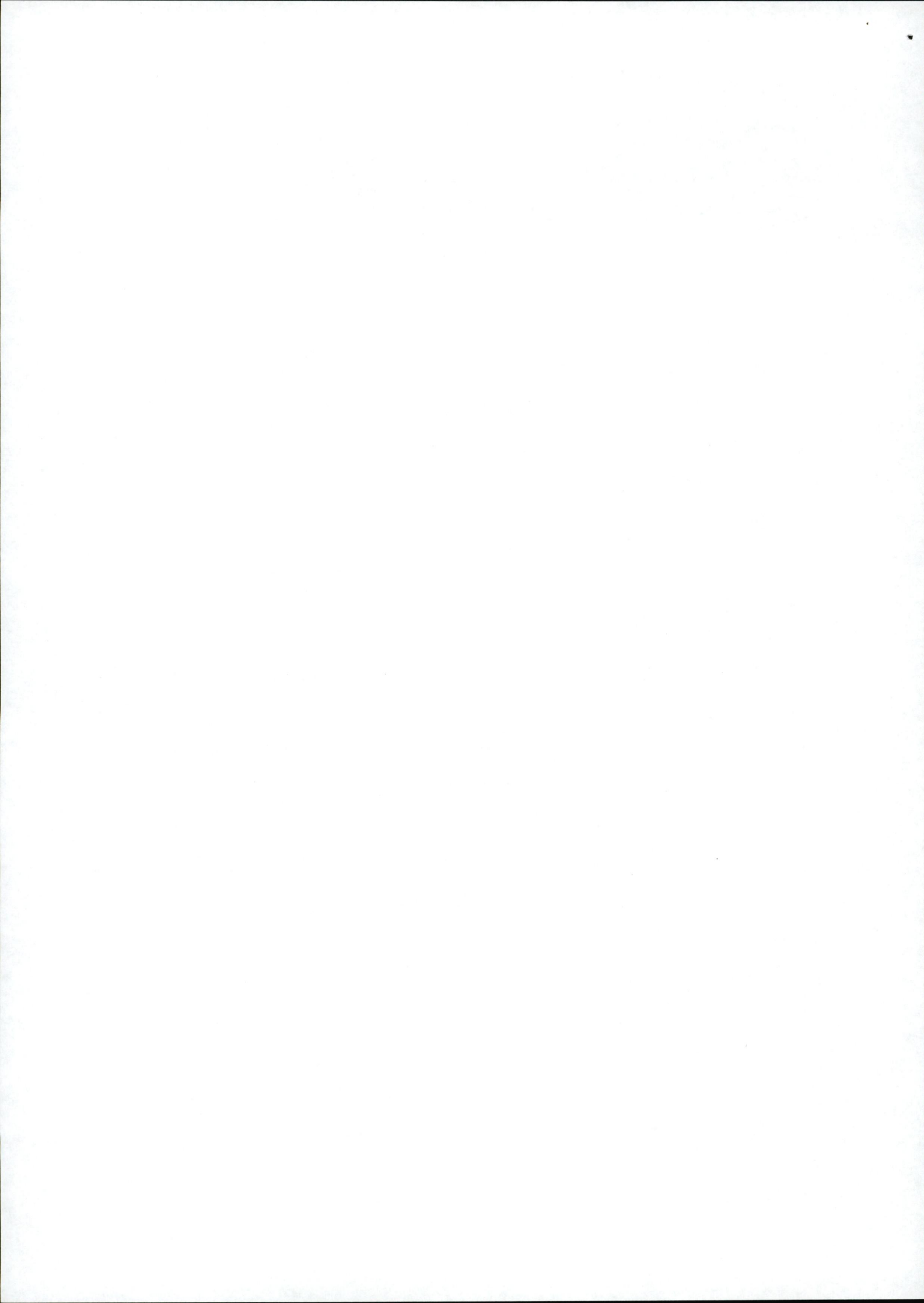


- ENSURING THE INTEGRITY OF AUSTRALIAN EXPORT HGP FREE MEAT IN IDENTIFYING CATTLE WRONGLY TAGGED AS FREE OF HORMONAL GROWTH PROMOTANTS.
- AN INSPECTOR WILL CONTINUE TO BE ABLE TO MARK FOR IDENTIFICATION STOCK WHICH THE INSPECTOR HAS REASONABLE GROUNDS TO SUSPECT ARE INFECTED WITH A DISEASE. IT IS PROVIDED THAT SUCH STOCK CAN BE IDENTIFIED IN A MANNER APPROVED BY THE CHIEF, DIVISION OF ANIMAL INDUSTRIES.

THIS PROVISION ALSO PLAYS A VITAL ROLE IN ENSURING THE INTEGRITY OF THE STOCK IDENTIFICATION SYSTEM. THE MAINTENANCE OF THIS SYSTEM ENSURES COMPLIANCE WITH THE REQUIREMENTS OF SENSITIVE MARKETS SUCH AS THE EUROPEAN UNION AND SWEDEN WHICH REQUIRE ALL MEAT FOR THAT MARKET TO BE FREE OF HORMONAL GROWTH PROMOTANTS.

THE BILL ALSO AMENDS THE ADMINISTRATIVE PROVISIONS WITH RESPECT TO QUARANTINE OF PROPERTIES ON ACCOUNT OF DISEASE. WHERE INFECTED STOCK ARE ON LAND, BOTH THE STOCK AND THE LAND ARE DEEMED TO BE INFECTED.

THE MINISTER OR AN INSPECTOR MAY ACCEPT AN UNDERTAKING IN LIEU OF PROPERTY QUARANTINE PUBLISHED IN THE GAZETTE, AND MAY RELEASE THE QUARANTINE OF THE PROPERTY.



THE AMENDMENT CLARIFIES THE POWER OF INSPECTORS TO ACCEPT SUCH UNDERTAKINGS AND TO RELEASE SUCH PROPERTIES FROM QUARANTINE ON BEHALF OF THE MINISTER WHERE THIS IS APPROPRIATE.

THE BILL ALSO PROPOSES TO CLARIFY THE PROVISIONS OF THE ACT WITH RESPECT TO THE DESTRUCTION OF STOCK. IT IS PROPOSED THAT AN ORDER FOR THE DESTRUCTION OF STOCK MAY BE GIVEN ONLY IF THE PERSON GIVING IT IS SATISFIED THAT THE DESTRUCTION OF THE INFECTED STOCK, CARCASS OR THINGS IN CONNECTION WITH INFECTED STOCK WOULD TEND TO PREVENT THE SPREAD OR OCCURRENCE OF DISEASE.

IT IS PROPOSED THAT THE POWER TO GIVE SUCH AN ORDER BE RESTRICTED TO SENIOR DEPARTMENTAL VETERINARY OFFICERS WHO HAVE MINISTERIAL AUTHORISATION.

IT IS PROPOSED TO REMOVE THE REQUIREMENT TO HAVE AN ORDER FOR MOVEMENT OF DISEASED SHEEP TO SPECIAL SALES OF DISEASED STOCK AND TO ABATTOIRS WHERE THE SHEEP ARE INFECTED ONLY WITH FOOTROT, SHEEP LICE OR BRUCELLA OVIS. NO ORDER FOR MOVEMENT IS REQUIRED IF THEY ARE TRANSPORTED BY VEHICLE DIRECTLY FROM THEIR PROPERTY OF ORIGIN TO THE SPECIAL SALE OR ABATTOIR FOR SLAUGHTER. STOCK SOLD AT A SPECIAL SALE OF DISEASED STOCK MAY BE MOVED ONLY TO AN ABATTOIR FOR SLAUGHTER.

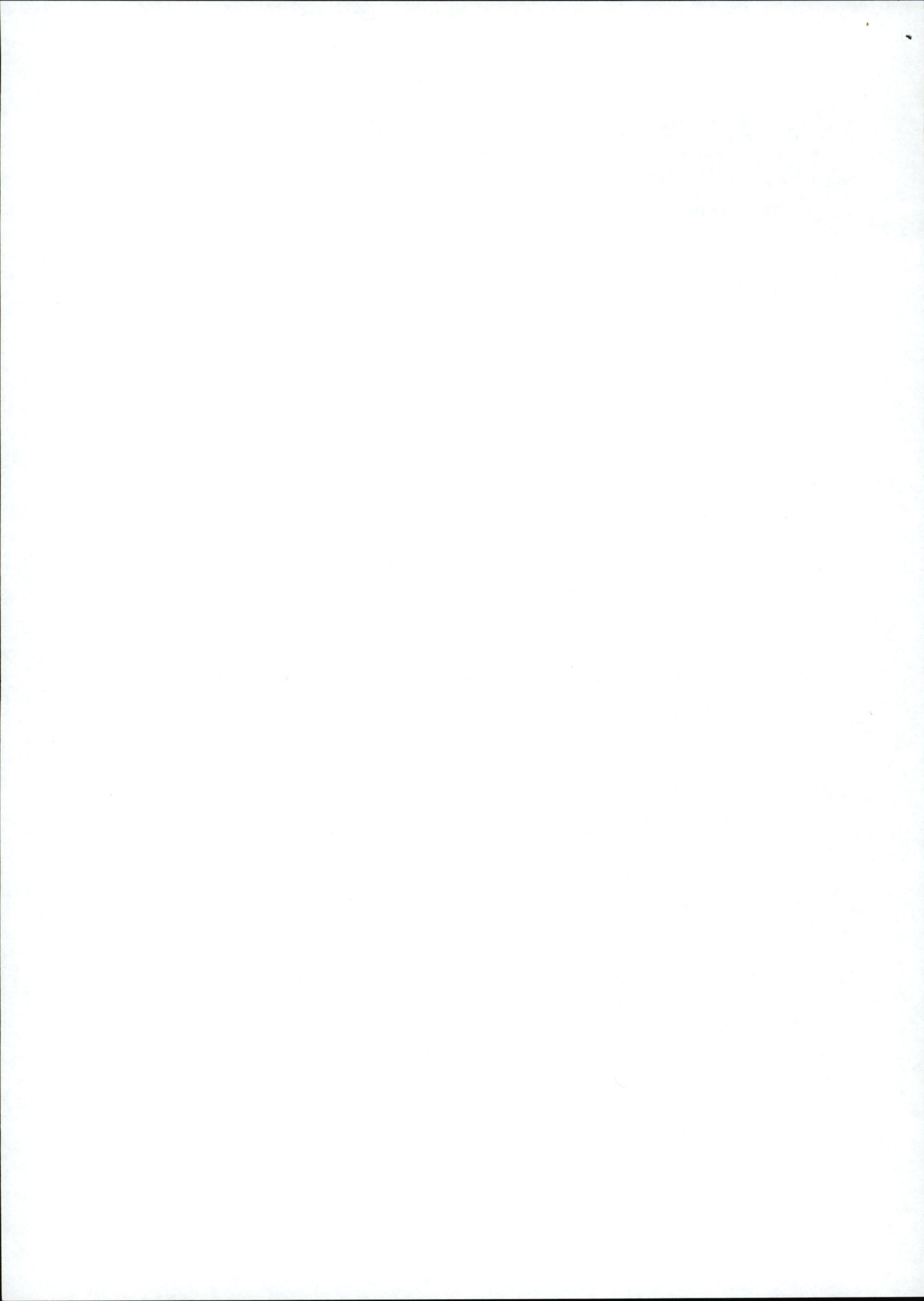
IT IS ALSO PROPOSED TO CLARIFY THAT A PERSON IS NOT TO BE TAKEN TO BE AN "OCCUPIER" OF LAND, BEING A TRAVELLING STOCK RESERVE, BY VIRTUE OF HAVING A PERMIT TO GRAZE OR WALK STOCK ON THAT LAND.

THE BILL ALSO PROPOSES THAT VEHICLES USED FOR THE TRANSPORT OF INFECTED STOCK BE CLEANED AFTER THE DELIVERY OF STOCK. THIS ACTION WILL MINIMISE THE RISK OF INFECTION TO OTHER STOCK SUBSEQUENTLY CARRIED ON THE VEHICLES, AND ACCORDS WITH REQUIREMENTS IN OTHER PLACES.

THE BILL PROPOSES THAT IT WILL BE AN OFFENCE TO —

- INTERFERE WITH QUARANTINE FENCES, QUARANTINE GATES AND QUARANTINE NOTICES.
- INTERFERE WITH TREATMENTS APPLIED TO STOCK PURSUANT TO THE ACT.
- INTERFERE WITH OR REMOVAL OF STOCK WHICH HAVE BEEN DETAINED OR TAKEN POSSESSION OF UNDER THE ACT.
- ATTACH, CAUSE OR PERMIT THE ATTACHMENT OF TAIL TAGS WITH WRONG PARTICULARS.

THE BILL PLACES THE IMPORTANT PROVISIONS WITH RESPECT TO SWILL FEEDING OF STOCK IN THE ACT FROM THE REGULATION. THE REGULATION HOWEVER WILL CONTINUE TO DEFINE WHAT IS A "PROHIBITED SUBSTANCE" WHICH MAY NOT BE FED TO STOCK.



SWILL FEEDING OF STOCK IS CONSIDERED TO BE A VERY SERIOUS OFFENCE AS IT REPRESENTS ONE OF THE MOST LIKELY WAYS IN WHICH AN EXOTIC DISEASE, INCLUDING SALMONELLA MAY AFFECT MEAT FOR HUMAN CONSUMPTION.

THE BILL PROPOSES THAT THE PROVISIONS OF THE STOCK DISEASES ACT AND THE EXOTIC DISEASES OF ANIMALS ACT BE UNIFORM WITH RESPECT TO THE OFFENCES OF OBSTRUCTION OF OFFICERS IN THE COURSE OF THEIR DUTIES UNDER THE ACT.

THE PROPOSED AMENDMENTS REPRESENT PRACTICAL AND POSITIVE STEPS IN THE PROTECTION OF OUR EXPORT TRADE WHICH IS OF VITAL IMPORTANCE TO OUR COMMUNITY, AND TO INCREASE ADMINISTRATIVE EFFICIENCY IN THE OPERATION OF THE LEGISLATION.

I COMMEND THE BILL TO THE HOUSE.

