



AUSTRALIAN CAPITAL TERRITORY

Stock Diseases (Amendment) Act 1991

No. 51 of 1991

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AUSTRALIAN CAPITAL TERRITORY

Stock Diseases (Amendment) Act 1991

No. 51 of 1991

An Act to amend the *Stock Diseases Act 1933*

[Notified in ACT Gazette S97: 30 September 1991]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Stock Diseases (Amendment) Act 1991*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.
(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.
(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, “Principal Act” means the *Stock Diseases Act 1933*.¹

Insertion

4. Before section 1 of the Principal Act the following heading is inserted:

“PART I—PRELIMINARY”.

Interpretation

5. Section 3 of the Principal Act is amended by inserting the following definitions:

- “ ‘abattoir’ means any premises used for the slaughter of stock;
- ‘approved manufacturer’ means a manufacturer declared under section 11F to be an approved manufacturer of tags;
- ‘approved tag’ in relation to defined stock, means a tag—
 - (a) manufactured by an approved manufacturer and bearing the number allocated to the owner of the stock under section 11E; or
 - (b) issued to the owner under section 11M;
- ‘defined stock’ means stock declared under section 11B to be defined stock;
- ‘determined fee’ means the fee determined under section 11S for the purposes of the provision in which the expression occurs;
- ‘register’ means the register established under section 11C;
- ‘tag’ means a tag or label attached to the tails of stock;
- ‘tag number’ means a tag number allocated under section 11E;
- ‘Tribunal’ means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1989*.”.

Insertion

6. Before section 4 of the Principal Act the following heading is inserted:

“PART II—ADMINISTRATION”.

Declaration of diseases and stock

7. (1) Section 4 of the Principal Act is amended by adding at the end the following subsection:

“(2) A declaration under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.”.

(2) The amendment effected by subsection (1) does not apply to a declaration made before the commencement of this section.

Insertion

8. After section 4C of the Principal Act the following section is inserted:

Delegation

“4D. The Director may, by writing, delegate any of his or her powers or functions under this Act.”.

Insertion

9. After section 5 of the Principal Act the following sections are inserted:

Identification cards

“5A. The Director shall issue to each inspector an identification card that specifies the name and appointment of the inspector and to which is attached a recent photograph of the inspector.

Return of identification cards

“5B. A person appointed to be an inspector shall not, without reasonable excuse, fail to return his or her identification card upon ceasing to be an inspector.

Penalty: \$100.”.

Powers of entry

10. Section 6 of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) An inspector who enters land or premises is not authorised to remain on the land or premises if, on request by—

- (a) the owner of the stock on that land or premises; or
- (b) the occupier of that land or premises;

the inspector does not show his or her identity card to the owner or occupier.”.

Insertion

11. Before section 7 of the Principal Act the following heading is inserted:

“PART III—DISEASED STOCK”.

Substitution

12. Section 7 of the Principal Act is repealed and the following section substituted:

Notification of diseases

“7. (1) An owner of stock who becomes aware of a disease among the stock owned by him or her or in his or her charge or under his or her custody or control, shall give written notice of the disease to the Director or to an inspector.

“(2) An owner of stock shall not, without reasonable excuse, contravene subsection (1).

Penalty:

- (a) if the offender is a natural person—\$5,000;
- (b) if the offender is a body corporate—\$25,000.”.

Powers of inspectors

13. Section 9 of the Principal Act is amended—

- (a) by omitting from paragraph (d) “and”; and
- (b) by adding at the end the following word and paragraph:

“; and (f) inspect, take an extract from, or make a copy or take a photograph of, any document relating to defined stock which the inspector believes on reasonable grounds to be necessary for the purposes of this Act.”.

Insertion

14. After section 9 of the Principal Act the following sections are inserted:

Orders by inspectors

“9A. A person shall not, without reasonable excuse, refuse or fail to carry out any order lawfully given by an inspector under this Act.

Penalty:

- (a) if the offender is a natural person—\$5,000;
- (b) if the offender is a body corporate—\$25,000.

Obstruction of inspectors

“9B. A person shall not, without reasonable excuse, obstruct an inspector in the execution of his or her duty under this Act.

Penalty: \$5,000 or imprisonment for 6 months.”.

Offences relating to diseased stock

15. Section 11 of the Principal Act is amended—

- (a) by adding at the end of paragraph (f) “or”;
- (b) by omitting paragraphs (g), (h) and (j); and
- (c) by omitting the penalty at the foot of the section and substituting the following penalty:

“Penalty:

- (a) if the offender is a natural person—\$5,000;
- (b) if the offender is a body corporate—\$25,000.”.

Insertion

16. After section 11 of the Principal Act the following Part is inserted:

“PART IV—STOCK TAGS

Certain stock to be tagged

“11A. (1) A person shall not, without reasonable excuse, travel or transport defined stock to or from an abattoir or a saleyard or any other place for sale unless the stock are tagged with an approved tag or, if the stock are being travelled or transported within a period of 28 days after the sale of that stock, with an approved tag—

- (a) bearing the number allocated to the previous owner of that stock;
- or
- (b) issued to that owner.

Penalty:

- (a) if the offender is a natural person—\$1,000;
- (b) if the offender is a body corporate—\$5,000.

“(2) For the purposes of subsection (1) defined stock are to be taken to be tagged if they are tagged with a tag granted or issued under a prescribed law of a State or another Territory.

Defined stock

“11B. (1) The Minister may, by notice published in the *Gazette*, declare stock specified in the notice to be defined stock.

“(2) A notice under subsection (1) takes effect—

- (a) on the day on which the notice is published in the *Gazette*; or
- (b) if a later day is specified in the notice—on that day.

“(3) A declaration under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Register

“11C. (1) The Director shall establish and maintain a register of tag numbers.

“(2) The Director may—

- (a) at the written request of the owner of defined stock in respect of which a tag number is allocated; or
- (b) of the Director’s own accord;

make such alterations to particulars in the register as are necessary.

Applications

“11D. (1) A person who is the owner of defined stock may apply to the Director for a tag number in respect of that stock.

“(2) An application under subsection (1) shall be—

- (a) in a form approved by the Director; and
- (b) lodged with the Director with the determined fee.

“(3) Where defined stock are owned by 2 or more persons, application for a tag number may be made jointly or by any one of those persons.

Allocation of tag numbers

“11E. The Director shall, if satisfied that an applicant under subsection 11D (1) is the owner of defined stock to which the application relates—

- (a) allocate to the applicant a tag number in respect of that stock; and
- (b) enter the following particulars in the register:
 - (i) the number allocated under paragraph (a);
 - (ii) the name of the owner of the defined stock;
 - (iii) the name of the manager (if any) of the stock;
 - (iv) the telephone and facsimile numbers (if any) of the owner and manager;
 - (v) the location of the property where the stock are kept;
 - (vi) the postal and residential addresses of the owner and of the manager.

Approved manufacturers

“11F. The Director shall, by notice published in the *Gazette*, declare a manufacturer to be an approved manufacturer of tags for the purposes of this Act.

Manufacture and issue of tags

“11G. (1) An approved manufacturer shall not, without reasonable excuse, issue a tag unless the issue is authorised in writing by the Director.

“(2) A person other than an approved manufacturer shall not, without reasonable excuse, make a tag.

Penalty:

- (a) if the offender is a natural person—\$1,000;
- (b) if the offender is a body corporate—\$5,000.

Tagging defined stock

“11H. (1) A person shall not, without reasonable excuse, tag defined stock with approved tags otherwise than in the manner declared by the Minister by notice published in the *Gazette*.

Penalty:

- (a) if the offender is a natural person—\$1,000;
- (b) if the offender is a body corporate—\$5,000.

“(2) A declaration under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Alteration of tags

“11J. A person shall not alter an approved tag without reasonable excuse.

Penalty: \$1,000.

Tags to remain with carcasses

“11K. (1) A person who is a manager or other person in charge of an abattoir shall keep, or cause to be kept, a tag with the carcass from which it was removed until after the final inspection of the carcass on the slaughter floor by a person authorised under the *Meat Act 1931*.

“(2) A person who is a manager or other person in charge of an abattoir who, without reasonable excuse, contravenes subsection (1) is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000.

Records of untagged stock

“11L. (1) A person who is a manager or other person in charge of an abattoir shall not, without reasonable excuse, fail to keep a record of defined stock delivered to the abattoir for slaughter that are not tagged in accordance with subsection 11H (1).

Penalty: \$1,000.

“(2) A record kept under subsection (1) is to be in a form approved by the Director.

Emergency tags

“11M. (1) Where—

- (a) defined stock are required to be tagged under section 11A; and
- (b) a tag bearing the number allocated under section 11E to the owner or the previous owner is not readily available;

the Director shall, on payment of the determined fee, issue to the owner of that stock, or his or her agent, a tag bearing a number allocated under this section.

“(2) Where the Director has issued a tag under subsection (1), he or she shall enter the particulars specified under paragraph 11E (b) in the register.

“(3) The Director may allocate numbers for the purposes of this section.

Cancellation of tag numbers

“11N. (1) Where the Director believes on reasonable grounds that a tag number is no longer required for the purposes of compliance with this Act, the Director may, by notice in writing served on the person to whom the tag number was allocated, require that person, within 28 days after the date of the notice, to show cause why the tag number should not be cancelled.

“(2) Where a notice has been served on a person under subsection (1), the Director may—

- (a) after the expiration of the period of 28 days after the date of the notice; and
- (b) after taking into account any representation made by the person;

cancel the tag number.

“(3) Where the Director cancels a tag number pursuant to this section, he or she shall—

- (a) remove the entry in the register made in respect of that number; and
- (b) revoke the authority given to an approved manufacturer in relation to that number.

“(4) The revocation of an authorisation under subsection (3) takes effect on the date of cancellation of the tag number under subsection (2).

Evidentiary certificates

“11P. In proceedings for an offence against subsection 11A (1), a certificate signed by the Director stating that at a specified time or during a specified period, a specified person had or had not been allocated a tag number, is evidence of the matters so stated.

Review of decisions

“11Q. Application may be made to the Tribunal for a review of a decision of the Director—

- (a) refusing to allocate a tag number under section 11E; or
- (b) cancelling a tag number under section 11N.

Notification of decisions

“11R. (1) Where the Director makes a decision—

- (a) refusing to allocate a tag number under section 11E; or
- (b) cancelling a tag number under section 11N;

the Director shall, within 28 days after the date of the decision, give notice in writing of the decision to the person in respect of whom the decision was made.

“(2) A notice shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Tribunal for a review of the decision; and
- (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 26 of that Act.

“(3) The validity of a decision shall not be taken to be affected by a failure to comply with subsection (2).”.

Insertion

17. Before section 12 of the Principal Act the following heading and section are inserted:

“PART V—MISCELLANEOUS**Determined fees**

“11S. The Minister may, by notice published in the *Gazette*, determine fees for the purposes of this Act.”.

Regulations

18. Section 12 of the Principal Act is amended by omitting paragraph (m) and substituting the following paragraph:

“(m) the imposition of penalties not exceeding—

(i) if the offender is a natural person—\$1,000; and

(ii) if the offender is a body corporate—\$5,000;

for offences against the regulations.”.

Further amendments

19. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 19

FURTHER AMENDMENTS

Section 5—

Insert “or she” after “he”.

Subsection 6 (1)—

Insert “or she” after “he”.

Section 7—

(a) Insert “or her” after “him”.

(b) Insert “or her” after “his” (wherever occurring).

Subsection 8 (1)—

Omit “he”, substitute “the inspector”.

Subsection 8 (3)—

(a) Omit “Inspector” (wherever occurring), substitute “inspector”.

(b) Insert “or her” after “his”.

Paragraph 9 (a)—

Omit “his”, substitute “the inspector’s”.

Paragraph 9 (d)—

(a) Omit “carcase”, substitute “carcass”.

(b) Omit “his”, substitute “the inspector’s”.

Section 10—

(a) Omit “he” (first occurring), substitute “the inspector”.

(b) Insert “or she” after “he”.

Paragraph 11 (a)—

Insert “or her” after “his”.

Paragraphs 11 (b) and 12 (i)—

Omit “carcase”, substitute “carcass”.

NOTE

1. Ordinance No. 30, 1933 as amended by No. 4, 1939; No. 6, 1958; No. 13, 1959; No. 19, 1966; No. 38, 1976; No. 46, 1978; No. 26, 1979; No. 23, 1988; Nos. 21 and 38, 1989.

[Presentation speech made in Assembly on 12 September 1991]

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