

Western Australia

Stock Diseases (Regulations) Act 1968

As at 12 Oct 2007

Version 02-c0-06

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Stock Diseases (Regulations) Act 1968

CONTENTS

Part I — Preliminary

1.	Short title	2
2.	Commencement	2
4.	Severability	2
5.	Repeals	2
6.	Interpretation	2
7.	Proclamation of exotic diseases and of animals as stock	4
8.	Appointment of inspectors	4

Part II — Eradication and control of enzootic diseases

9.	Purposes of this Part	5
10.	Regulations	5
10A.	Control of stock on Crown land in proclaimed areas	7

Part IV — Miscellaneous provisions

15.	General provisions relating to regulations	9
16.	Governor to restrict or prohibit the bringing in of animals	10
16A.	Validation	10
17.	Minimum penalties	11
18.	Immunity of persons acting in good faith	11

Notes

	Compilation table	12
	Provisions that have not come into operation	13

Western Australia

Stock Diseases (Regulations) Act 1968

An Act to make better provision for the prevention, eradication and control of Diseases in Livestock, by repealing the *Stock Diseases Act 1895*, and enabling all necessary measures to be provided by Regulations and Orders, and for incidental and other purposes.

[Long title amended by No. 51 of 1976 s.2.]

Part I — Preliminary

1. Short title

This Act may be cited as the *Stock Diseases (Regulations) Act 1968*¹.

2. Commencement

- (1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by proclamation¹.
- (2) It is not necessary that the whole of this Act be proclaimed to come into operation on the one day; and the several Parts and sections may be proclaimed to come into operation on such respective dates as are fixed by proclamation.

[3. *Deleted by No. 10 of 1998 s. 76.*]

4. Severability

This Act shall be read and construed so as not to exceed the legislative power of the State, the intention being that, where any enactment in this Act would, but for the provisions of this section, have been construed as being in excess of that power, it shall, nevertheless, be a valid enactment to the extent that it is not in excess of that power.

5. Repeals

[*Omitted under the Reprints Act 1984 s. 7(4)(f).*]

6. Interpretation

In this Act, unless a contrary or other intention appears —

animal includes feral animals and fish;

disease means any disease of stock and includes ticks, lice and other ectoparasites, and endoparasites;

enzootic disease means a disease of stock that is not an exotic disease under, and for the purposes of, this Act;

exotic disease means any vesicular disease, rinderpest, bluetongue, swine fever, African swine fever, rabies, Newcastle disease, fowl plague and any other disease of stock proclaimed to be an exotic disease for the purposes of this Act;

fish has the same meaning as in the *Fish Resources Management Act 1994*;

fisheries officer has the same meaning as in the *Fish Resources Management Act 1994*;

infected means actually affected with disease or liable, by reason of contact, to be so affected;

inspector means —

- (a) in relation to any stock, the Chief Inspector of Stock and any other inspector of stock and includes a person authorized to act temporarily as an inspector of stock; and
- (b) in relation to any fish declared by proclamation under section 7 to be stock for the purposes of this Act, a fisheries officer;

potential carrier means anything capable of carrying and transmitting disease and includes —

- (a) animals;
- (b) manures and fertilisers derived from animals;
- (c) uncooked edible products, and unwrought inedible products, derived from animals;
- (d) fodder, bedding, harness and any other movable thing used on, in connection with, or to contain or restrain, animals; and
- (e) the clothing and personal effects of persons attending on, or caring for, animals;

section means a section of this Act;

stock means any animal included in the class of cattle, sheep, goat, horse, swine and poultry and includes animals proclaimed to be stock for the purposes of this Act.

s. 7

[Section 6 amended by No. 44 of 1988 s.12; No. 53 of 1994 s.264; No. 14 of 1996 s.4.]

7. Proclamation of exotic diseases and of animals as stock

- (1) The Governor may, by proclamation, declare —
- (a) any disease not designated as an exotic disease by section 6 to be an exotic disease; and
 - (b) any animal not designated as stock by section 6 to be stock,

for the purposes of this Act.

- (2) A proclamation made under this section may be cancelled or varied by a subsequent proclamation.

8. Appointment of inspectors

- (1) The Governor may appoint a Chief Inspector of Stock and may appoint such other inspectors of stock and officers as may, from time to time, be necessary for the due administration of this Act.
- (2) The Minister may, from time to time, by instrument under his hand, authorize any person to act temporarily as an inspector of stock; and a person so authorized shall have all the powers and authority of an inspector of stock.

[Section 8 amended by No. 44 of 1988 s.13.]

Part II — Eradication and control of enzootic diseases

9. Purposes of this Part

The purposes of this Part are to prevent the introduction into the State of enzootic diseases from any other part of the Commonwealth and to eradicate and control such enzootic diseases as are present in the State.

10. Regulations

- (1) The Governor may make such regulations as are necessary and expedient for the purposes of this Part.
- (2) Without limiting the generality of subsection (1), regulations made under this section may —
 - (a) prescribe conditions under which any potential carrier may be brought into the State;
 - (b) provide for the quarantine, examination and certification of any potential carrier, whether brought into the State or not, and provide for the seizure and destruction of any found to be infected;
 - (c) provide for the notification, and the manner of notification, of any occurrence, or suspected occurrence, of infection and requiring persons to give all information within their power with respect to any such occurrence or suspected occurrence;
 - (d) prescribe the manner in which infected stock or an infected place or thing may be cleansed and disinfected and the manner of the destruction and disposal of infected animals or things;
 - (e) prohibit, restrict or regulate the movement of stock, whether infected or not, into or out of any specified part of the State;
 - (f) prohibit the sale of infected stock;

s. 10

- (g) provide for the management of quarantine stations or areas and for the treatment, and period of treatment, of stock in quarantine stations or areas and prohibit the removal therefrom of, and the interference with, any such stock;
- (h) prescribe the charges to be made for the conveyance of stock to and from quarantine, for the care, maintenance and examination of stock while in quarantine and, generally, for the services of inspection, examination and treatment of stock and provide for the recovery of any such charge;
- (i) require stock to be vaccinated or to be given prophylactic treatment by a specified person, on the order of a specified officer;
- (ia) require that any matter or material that is to be used for the purpose of food for stock be treated and that any person who carries out such treatment shall hold a licence for that purpose and prescribe the terms and conditions for the grant, suspension and cancellation of such licences;
- (j) require establishments conducted as hatcheries or for the production of eggs or the breeding of poultry to be licensed, prescribe fees for a licence issued for that purpose, regulate the manner in which any such establishment is to be conducted and regulate, restrict or prohibit dealing in, and delivery of, eggs;
- (k) confer power on an inspector, member of the Police Force or an officer of a specified class to stop, enter and examine any vessel vehicle or other conveyance, and, at all reasonable hours, to enter any premises, in order to ascertain whether or not any potential carrier is there and infected or whether or not the provisions of the regulations are being observed;

- (l) provide that the breach of any condition to which the issue of a licence or permit is subject constitutes an offence; and
 - (m) prescribe all necessary forms and the manner of, and time for, their completion and require any information or certificate supplied pursuant to the regulations to be verified by statutory declaration.
- (3) Regulations made under this section may provide maximum penalties, not exceeding \$5 000 for offences against the regulations or any condition and may provide daily penalties, not exceeding \$200 for every day that an offence against the regulations continues after the offender is convicted.

[Section 10 amended by No. 51 of 1976 s.3; No. 20 of 1989 s.3; No. 20 of 2004 s. 10.]

10A. Control of stock on Crown land in proclaimed areas

- (1) Where it appears to the Governor that it is necessary or expedient to do so for the purpose of preventing the spread of disease or to eradicate or control disease in a part of the State the Governor may by proclamation declare that this section applies to and in relation to the part of the State specified therein.
- (2) Where a proclamation made under subsection (1) is in force in relation to a part of the State, then notwithstanding any Act or law to the contrary —
 - (a) the property in and right to possession of any stock that are on Crown land in the part of the State specified in the proclamation vest in the Crown;
 - (b) the Minister may give such directions as he thinks fit in relation to the treatment, or disposal, or both the treatment and disposal, of such stock;
 - (c) no compensation is payable by or on behalf of the Crown by reason of the operation of this section.

s. 10A

- (3) A proclamation made under subsection (1) —
- (a) shall specify the day from which it is to take effect being a day not earlier than 30 days after the publication of the proclamation in the *Government Gazette*;
 - (b) may be varied or revoked by further proclamation made by the Governor.

[Section 10A inserted by No. 50 of 1984 s.2.]

[Part III deleted by No. 33 of 1993 s.59.]

Part IV — Miscellaneous provisions

15. General provisions relating to regulations

Regulations may be made under this Act —

- (a) so as to apply —
 - (i) generally or in a particular class of case or in particular classes of cases;
 - (ii) at all times or at a specified time or at specified times;
 - (iii) throughout the State or in a specified part or specified parts of the State; and
 - (iv) to stock from another State or a Territory of the Commonwealth or from a specified part or specified parts of another State or of a Territory of the Commonwealth;
- (b) so as to require a matter affected by them to be —
 - (i) in accordance with a specified standard or specified requirement; or
 - (ii) as approved by, or to the satisfaction of, a specified person or body or a specified class of person or body;
- (c) so as to confer on a specified person or body or a specified class of person or body a discretionary authority; and
- (d) so as to provide that, in specified cases or a specified class of case or specified classes of cases, whether on specified conditions or unconditionally, persons or things or a class or classes of persons or things may be exempted from the provisions of the regulations, either wholly or to such extent as is specified.

s. 16

16. Governor to restrict or prohibit the bringing in of animals

- (1) The Governor may, where it appears to him necessary or expedient for the purpose of preventing the introduction of disease to, or the spread of disease in, the State, by Order in Council, prohibit or restrict the bringing of any potential carrier into the State from any other part of the Commonwealth specified in the Order, for such period, or until the happening of any event, so stipulated as may appear to him necessary or expedient for the purpose.
- (2) An Order made under this section may be revoked or varied by a subsequent Order in Council.
- (3) Every person who contravenes or fails to observe the provisions of an Order made under this section commits an offence.
Penalty: \$2 000.

[Section 16 amended by No. 20 of 1989 s.3; No. 50 of 2003 s. 95(2).]

16A. Validation

Any regulations purported to have been made under this Act as in force prior to the coming into operation of the *Stock Diseases (Regulations) Act Amendment Act 1976*¹, relating to the treatment of any matter or material to be used for the purpose of food for stock and requiring that a person carrying out such treatment be the holder of a licence issued under those regulations and any act or thing done or required to be done pursuant to those regulations shall be deemed to have been validly made, done or required to be done as if made, done or required to be done under the provisions of this Act as in force after the coming into operation of the *Stock Diseases (Regulations) Act Amendment Act 1976*¹.

[Section 16A inserted by No. 51 of 1976 s.7.]

17. Minimum penalties

Where any minimum penalty is provided by regulations made under this Act, that penalty is irreducible in mitigation, notwithstanding the provisions of any other Act.

18. Immunity of persons acting in good faith

Subject to section 14, civil or criminal proceedings shall not lie against any person —

- (a) for anything done in reliance of a notice or order apparently given or made in accordance with the provisions of this Act;
- (b) for any act, matter or thing done, or ordered to be done, by a person and purporting to be done for the purposes of this Act; or
- (c) for any act, matter or thing omitted to be done,

unless that act, matter or thing was done, ordered to be done or omitted to be done maliciously or without reasonable and probable cause.

[Schedule omitted under the Reprints Act 1984 s. 7(4)(f).]

Notes

¹ This is a compilation of the *Stock Diseases (Regulations) Act 1968* and includes the amendments made by the other written laws referred to in the following table ^{1a}.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Stock Diseases (Regulations) Act 1968</i>	66 of 1968	18 Nov 1968	1 Aug 1970 (see section 2 and <i>Gazette</i> 24 Jun 1970 p.1783)
<i>Stock Diseases (Regulations) Act Amendment Act 1969</i>	30 of 1969	16 May 1969	1 Aug 1970 (see section 2)
<i>Stock Diseases (Regulations) Act Amendment Act 1974</i>	54 of 1974	3 Dec 1974	3 Dec 1974
<i>Stock Diseases (Regulations) Act Amendment Act 1976</i>	51 of 1976	10 Sep 1976	10 Sep 1976
<i>Stock Diseases (Regulations) Act Amendment Act 1978</i>	81 of 1978	27 Oct 1978	27 Oct 1978
<i>Stock Diseases (Regulations) Act Amendment Act 1984</i>	50 of 1984	5 Sep 1984	3 Oct 1984
<i>Acts Amendment (Stock Diseases) Act 1988, Part III</i>	44 of 1988	30 Nov 1988	13 Jan 1989 (see section 2 and <i>Gazette</i> 13 Jan 1989 p.62)
<i>Agricultural Legislation (Penalties) Amendment Act 1989, section 3</i>	20 of 1989	1 Dec 1989	15 Dec 1989 (see section 2 and <i>Gazette</i> 15 Dec 1989 p.4513)
<i>Financial Administration Legislation Amendment Act 1993, Part 4</i>	6 of 1993	27 Aug 1993	Deemed operative 1 Jul 1993 (see section 2(1))
<i>Exotic Diseases of Animals Act 1993, section 59²</i>	33 of 1993	16 Dec 1993	4 Feb 1994 (see section 2 and <i>Gazette</i> 4 Feb 1994 p.339)

Short title	Number and year	Assent	Commencement
<i>Fish Resources Management Act 1994</i> , section 264	53 of 1994	2 Nov 1994	1 Oct 1995 (see section 2 and <i>Gazette</i> 29 Sep 1995 p.4649)
<i>Local Government (Consequential Amendments) Act 1996</i> , section 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see section 2)
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998</i> , section 76	10 of 1998	30 Apr 1998	30 Apr 1998 (see section 2(1))
<i>Sentencing Legislation Amendment and Repeal Act 2003</i> s. 95	50 of 2003	9 Jul 2003	15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445)
<i>Marketing of Eggs Amendment Act 2004</i> s. 10	20 of 2004	26 Aug 2004	2 Jul 2005 (see s. 2(2) and <i>Gazette</i> 28 Jun 2005 p. 2895)

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007</i> s. 76 ³	24 of 2007	12 Oct 2007	1 May 2013 (see s. 2(2) and <i>Gazette</i> 5 Feb 2013 p. 823)

² Section 59(2) of the *Exotic Diseases of Animals Act 1993* (No. 33 of 1993) reads as follows —

“

- (2) On the coming into operation of this Act, any subsidiary legislation under the *Stock Diseases (Regulations) Act 1968* then in operation for the purposes of Part III of that Act shall, in so far as not inconsistent with this Act, continue in operation and have effect for the purposes of this Act as if made under this Act.

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³ On the date as at which this compilation was prepared, the *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007* s. 76 had not come into operation. It reads as follows:

“

76. Repeal

The *Stock Diseases (Regulations) Act 1968* is repealed.

”
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