**STOCK BILL 1990**

**Legislative Council, 14 November 1990, page1812-3**

Second reading

Received from the House of Assembly and read a first time.

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

Since its introduction in 1888, the stock diseases legislation has proved invaluable in the control and eradication of contagious and infectious diseases of livestock posing a threat to individual producers, the livestock industry or human health. Contagious pleuro-pneumonia, brucellosis, tuberculosis and Johnes disease of cattle; lice, ked and footrot of sheep; tuberculosis, erysipelas, swine plague and dysentery of pigs; and tuberculosis, pullorum and ILT (infectious laryngo tracheitis) in poultry, all once endemic in the live stock population of South Australia, have through the con trol measures made possible under the Stock Diseases Act either been eradicated or are so well controlled as to no longer be of economic significance to the State.

Over the years numerous amendments have been made to this legislation to meet changes in disease control technology, livestock management and the needs of the industry. It became obvious during critical examination of the Stock Diseases Act under the Government’s regulation review program that changes necessary to meet the current needs of the industry, the emerging chemical residue problem and to correct identified deficiencies in exotic disease control could not be made within the intent of the current legislation.

Following extensive consultation with industry to ensure that all concerns were addressed, a Bill incorporating the still necessary elements of the Stock Diseases Act, and correcting the existing deficiencies has been drafted. The major changes in the legislation are:

The removal of compulsory dipping of clean sheep following shearing. This was seen as an unnecessary impost on the owners of clean sheep and an unnecessary use of chemicals which could lead to residues in the wool and meat of sheep.

The highly desirable ability to combat residue problems at their source (growth promotants, feed additives, sprays, etc.) rather than waiting until animals or animal products become contaminated.

In exotic disease control the power to control the movement of people as well as stock in infected areas, and to be able to destroy (with compensation) a limited number of animals to confirm freedom from disease as well as infection. This action is an essential step in providing disease freedom.

The inclusion of chemical residues in the legislation to enable control measures to be implemented, not only to prevent contaminated products from getting into the local and export food chain but equally importantly to assist producers in managing through the problem on their own property to cleanse contaminated stock or ground.

In the artificial breeding area to have in place the minimum controls necessary to maintain the required standards for health and welfare of animals as well as achieving greater uniformity across the nation and ensuring that protocols are compatible with interstate and overseas trading countries. The use of new techniques such as embryo transfer have also been addressed.

This is a vitally important piece of legislation to the livestock industry of South Australia, as it will not only protect individual producers and the industry generally against endemic diseases and provide for a well managed artificial breeding program and procedures but it will also ensure that effective controls can be implemented in the event of an outbreak of exotic disease and through controls over residues ensure that animal and animal products from South Australia are free from contamination and acceptable for local consumption and for export. I seek leave to have the explanation of the clauses inserted in Hansard without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 repeals the Stock Diseases Act 1934.

Clause 4 is an interpretation provision. Stock is defined as any animal or bird that is kept or usually kept in a domestic or captive state and any bee of the genus Apis or Megachile.

Stock product is defined widely to include any part of an animal or bird or the carcass of an animal or bird. Exotic diseases are distinguished from other diseases.

Clause 5 empowers the Governor to proclaim the diseases (including pests or parasites) to which the Act applies and to declare certain diseases to be exotic diseases for the purposes of the Act.

Clause 6 empowers the Governor to determine, by proclamation, the meaning of residue affected stock.

Part II (clauses 7 to 12) contains administrative provisions.

Clause 7 provides for the appointment of inspectors of stock by the Minister.

Clause 8 provides for the appointment of a Chief Inspector of Stock and a deputy by the Minister.

Clause 9 enables delegation by the Chief Inspector.

Clause 10 sets out machinery provisions relating to approvals of the Chief Inspector for the purposes of the measure.

Clause 11 sets out the general powers of inspectors. These include power to enter and search and, where reasonably necessary, to break into or open (in relation to residential premises, on the authority of a warrant), to seize evidence of the commission of an offence and to use reasonable force to prevent the commission of an offence. Where any stock or thing that has been dealt with in contravention of this Act is seized, the inspector may treat it or dispose of it.

A person must answer questions put by an inspector or produce information, including information stored by computer, required by an inspector. If the person objects in relation to answers or information that may tend to incriminate him or her of an offence, the answer or information is not admissible against the person in criminal proceedings.

Clause 12 provides inspectors exercising powers or functions under the Act with immunity from civil or criminal liability.

Part III (clauses 13 to 29) contains substantive provisions for the prevention or control of disease and residues in stock and stock products.

Division I (clauses 13 to 15) relates generally to the movement of stock and stock products.

Clause 13 prohibits the bringing into, or removal from, the State of infected or residue affected stock or stock products and of disease.

Clause 14 empowers the Governor, by proclamation, to prohibit or restrict entry into or removal from the State, or movement within the State, of specified stock, stock products or other goods, if satisfied that it is necessary to do so for the purposes of eradicating or preventing the spread of disease or preventing stock from becoming residue affected or further affected by residue.

Clause 15 requires certain documentation to accompany certain stock or stock products en route into the State.

Division II (clauses 16 to 18) relates to reporting and investigation.

Clause 16 requires certain persons who know of or have reason to suspect the presence of disease or residue in stock or stock products to report the matter to an inspector. The persons affected are owners and managers of stock or stock products, persons in whose possession, or on whose land stock or stock products are or have been and veterinary surgeons.

Clause 17 empowers inspectors to investigate whether stock or stock products are infected or residue affected, whether stock or stock product remain infected or residue affected, and any likely source of contamination. Certain powers are given to inspectors for the purposes of such an investigation including power to kill two out of every 100 stock kept together on the same holding or in the same group or transported together in the same vehicle, vessel or aircraft. The clause provides for compensation if stock so killed are not infected or residue affected.

Clause 18 enables the owner or occupier of land to detain and examine stock on that land for the purposes of deter mining whether they are infected.

Division III (clauses 19 to 24) sets out the measures that may be taken to control or prevent disease and residue in stock and stock products.

Clause 19 sets out the orders that can be given by an inspector to the owner or person in charge of stock known or suspected to be diseased or residue affected or stock products known or suspected to have come from such stock. The orders can direct detention, treatment, observation or destruction of the stock or stock products. Ancillary orders can also be made restricting the purposes for which such stock or stock products may be used or their sale. Stock that have been kept together with diseased or residue affected stock may also be subject to such orders.

Clause 20 provides inspectors with similar powers in relation to stock or stock products, the owner of which cannot be located and which are not in the apparent charge of a person.

Clause 21 gives inspectors additional powers to issue orders or take action to avert danger of stock becoming infected or residue affected. Various directions may be given or action taken, including directions or action for the purposes of prohibiting stock leaving or entering land; cleansing property; regulating the keeping of stock; erecting signs or fences; the destruction of property, and in the case of exotic disease, controlling the movement of persons or the clean sing of persons. For the destruction of property the consent of the owner or the authority of a warrant issued by a justice is required under clause 23.

Clause 22 is a machinery provision relating to orders generally. It requires them to be in writing and provides for their variation or revocation. It empowers an inspector to carry out the terms of an order if the person to whom it is given refuses or fails to do so. The Crown can recover costs or expenses of such action.

Clause 23 sets out the limitations referred to above in relation to destruction of property.

Clause 24 creates offences related to disobedience of orders of inspectors.

Division IV (clauses 25 and 26) contains special provisions relating to exotic diseases (foot-and-mouth, rabies and other proclaimed diseases).

Clause 25 empowers the Governor, by proclamation, to impose provisions in specified parts of the State for the purposes of eradicating or preventing the spread of exotic disease.

Specific provisions that the Governor may impose include prohibiting or restricting entry to an area, prohibiting or restricting stock sales and the like, requiring stock within an area to be treated or destroyed, requiring certain places within an area to be cleansed, and giving inspectors power to destroy and dispose of stock within an area that are not under the direct control of someone or in respect of which the provisions of the proclamation have apparently not been complied with.

The clause also empowers an inspector to take action to carry out the terms of a proclamation and for the Minister to recover the cost of that action.

Clause 26 stops a person taking court proceedings to prevent action being taken under the measure in relation to an outbreak or a suspected outbreak of exotic disease. It expressly provides that it does not prevent an action for damages.

Division V (clauses 27 to 29) contains miscellaneous provisions.

Clause 27 makes it an offence to sell or supply, without the approval of the Chief Inspector, infected or residue affected stock or stock products or stock or stock products subject to an order under the Part.

It also requires the owner of land in respect of which directions are in force to notify the Chief Inspector of any intended sale of the land.

Clause 28 makes it an offence to feed stock any stock product that has come from infected or residue affected stock, without the approval of the Chief Inspector.

Clause 29 provides that the Chief Inspector may cause native or feral animals or birds or insects to be treated or destroyed if satisfied that it is necessary to do so for the purposes of eradicating or preventing the spread of disease. The Minister for Environment and Planning must first be consulted in relation to native animals or birds except in urgent circumstances.

Part IV (clauses 30 to 39) contains miscellaneous provisions.

Clause 30 makes it an offence to hinder or obstruct an inspector or person assisting an inspector, to refuse to com ply with a request of an inspector or to remove or interfere with any identification device or sign used or erected for the purposes of the measure.

Clause 31 makes it an offence to furnish false or misleading statements.

Clause 32 sets out the manner by which notices may be served, including by facsimile machine.

Clause 33 provides for vicarious liability.

Clause 34 is an evidentiary provision.

Clause 35 provides that offences against the measure are summary offences.

Clause 36 provides additional penalties for continuing offences.

Clause 37 provides a general defence to offences against the measure, namely, that the offence did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

Clause 38 provides for the incorporation of codes or standards in regulations, proclamations or notices under the measure.

Clause 39 provides regulation making power. Specific powers include power to prohibit or regulate the possession or use of stock vaccines, to prescribe or regulate treatment of stock, to register and regulate diagnostic laboratories and to regulate artificial breeding of stock, including by provision of a licensing system.

Schedule 1 contains transitional provisions.

Schedule 2 contains consequential amendments

The Hon. PETER DUNN secured the adjournment of the debate.