

**ANIMAL HEALTH (CONSEQUENTIAL AMENDMENTS)  
ACT 1995**

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**No. 75 of 1995**

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**AN ACT to amend certain Acts consequent on the enactment  
of the *Animal Health Act 1995***

**[Royal Assent 14 November 1995]**

**B**E it enacted by His Excellency the Governor of Tasmania,  
by and with the advice and consent of the Legislative  
Council and House of Assembly, in Parliament assembled, as  
follows:—

**Short title**

**1—**This Act may be cited as the *Animal Health  
(Consequential Amendments) Act 1995*.

**Commencement**

2—This Act commences on the day proclaimed under section 2 of the *Animal Health Act 1995*.

**Acts consequentially amended**

3—The Acts specified in Schedule 1 are amended as specified in that Schedule.

**Statutory Rules consequentially amended**

4—The Statutory Rules specified in Schedule 2 are amended as specified in that Schedule.

**SCHEDULE 1**

## Section 3

**ACTS CONSEQUENTIALLY AMENDED*****Animal Farming (Registration) Act 1994***

(No. 11 of 1994)

1—Section 17 is amended by omitting paragraph (b) and substituting the following paragraph:—

(b) inspectors within the meaning of the *Animal Health Act 1995*;

***Apiaries Act 1978***

(No. 47 of 1978)

1—Section 2 is amended by omitting the definitions of “Director” and “disease”.

2—Section 4 is amended by omitting “Director” from subsections (1) and (2) and substituting “Secretary of the Department”.

3—Part III is repealed.

4—Section 20 (1) is amended by omitting paragraphs (d) and (f).

***Approvals (Deadlines) Act 1993***

(No. 41 of 1993)

1—(1) Schedule 1 is amended by inserting the following items before the item relating to the *Apiaries Act 1978*:—

***Animal (Brands and  
Movement) Act 1984***

Registration of brand or tag	60 days from the day on which an application under section 11 (6) of the <i>Animal (Brands and Movement) Act 1984</i> is received by the Registrar of Animal Brands.
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*Animal Health Act 1995*

Special authority	60 days from the day on which an application under section 19 of the <i>Animal Health Act 1995</i> is received by the Chief Veterinary Officer.
Industry disease control program	180 days from the day on which the draft industry disease control program under section 47 of the <i>Animal Health Act 1995</i> is received by the responsible Minister.
Licence to collect, process or collect and process any semen, embryo or ovum	60 days from the day on which the application under the <i>Animal Health Act 1995</i> is received by the Chief Veterinary Officer.
Permit	60 days from the day on which the application under the <i>Animal Health Act 1995</i> is received by the Chief Veterinary Officer, or inspector, who is to issue or refuse to issue the permit.

(2) Schedule 1 is further amended as follows:—

- (a) by omitting “Director of Agriculture” from the item relating to the *Apiaries Act 1978* and substituting “Secretary of the responsible Department”;
- (b) by omitting the items relating to the *Stock Act 1932* and the *Stock (Brands and Movement) Act 1984*;
- (c) by omitting “Chief Inspector of Stock” from the item relating to the *Vermin Destruction Act 1950* and substituting “Chief Veterinary Officer”.

***Criminal Code***

(Schedule 1 to 14 Geo. V No. 69)

1—After Chapter XXXII, the following Chapter is inserted in Part VI:—

**CHAPTER XXXIIA—CRIMES RELATING TO  
LIST A DISEASES OF ANIMALS****Interpretation**

287A—In this Chapter, unless the contrary intention appears—

“**animal**” has the same meaning as in the *Animal Health Act 1995*;

“**List A disease**” has the same meaning as in the *Animal Health Act 1995*;

“**List A disease agent**” has the same meaning as in the *Animal Health Act 1995*.

**Possession or administration of List A disease agents**

287B—(1) A person who introduces a List A disease into Tasmania is guilty of a crime.

Charge: Introducing a List A disease.

(2) A person who—

- (a) is in possession of a List A disease agent; or
- (b) administers a List A disease agent, or causes or permits the administration of a List A disease agent, directly or indirectly, to an animal; or
- (c) threatens to administer a List A disease agent, directly or indirectly, to an animal—

is guilty of a crime.

Charge: Possession or administration of List A disease agent.

(3) Subsections (1) and (2) do not apply to a person who—

- (a) is authorised under the *Animal Health Act 1995* to import, administer or be in possession of a List A disease agent; and
- (b) is acting in accordance with that authorisation.

*Evidence Act 1910*

(1 Geo. V No. 20)

1—Part II of Schedule 4 is amended as follows:—

- (a) by omitting “Director of Agriculture”;
- (b) by inserting “Secretary of the Department of Primary Industry and Fisheries” after “Secretary of the Department of Premier and Cabinet”.

*Groundwater Act 1985*

(No. 84 of 1985)

1—Section 7 (3) (c) is amended by omitting “*Stock Act 1932*” and substituting “*Animal Health Act 1995*”.*Meat Hygiene Act 1985*

(No. 114 of 1985)

1—Section 3 (1) is amended by omitting the definition of “Director”.

2—Section 45 (1) is amended by omitting “Director” and substituting “Secretary of the Department”.

*Pesticides Act 1968*

(No. 86 of 1968)

1—Section 2 (1) is amended by omitting “within the meaning of the *Stock Act 1932*” from the definition of “livestock”.*Police Offences Act 1935*

(26 Geo. V No. 44)

1—Section 39A (1) (a) is amended by omitting “*Stock*” and substituting “*Animal*”.

*Seeds Act 1985*

(No. 87 of 1985)

1—Section 3 is amended as follows:—

(a) by omitting the definition of “Director”;

(b) by inserting the following definition after the definition of “prohibited seed”:—

“**Secretary**” means Secretary of the Department;

2—Section 4 (3) (e) is amended by omitting “Director” and substituting “Secretary”.

3—Section 10 (5) is amended by omitting “Director” and substituting “Secretary”.

4—Section 11 (2) (d) is amended by omitting “Director” and substituting “Secretary”.

5—Section 12 (3) is amended by omitting “Director” and substituting “Secretary”.

6—Section 14 is amended by omitting “Director” (wherever occurring) from subsections (3), (4) (b) and (5) and substituting “Secretary”.

7—Section 16 (2) is amended by omitting “Director” and substituting “Secretary”.

8—Section 21 (7) is amended by omitting “Director” (twice occurring) and substituting “Secretary”.

*Stock (Brands and Movement) Act 1984*

(No. 14 of 1984)

1—Section 1 is amended by omitting “*Stock*” and substituting “*Animal*”.

2—Section 3 is amended as follows:—

(a) by omitting the definition of “Director”;

(b) by inserting the following definition after the definition of “directory”:—

“**disease**” has the same meaning as in the *Animal Health Act 1995*;

(c) by omitting the definition of “inspector” and substituting the following definition:—

“inspector” has the same meaning as in the *Animal Health Act 1995*;

(d) by omitting “Stock” from the definition of “Registrar” and substituting “Animal”;

(e) by omitting the definition of “stock disease”.

3—Section 5 is amended by omitting “Stock” and substituting “Animal”.

4—Section 6 is amended as follows:—

(a) by omitting “Stock” from subsection (1) and substituting “Animal”;

(b) by omitting all the words before “the Registrar” in subsection (4) and substituting “(4) If brands are used or required to be used under the *Animal Health Act 1995*, or regulations made under that Act, in connection with the control of a disease,”;

(c) by omitting “required by those regulations” from subsection (4) (b) and substituting “so using or required”;

(d) by omitting all the words after “classes of persons are” from subsection (4) (c) and substituting “so using or required to use that brand; and”;

(e) by omitting “stock” from subsection (4) (d).

5—Section 7 is amended as follows:—

(a) by omitting “Stock” from subsection (1) and substituting “Animal”;

(b) by omitting “by the regulations made under section 34” from subsection (2) (c) (ii);

(c) by omitting “by those regulations” from subsection (2) (c) (iii);

(d) by omitting “stock disease prescribed in those regulations” from subsection (2) (c) (iii) and substituting “disease”;

(e) by omitting “stock” from subsection (2) (c) (iv).

6—Section 17 is amended by omitting “*Stock Act 1932*” and substituting “*Animal Health Act 1995*”.



7—Section 24 is amended as follows:—

- (a) by omitting “stock” (three times occurring) from subsection (1) and substituting “animals”;
- (b) by omitting “stock” (twice occurring) from paragraphs (a) and (b) of subsection (4) and substituting “animal”;
- (c) by omitting “stock” from paragraph (c) of subsection (4) and substituting “animals”.

8—Section 23 is amended by omitting “stock” and substituting “animals”.

9—Section 25 (1) (f) is amended by omitting “stock” and substituting “animal”.

10—Section 30 is amended as follows:—

- (a) by omitting subsection (1);
- (b) by omitting “stock” (wherever occurring) from subsections (2), (3) and (4) and substituting “cattle or sheep”.

11—Section 31 (1) is amended by omitting from paragraph (e) all the words after “class of persons” (second occurring) and substituting “required to use a brand as specified in the certificate in connection with the control of the disease specified in the certificate—”.

12—Section 34 (2) is amended as follows:—

- (a) by omitting paragraph (c);
- (b) by omitting “the Director, or any other person prescribed in the regulations,” from paragraph (e) and substituting “a person prescribed in the regulations”;
- (c) by omitting “by the Director” (twice occurring) from paragraph (e).

***Vermin Destruction Act 1950***

(No. 68 of 1950)

1—Section 4 (1) is amended as follows:—

(a) by omitting the definition of “Chief Inspector” and substituting the following definition:—

**“Chief Veterinary Officer” means—**(a) the Chief Veterinary Officer within the meaning of the *Animal Health Act 1995*; and

(b) a person who is authorised to issue permits by the Chief Veterinary Officer referred to in paragraph (a);

(b) by omitting the definitions of “Director” and “inspector” and substituting the following definition:—

**“inspector”** has the same meaning as in the *Animal Health Act 1995*;

2—Section 5 is repealed and the following section is substituted:—

**Delegation by Secretary**

5—The Secretary may delegate to the Chief Veterinary Officer or an inspector any of his or her functions or powers under this Act, other than this power of delegation.

3—Section 11 is amended as follows:—

(a) by omitting “Director” from subsection (1) and substituting “Secretary”;

(b) by omitting “Director” from subsection (2) and substituting “Secretary”;

(c) by omitting “Director” from subsection (3) and substituting “Secretary”.

4—Section 12 (1) is amended by omitting “Director” and substituting “Secretary”.

5—Section 13 is amended by omitting “Director” (wherever occurring) from subsections (1), (3), (4), (5), (6) and (7) and substituting “Secretary”.

6—Section 17 (1) (b) is amended by omitting “Director” and substituting “Secretary”.

7—Section 21A is amended as follows:—

- (a) by omitting “Inspector” from subsection (1) and substituting “Veterinary Officer”;
- (b) by omitting “Director” from subsection (2) (a) and substituting “Chief Veterinary Officer”;
- (c) by omitting “Inspector” (wherever occurring) from subsections (3), (4), (5) and (6) and substituting “Veterinary Officer”.

8—Section 21C (1) is amended by omitting “Inspector” and substituting “Veterinary Officer”.

9—Section 21E is amended as follows:—

- (a) by omitting “Inspector” from subsection (1) and substituting “Veterinary Officer”;
- (b) by omitting “Director” from subsection (2) and substituting “Chief Veterinary Officer”;
- (c) by omitting “Inspector” (wherever occurring) from subsections (3) and (5) and substituting “Veterinary Officer”.

10—Section 21G is amended by omitting “Inspector” (wherever occurring) from subsections (1) and (2) and substituting “Veterinary Officer”.

11—Section 21I is amended by omitting “Inspector” (wherever occurring) from subsections (1), (2), (3), (4) and (6) and substituting “Veterinary Officer”.

12—Section 21J is amended by omitting “Inspector” (wherever occurring) from subsections (1) and (2) and substituting “Veterinary Officer”.

13—Section 21K is amended by omitting “Inspector” (wherever occurring) from subsections (1), (2) and (3) and substituting “Veterinary Officer”.

14—Section 21L is amended by omitting “Inspector” (wherever occurring) from subsections (3) and (4) and substituting “Veterinary Officer”.

15—Section 21N is amended as follows:—

- (a) by omitting “Director” from subsection (1) (a) and substituting “Secretary”;

(b) by omitting “Inspector” from subsection (1) (b) and substituting “Veterinary Officer”;

(c) by omitting “Director or Chief Inspector” from subsection (4) and substituting “Secretary or Chief Veterinary Officer”.

16—Section 27 is amended by omitting “Director, an officer, or any” and substituting “Secretary, the Chief Veterinary Officer, an inspector or any”.

### *Veterinary Medicines Act 1987*

(No. 40 of 1987)

1—Section 3 is amended by omitting the definition of “Director”.

2—Section 26G (2) (e) is amended by omitting “*Stock*” and substituting “*Animal*”.

3—Section 26H (2) (a) is amended by omitting “*Stock*” and substituting “*Animal*”.

4—Section 29 is amended by omitting “Director” and substituting “Secretary of the Department”.

### *Water Act 1957*

(No. 39 of 1957)

1—Section 16 (4) is amended by omitting “*Stock Act 1932*” and substituting “*Animal Health Act 1995*”.

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**SCHEDULE 2**

## Section 4

**STATUTORY RULES CONSEQUENTIALLY AMENDED*****Aboriginal Relics Regulations 1978***

(S.R. 1978, No. 104)

1—Regulation 2 is amended by omitting from subregulation (1) the definition of “stock” and substituting the following definition:—

“stock” means—

- (a) goats, horses, oxen, sheep, swine, cervids and camelids; and
- (b) poultry of any kind; and
- (c) oysters, mussels, abalone, scallops and clams; and
- (d) fish of the family *salmonidae* and gold fish;

***Botanical Gardens By-Laws 1959***

(S.R. 1959, No. 111)

1—Clause 2 is amended by omitting the definition of “stock” and substituting the following definition:—

“stock” means—

- (a) goats, horses, oxen, sheep, swine, cervids and camelids; and
- (b) poultry of any kind; and
- (c) oysters, mussels, abalone, scallops and clams; and
- (d) fish of the family *salmonidae* and gold fish;

***Crown Lands (Public Reserves) Regulations 1979***

(S.R. 1979, No. 142)

1—Regulation 3 is amended by omitting paragraphs (a) and (b) from the definition of “form of wildlife” and substituting the following paragraphs:—

- (a) a dog or domestic cat; or

- (b) a goat, horse, ox, sheep, swine, cervid or camelid;  
or  
(ba) a form of poultry; or

***Inland Fisheries Regulations 1973***

(S.R. 1973, No. 121)

1—Regulation 17 (2) is amended by omitting “in accordance with the *Stock Regulations 1983*” and substituting “as authorised under, and in accordance with, the *Animal Health Act 1995* and any regulations made under that Act”.

***National Parks and Reserves Regulations 1971***

(S.R. 1971, No. 240)

1—Regulation 2 (1) is amended by omitting the definition of “stock” and substituting the following definition:—

“stock” means—

- (a) goats, horses, oxen, sheep, swine, cervids and camelids; and
- (b) poultry of any kind; and
- (c) oysters, mussels, abalone, scallops and clams; and
- (d) fish of the family *salmonidae* and gold fish;

***Stock (Brands and Movement) Regulations 1986***

(S.R. 1986, No. 78)

1—Regulation 1 is amended by omitting “*Stock*” and substituting “*Animal*”.

2—Regulation 3 is amended by omitting subregulation (1) and substituting the following subregulation:—

(1) In these regulations, unless the contrary intention appears—

“Act” means the *Animal (Brands and Movement) Act 1984*;

**“Chief Veterinary Officer”** has the same meaning as in the *Animal Health Act 1995*.

3—Regulation 16 is amended by omitting “Director” (wherever occurring) from subregulations (1) and (5) and substituting “Chief Veterinary Officer”.

4—Regulation 16A is amended by omitting “Director” (wherever occurring) from subregulations (1), (2), (3) and (4) and substituting “Chief Veterinary Officer”.

5—Regulation 18 is amended by omitting “Director” (twice occurring) and substituting “Chief Veterinary Officer”.

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*[Second reading presentation speech made in:—  
House of Assembly on 24 August 1995  
Legislative Council on 18 October 1995]*

