

PART V.—  
MISCEL-  
LANEOUS.

*Diseases in Stock Act Amendment Act.* 21 GEO. V. No. 35,

publication if Parliament is in session, or, if not, then within fourteen days after the commencement of the next session.

If the Legislative Assembly passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

Annual  
report.

**23.** As soon as may be after the thirtieth day of June in each year the Director shall submit to Parliament a report of the work of the Bureau during the financial year just closed.

## STOCK.

*See also* LAND, CROWN.

21 Geo. V. No. 35. **An Act to Amend "The Diseases in Stock Act of 1915" in certain particulars.**

THE  
DISEASES  
IN STOCK  
ACT

AMENDMENT  
ACT OF 1930.

[ASSENTED TO 18TH DECEMBER, 1930.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title  
and  
construction  
of Act.

**1.** This Act may be cited as "*The Diseases in Stock Act Amendment Act of 1930*," and shall be read as one with \*"*The Diseases in Stock Act of 1915*," herein referred to as the Principal Act.

The Principal Act and this Act may collectively be cited as "*The Diseases in Stock Acts, 1915 to 1930*."

### *Amendments of the Principal Act.*

Amendment  
of s. 3.

**2.** Section three of the Principal Act is amended as follows:—

(a) In the definition of "Carcass," the word "wool" is inserted after the word "skin."

\* 6 Geo. V. No. 16, *supra*, page 7015.

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(b) The definition of "Dip" or "Dipped" is repealed, and a new definition is inserted in lieu thereof :—

" "Dipped" (used in relation to ticks)—Plunged <sup>Dipped.</sup> and wholly immersed in some effective tick-destroying preparation; and the word "Dip" has the correlative meaning."

(c) A new definition is inserted after the definition of "Horses," namely :—

" "Infected"—Infected with disease ;" <sup>Infected.</sup>

(d) The definition of "Inspector" is amended by inserting the words "an acting inspector" after the words "Chief Inspector."

(e) The definition of "Owner" is amended by omitting the words "agent or the superintendent of," and inserting in lieu thereof the words "agent of or the superintendent or manager for."

(f) A new definition is inserted after the definition of "Sheep," namely :—

" "Sprayed" (used in relation to ticks)—The <sup>Sprayed.</sup> whole of the hair and skin of the animal thoroughly saturated by means of a spray with some effective preparation approved by the inspector; and the word "Spray" has the correlative meaning ;"

(g) The following words are added to the definition of "Travelling Stock," namely :—

" "Travelling Stock"—The term also includes <sup>Travelling</sup> stock delivered to a saleyard, and shall apply <sup>stock.</sup> to such stock in respect to the permit and waybill issued relative to such movement until the stock are removed from such saleyard."

**3.** Section five of the Principal Act is amended by <sup>Amendment</sup> the insertion of an additional paragraph (iii.) after <sup>of s. 5.</sup> paragraph (ii.), as follows :—

"(iii.) Abolish any such district."

Amendment  
of 6 Geo. V.  
No. 16, s. 6

4. Section six of the Principal Act is amended by the insertion of a new subsection four to follow subsection three, and subsection four is renumbered subsection five accordingly:—

Endowment.

“(4.) The Governor in Council may, in any year in which he deems it necessary and proper so to do, make a grant in aid of the Stock Diseases Fund out of Consolidated Revenue (which is hereby appropriated for the purpose) in such sum as the Governor in Council may approve.

Any such grant when so made shall be at a rate not exceeding one pound for every one pound paid into the Fund during the twelve months preceding such grant in respect of assessments levied and paid under this Act.”

5. Section seven of the Principal Act is repealed, and a new section is inserted in lieu thereof, namely:—

Assessment.

“[7.] Save as hereinafter provided, the Minister may in each year make and levy an assessment on each owner of stock at rates to be fixed by him, but of not more than at the rate of four shillings on every one hundred head of horses or cattle payable on the actual numbers returned by the owner, and of not more than nine pence on every one hundred or part of one hundred head of sheep:

Provided that—

- (a) An assessment of not more than three shillings shall be payable by an owner of less than one hundred head of horses or cattle, but no assessment shall be payable by an owner of less than twenty-five head of horses or cattle, and no assessment shall be paid by an owner of less than one hundred sheep;
- (b) Any such rate of assessment may be reduced or wholly remitted by the Governor in Council by Order in Council.

The returns made under \**“The Stock Returns Act of 1893,”* or any Act amending the same, shall be used for the purposes of this Act.

Any owner who fails to pay such assessment or to make any return of stock required by this Act or \**“The Stock Returns Act of 1893”* (or any Act amending the

\* 57 Vic. No. 10. *supra*, page 3277.

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same), or who makes a return of stock which is false in any material particular, shall be liable to a penalty not exceeding fifty pounds; and moreover, an owner shall, on conviction for making any such false return, pay double assessment on the actual figures over and above those returned.”

6. Section twelve of the Principal Act is amended Amendment of s. 12. by the insertion of an additional paragraph (vi.) after paragraph (v.), as follows:—

“(vi.) Appoint places to be crossing-places for introduced stock;”

7. The following new section is inserted after News. [16A.] section sixteen of the Principal Act, as follows:—

“[16A.] (1.) Notwithstanding anything contained in any Act to the contrary, any owner of a holding who has reasonable cause to believe that any diseased or infected or decrepit or abandoned or worthless horses or horses commonly known as “brumbies” are straying on his holding to the detriment of such holding, may give notice in writing in the prescribed form to the Inspector of Stock for the district in which such holding is situate, or to the officer of police for such district. Provisions dealing with abandoned &c., horses and “brumbies.” Notice by owner to inspector, &c.”

(2.) Upon the receipt of such notice, the Inspector of Stock, or officer of the police as the case may be, may, at the expense of the owner of the holding, cause to be inserted twice in a local newspaper (if any), or twice in a newspaper circulating in the district, a notification to the effect that on a day to be named in such notification, and being not less than twenty-eight clear days after the date of such notification, a muster of all such horses straying as aforesaid will be made by such owner at a definite stock or horse yard on the holding (describing and indicating fully such yard) to which such horses shall be so mustered, and at which yard any of such horses so mustered can be claimed by the owners thereof. Advertisement of muster.

(3.) The owner may make a muster of such horses at the time and place aforesaid. Owner to make muster.

(4.) Any person establishing a claim to the satisfaction of the Inspector of Stock or officer of police to the ownership of any horse at such muster shall, before obtaining possession of such horse, pay to the owner of the holding by whom the muster was made, Payment by claimant of fees.

and on the day of the muster, a mustering charge of five shillings for each horse so claimed, and in addition to such mustering charge a fee of one pound for any stallion over eighteen months of age so claimed by him.

Destruction  
of horses.

(5.) The Inspector of Stock or officer of police shall attend at such muster at the time and place so notified, and, on the day following the day of such muster, the owner of the holding making the muster may apply to the Inspector of Stock or the officer of police present at the muster concerned, for permission to destroy or otherwise deal with any of such horses which were mustered as aforesaid, and in respect of which horses no claim was made to the owner of the holding, or in case a claim has been made, of such horses which, in consequence of the non-payment by the claimant of the fees prescribed as aforesaid, possession has not been obtained by the claimant; and the Inspector of Stock or officer of police, as the case may be, may grant such permission accordingly, and thereupon such horses may then and there be destroyed or otherwise dealt with accordingly :

Provided that such Inspector of Stock or officer of police shall be present when any of such horses are destroyed.

No claim for  
compensa-  
tion.

(6.) And it is hereby declared that the owner of any such horse so destroyed or otherwise dealt with under the aforesaid provisions, shall have no claim for compensation or otherwise against the owner of the holding who made the muster, or against any of his servants or any other person who so destroyed or otherwise dealt with any such horse or horses, or against the Inspector of Stock or officer of police or against the Crown, or against the Minister, or against any officer of the Crown in respect of any such horse so destroyed or otherwise dealt with, anything in any Act or law or process of law to the contrary notwithstanding :

Inspector  
of Stock or  
officer of  
police may  
take  
possession  
of horses.

Provided that any Inspector of Stock or officer of police as the case may be, may take possession of any of such horses so mustered and unclaimed, and such horses shall, upon the fact of such possession having been taken, with a description of such horses being advertised in a local newspaper (if any) or in a newspaper circulating in the district, become the property of the Crown :

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Provided always that if any branded horses so taken possession of are sold, the proceeds of sale less any expenses incurred by the Crown in connection with the operation of this section may be paid to the owner of such horses on evidence of ownership satisfactory to the Minister being adduced by such owner :

Provided further, that any person attending the muster may apply to the Inspector of Stock or officer of police to purchase any horses mustered and unclaimed (and which horses but for the provisions of this proviso would have been destroyed pursuant to the provisions of subsection five); and the Inspector of Stock or officer of police is hereby granted power and authority to sell such horses as aforesaid to such applicant at a price per horse to be computed on the expenses incurred by the Crown in connection with such muster, or at a minimum price of ten shillings; moreover, the Inspector of Stock or officer of police is hereby granted power and authority in his discretion to sell to any person attending the muster any of such horses (which but for the provisions of this proviso would have been destroyed pursuant to the provisions of subsection five), at a price less than the price aforesaid if he is satisfied that the purchaser of such horses shall eventually destroy same. The proceeds of any sale under this proviso shall be paid to the Crown, and the provisions of the first paragraph of subsection six shall apply and extend accordingly.

(7.) The cost of any advertisements (other than the advertisement referred to in the first proviso to the last preceding subsection) and of any muster under this section and the costs, charges, and expenses entailed in respect of the attendance thereat of the Inspector of Stock or the officer of police, and any necessary attendant costs, charges, and expenses shall be borne and paid by the owner of the holding who made the muster, and any such costs, charges, and expenses may be recovered from such owner as a Crown debt.

(8.) Notwithstanding anything herein contained, it shall be lawful for any owner or agent acting on behalf of an owner of a holding or the owner of a horse (not being a horse of the description as set forth in subsection one of this section) to send a notice, by post letter, telegram, or otherwise to the owner of the holding making the muster, requesting him to take

Sale of  
unclaimed  
horses.

Cost of  
muster and  
attendant  
expenses to  
be borne by  
owner.

Owner of  
holding may  
give notice  
to owner  
making  
muster.

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possession of and to hold on his behalf any horses or horse owned by or branded with the brands of such first-mentioned owner as may be described in such notice, accompanied with a fee as based on subsection four aforesaid; and it shall be the duty of the owner of the holding making the muster to take possession of and to hold on behalf of the person sending such notice the said horses owned or so branded for a period of fourteen days from the date of such muster, and the owner of the holding making the muster shall on demand by the first-mentioned owner within such period of fourteen days deliver the said horses to such owner or his agent or servant.

Any owner of a holding making the muster who refuses or fails or neglects to comply with the provisions of this section shall be liable on summary conviction to a penalty not exceeding fifty pounds; or the owner of the holding or owner of a horse as aforesaid sending the notice may sue the owner of the holding making the muster for the value of the horses in any court of competent jurisdiction.

If, however, delivery of such horses is not taken by the owner of the holding or owner of a horse as aforesaid sending notice as aforesaid within such period of fourteen days, such horses may be dealt with in accordance with the provisions of subsections five and six aforesaid.

Application  
to Local  
Authority.

(9.) In addition to the powers conferred upon a Local Authority by the provisions of section sixteen of this Act, the provisions of this section (16A) shall, *mutatis mutandis*, apply in the case of a Local Authority with respect to horses of the nature as described in section one hereof straying and causing detriment to any land, reserves, or road within the jurisdiction of the Local Authority concerned.

Districts  
to be  
proclaimed.

(10.) The provisions of this section shall extend to and be in force only in such districts of the State as the Governor in Council may from time to time by Proclamation published in the *Gazette* constitute or declare.

Such district may comprise the whole of any district constituted under the provisions of the Principal Act, or any division or part of the area of such district, or may comprise the whole or any divisions or parts of the areas of several districts under the Principal Act.

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The Governor in Council may from time to time in like manner alter the boundaries of any such district, or may abolish any such district.

(11.) Moreover in any such Proclamation constituting any such district, provision shall be made wherein the operations of this section shall be limited to such portion of the year, not exceeding in any district a period of four months in any year, as shall be prescribed in such Proclamation, and to the intent that where there is any such limitation of time, the provisions of this Act shall not operate in any year beyond such period of limitation.

Limitation of operation during any year.

(12.) Every Inspector of Stock or officer of police, as the case may be, shall send to the Under Secretary, Department of Agriculture and Stock, a report containing such particulars as may be prescribed of all actions, matters, or things done or performed in connection with the operation of the provisions of this section."

Inspector or police officer to make a report.

8. The first paragraph of section eighteen, commencing with the words "Every owner," to and including the words "nearest inspector" is repealed, and the following paragraph is inserted in lieu thereof, namely:—

Amendment of s. 18.

"Every owner of stock shall before starting to travel them any distance, give notice in writing as prescribed, and obtain a permit containing the prescribed particulars from the nearest inspector. For the purpose of obtaining such permit the owner shall, on demand, produce to the inspector the waybill of the stock referred to in the next succeeding section of this Act:

Provided that a permit to travel shall be issued only for the travelling of stock where in the opinion of the inspector a definite *bona fide* destination is intended.

Such permit shall be null and void unless the movement to which the permit applies is commenced within the time specified on the permit by the inspector by whom such permit is issued."

9. Section nineteen of the Principal Act is amended as follows:—

Amendment of s. 19.

(a) In subsection one after the word "at" the words "and before" are inserted; also in the said subsection,



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after the word “witness,” the words “and also a permit as prescribed in section eighteen of this Act” are added.

(b) In subsection two, after the words “produce his” the words “permit and” are inserted.

(c) In paragraph (b) of subsection four, the word “waybill” is repealed, and the word “permit” is inserted in lieu thereof; also in paragraph (c) of the said subsection, after the words “to produce the” the words “permit or” are inserted; also in paragraph (e) of the said subsection, after the word “examination,” the word “muster” is inserted.

(d) Subsection six is repealed.

Amendment  
of s. 21.

**10.** Section twenty-one of the Principal Act is amended as follows:—

(a) In subsection one, after the word “telephone,” the word “telegraph” is inserted.

(b) Subsection two is repealed and a new subsection is inserted in lieu thereof:—

“(2.) A complaint of any contravention of this section must be made by the person or persons claiming to be aggrieved within twenty-one days after the ground of complaint arose or was discovered by the complainant or complainants: Provided such discovery was made within three months after the ground of complaint arose.”

Amendment  
of s. 22.

**11.** The proviso to section twenty-two of the Principal Act is repealed and a new proviso is inserted in lieu thereof:—

“Provided that it shall not be necessary to so brand sheep travelling by rail, or which are intended to be driven from the time of their removal for not more than forty miles to a destination, or which have strayed on to a neighbouring holding, or which are intended to be driven to a pound.”

Amendment  
of s. 25.

**12.** Section twenty-five of the Principal Act is amended by the insertion of a new paragraph (iva.) to subsection one of the said section:—

“(iva.) Upon the authority of the Minister, order an owner to cause any stock on the holding to be mustered, and to hold such stock for examination.”

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13. In section twenty-seven the words "seven clear days before the hearing of the appeal" are repealed, and the words "within seven days from the date of such order or decision of his intention to appeal" are inserted in lieu thereof. Amendment of s. 27.

14. Section twenty-eight of the Principal Act is amended as follows:— Amendment of s. 28.

(a) In subsection one, two new paragraphs are inserted after paragraph (f), namely:—

"(g) Fails to close gates erected on a road or stock route;

(h) Gives false information to an inspector in connection with the obtaining of a permit for the removal of stock or in respect to the ownership of any stock;"

And paragraph (g) is renumbered (i) accordingly.

(b) Subsection four is repealed and a new subsection is inserted in lieu thereof:—

"(4.) The fact that disease has existed upon a holding or in travelling stock for one month, or that any adult ticks known as *boophilus australis* are found upon stock upon a holding or upon travelling stock, shall be *prima facie* evidence that the owner of the holding or stock knew of the existence of disease upon the holding or in the stock, as the case may be."

15. Schedule II. is amended as follows:—

Schedule II.

(a) In clause ten, after the word "rivers," the word "roads" is inserted.

(b) In clause twelve, after the word "inoculation," the words "or vaccination" are inserted.

(c) In clause thirteen, after the words "of stock," the words "and the charges made thereat" are added.

(d) In clause fifteen the words "in dairies" are repealed; also, in the side-note the word "Dairies" is repealed and the words "Prohibiting, &c., the use of diseased, &c., stock" are inserted in lieu thereof.

(e) After clause sixteen, a new clause is inserted, namely:—

"[16A.] Prohibiting or regulating the movement, sale, or disposal of stock showing enlargements, swellings, or abnormalities which, in the opinion of an inspector, may be the result of disease, or other faulty stock."

Prohibiting, &c., movement, &c., of certain stock.