

STOCK.

11 GEO. VI.
No. 10.
THE
DISEASES IN
STOCK ACTS
AMENDMENT
ACT OF
1946.

An Act to Amend "The Diseases in Stock Acts, 1915 to 1944," in certain particulars.

[ASSENTED TO 20TH DECEMBER, 1946.]

BE 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.

1. This Act may be cited as "*The Diseases in Stock Acts Amendment Act of 1946*," and shall be read as one with *"*The Diseases in Stock Acts, 1915 to 1944*," herein referred to as the Principal Act.

Collective
title.

The Principal Act and this Act may be collectively cited as "*The Diseases in Stock Acts, 1915 to 1946*."

Amendment
of s. 3.

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

(a) In the definition "Introduced stock" the words "or territory" are inserted after the words "another State."

(b) In the definition "Stock" the words "and such other animals as" are repealed and the words "and any other animals and birds whatsoever which" are inserted in lieu of such repealed words.

Amendment
of s. 7A (1).

3. Subsection one of section 7A of the Principal Act is amended by repealing the word "Surgeon" and by inserting the word "Officer" in lieu of such repealed word.

Amendment
of s. 9.

4. Section nine of the Principal Act is amended as follows:—

(a) In subsection one thereof the words "or territory of the Commonwealth" are inserted after the word "State" where such lastmentioned word twice appears.

(b) In subsection two thereof the words "or territory of the Commonwealth" are inserted after the words "adjoining State" where such lastmentioned words twice appear.

(c) In subsection three thereof the words "or territory of the Commonwealth" are inserted after the words "adjoining State."

1946. *Diseases in Stock Acts Amendment Act.*

5. Section eleven of the Principal Act is amended by inserting the words "or territory of the Commonwealth" after the word "State." Amendment of s. 11.

6. Paragraph (i.) of section twelve of the Principal Act is amended by inserting the words "or territory" after the word "State." Amendment of s. 12.

7. The following section is inserted after section twelve of the Principal Act, namely:— New s. 12A inserted.

"[12A.] (1.) The Minister may, by notification published in the *Gazette*, declare any area therein described to be a protected area as regards any disease specified in such notice, and may by the same or a like notification prohibit either absolutely or except subject to such conditions as may be specified in such notification the introduction into the area of any stock or class of stock, or any carcass, fodder, fitting, or animal product. Protected areas.

(2.) The Minister may, by the same or a like notification, require any specified class or classes of stock within a protected area to be subjected to the test specified in such notice for the disease in respect of which the area has been declared to be protected.

(3.) The Minister may, by a like notification, modify or revoke any notification made under this section.

(4.) Any person—

- (i.) Who introduces into any protected area any stock, carcass, fodder, fitting, or animal product the entry of which into such area is prohibited; or
- (ii.) Who contravenes or fails to comply with any condition relating to the introduction into any protected area of any stock, carcass, fodder, fitting, or animal product; or
- (iii.) Who obstructs or prevents the testing as required by the Minister of any stock within a protected area for the disease in respect of which the area has been declared to be protected,

shall be liable to a penalty not exceeding one hundred pounds."

Diseases in Stock Acts Amendment Act. 11 GEO. VI. No. 10,

Amendment
of s. 13.

8. Section thirteen of the Principal Act is amended by adding to the second paragraph thereof the words “or by an officer of his Department to whom the Minister has by writing delegated such power either generally or in respect of the area in question (which delegation is hereby authorised).”

The third paragraph of the said section is amended by inserting after the word “Minister” the words “or by an officer of his Department to whom the Minister has by writing delegated such power either generally or in respect of the area in question (which delegation is hereby authorised).”

Amendment
of s. 14.

9. Section fourteen of the Principal Act is amended by adding the following paragraph thereto, namely:—

“The Minister may, in relation to all or any matters or class of matters referred to in this section, by notice published in the *Gazette*, delegate his powers under this section (other than this power of delegation) to any officer or officers of his Department, so that such powers may, subject to the delegation, be exercised by each and every officer so delegated.”

Amendment
of s. 15.

10. Section fifteen of the Principal Act is amended by inserting after the word “Minister” the words “or his delegate” and by repealing in paragraph (a) of the proviso thereto the word “surgeon” and by inserting the word “officer” in lieu of such repealed word.

Amendment
of s. 17.

11. Section seventeen of the Principal Act is amended as follows:—

(a) The words “two months” are repealed and the words “thirty days” are inserted in lieu of such repealed words.

(b) The following paragraphs are added thereto, namely:—

“Proof that any cattle have reacted to a tuberculin test (being a tuberculin test prescribed by the regulations) shall be *prima facie* evidence that such cattle are suffering from or affected with tuberculosis.

Any covenant, agreement, or condition expressed or implied in an agreement to sell cattle or in any other document or writing relating to the sale of cattle or made verbally in respect of the sale of cattle (whether such agreement, or other document or writing, or verbal

1946.

Diseases in Stock Acts Amendment Act.

covenant, agreement, or condition was made or executed before, on, or after the passing of **“ The Diseases in Stock Acts Amendment Act of †1945 ”*) whereby it is agreed between the vendor and purchaser that the condition expressed by this section shall not be legally binding as against such vendor shall be absolutely void and of no legal effect whatsoever.”

12. Section twenty-five of the Principal Act is amended as follows :— Amendment
of s. 25.

(a) In paragraph (i.) of subsection one thereof the words “ and/or test for disease ” are inserted after the word “ inspect.”

(b) In paragraph (ii.) of subsection one thereof the word “ them ” is repealed and the words “ and/or testing for disease such stock ” are inserted in lieu thereof.

(c) In paragraph (iii.) of subsection one thereof the words “ and/or test for disease ” are inserted after the word “ Examine.”

(d) In the first paragraph of subsection two thereof the words “ or an officer of his Department to whom the Minister has by writing delegated such power either generally or in respect of the stock or carcasses in question (which delegation is hereby authorised)” are inserted after the word “ Minister.”

In the second paragraph of the said subsection two the word “ he ” is repealed and the words “ the Minister or such delegate ” are inserted in lieu of such repealed word.

(e) In subsection four thereof the word “ Minister ” is repealed and the words “ Chief Inspector ” are inserted in lieu thereof.

13. Section 25A of the Principal Act is amended as follows :— Amendment
of s. 25A.

(a) The word “ Surgeon ” is repealed wherever appearing therein and, in every such case, the word “ Officer ” is inserted in lieu of such repealed word.

(b) In subsection four thereof the word “ shall ” is repealed and the word “ may ” is inserted in lieu thereof.

(c) Subsection eight thereof is repealed.

* This Act.

† *Sic.* in *Gazette*, *semble* 1946.

Diseases in Stock Acts Amendment Act. 11 GEO. VI. No. 10, 1946.

Amendment
of s. 25B.

14. Section 25B of the Principal Act is amended as follows :—

(a) Subsection one thereof is repealed and the following subsection is inserted in lieu thereof, namely :—

“ (1.) If any bull, cow, heifer, or bull or female calf is destroyed in pursuance of an order made under section 25A of this Act at any time during which the owner thereof is a producer of milk upon which an assessment under section 7A of this Act is leviable, such owner shall, subject to this section, be entitled to be paid compensation.”

(b) In subsection two thereof the word “ Surgeon ” is repealed and the word “ Officer ” is inserted in lieu of such repealed word.

(c) In the proviso to subsection two thereof the words “ tubercular-free beasts ” are repealed and the words “ cattle which are free from tuberculosis ” are inserted in lieu of such repealed words.

(d) In subsection five thereof the word “ Surgeon ” is repealed and the word “ Officer ” is inserted in lieu of such repealed word.

Amendment
of Schedule
II., clause
16A.

15. Clause 16A of Schedule II. to the Principal Act is amended by repealing the words “ or other faulty stock.”

STOCK ROUTES.

See LAND.