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*Diseases in Stock, Etc., Act (No. 2).*      13 GEO. VI. No. 1,

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## STOCK.

- (1) *Diseases in Stock Acts Amendment Act of 1948 (No. 2)*      .. .. . 13 *Geo. VI. No.* 1  
 (2) *Abattoirs Acts Amendment Act of 1949*      13 *Geo. VI No.* 28

13 GEO. VI  
 NO. 1.  
 THE  
 DISEASES IN  
 STOCK ACTS  
 AMENDMENT  
 ACT OF 1948  
 (No. 2).

## An Act to Amend "The Diseases in Stock Acts, 1915 to 1948," in certain particulars.

[ASSENTED TO 13TH DECEMBER, 1948.]

**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.

1. This Act may be cited as "*The Diseases in Stock Acts Amendment Act of 1948 (No. 2)*," and shall be read as one with \*"*The Diseases in Stock Acts, 1915 to 1948*," 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 1948*."

Amendment  
of s. 4 (2).

2. Subsection two of section four of the Principal Act is amended by repealing the words "and any person so appointed shall be entitled to exercise the powers conferred upon inspectors by this Act during the period of his inspectorship" and by inserting the words "and any person so appointed shall, during the period of his inspectorship, have and exercise such powers, functions and duties as may be prescribed from time to time."

Repeal of  
and  
new s. 7A

3. Section 7A of the Principal Act is repealed and the following section is inserted in lieu thereof, namely:—

Assessments  
on milk and  
cream.

"[7A.] (1.) The Minister may make and levy all or any of the assessments set out in subsection three of this section upon milk and cream—

- (i.) Supplied for consumption or use or intended consumption or use within the area of the City of Brisbane; or

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- (ii.) Supplied for consumption or use or intended consumption or use within such other areas as may, from time to time, be prescribed by the Governor in Council by Order in Council published in the *Gazette*; or
  - (iii.) Supplied to such factories as may, from time to time, be prescribed by the Governor in Council by order in Council published in the *Gazette*.
- (2.) Subject as herein provided all milk or cream—
- (i.) Supplied to a factory situated in the area of the City of Brisbane or in any other area prescribed under this section shall be deemed to be supplied for consumption or use or intended consumption or use within the area in question; and
  - (ii.) Shall be deemed to be so supplied by the person who produced that milk or cream notwithstanding that delivery on supply is made without the area in question,

and all such milk and cream shall be liable to assessment hereunder notwithstanding that the factory has not been specifically prescribed under this section.

(3.) All or any of the following assessments may be made and levied under this section by the Minister in respect of the area of the City of Brisbane, or of any area or factory prescribed under this section, that is to say—

- (i.) An assessment upon milk but so that such assessment shall not exceed one-half of one penny upon every gallon thereof;
- (ii.) An assessment upon cream used in the manufacture of butter, but so that such assessment shall not exceed one penny upon every pound of butter manufactured therefrom;
- (iii.) An assessment upon cream other than cream used in the manufacture of butter but so that such assessment shall not exceed such amount as may be prescribed.

Any such assessment may differ in amount in respect of different areas and factories.

(4.) As respects cream used in the manufacture of butter, the assessment under this section may be made and levied upon the basis of the quantity of butter manufactured from that cream.

As respects cream other than cream used in the manufacture of butter, the assessment under this section may be made upon the quantity of that cream supplied or upon such other basis as the Minister shall specify.

(5.) When the Minister makes an assessment under this section, a notice of the making thereof shall be published in the *Gazette*, and thereupon such assessment shall be deemed to be duly made and levied and shall be payable as prescribed by this section.

(6.) If, under this section, the amount of any assessment upon milk or cream made and levied hereunder by the Minister in respect of any area or factory prescribed under this section is payable by any person other than the person who produced that milk or cream, then such person may deduct such amount from the moneys payable by him to such producer for that milk or cream.

(7.) Any amount of an assessment not duly paid shall constitute a debt due and owing to the Crown by the person liable to pay such amount and may be recovered by action as for a debt in any court of competent jurisdiction.

(8.) Assessments under this section shall be payable as follows:—

- (i.) Where the assessment is upon milk supplied for consumption or use or intended consumption or use within the area of the City of Brisbane, that assessment shall, in respect of so much of that milk as is supplied by the producers thereof to wholesale vendors as defined in \**The Milk Supply Act of 1938*,” or to manufacturers of ice-cream, be paid by such wholesale vendors and manufacturers, and every such wholesale vendor or manufacturer shall pay to the Brisbane Milk Board the amount of such assessment upon the actual number of gallons of such milk received by him during each and every calendar month, and the amount thereof

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payable for any month shall be remitted by the wholesale vendor or manufacturer to the said Board within fifteen days after the last day of that month ;

- (ii.) Where the assessment is upon milk supplied for consumption or use or intended consumption or use within the area of the City of Brisbane, that assessment shall, in respect of so much of that milk as is supplied by the producers thereof to owners of factories other than wholesale vendors as defined in \**"The Milk Supply Act of 1938,"* or manufacturers of ice-cream, be paid by such owners, and every such owner shall pay to the Under Secretary, Department of Agriculture and Stock, the amount of that assessment upon the actual number of gallons of that milk received by him during each and every calendar month, and the amount thereof payable for any month shall be remitted by such owner to the said Under Secretary within fifteen days after the last day of that month ;
- (iii.) Where the assessment is upon milk supplied for consumption or use or intended consumption or use within the area of the City of Brisbane, that assessment shall, in respect of so much of that milk as is supplied to persons other than wholesale vendors, as defined in \**"The Milk Supply Act of 1938,"* or manufacturers of ice-cream, or owners of other factories, be paid by such producers, and every such producer shall pay to the Under Secretary, Department of Agriculture and Stock, the amount of such assessment upon the actual number of gallons of such milk supplied by him during each and every calendar month, and the amount thereof payable for any month shall be remitted by him to the said Under Secretary within fifteen days after the last day of that month ;
- (iv.) Where the assessment is upon cream supplied for consumption or use or intended consumption or use within the area of the City of

Brisbane, or is upon milk or cream supplied for consumption or use or intended consumption or use within any area prescribed under this section, or is upon milk or cream supplied to any factory prescribed under this section, that assessment shall, in respect of so much of that milk or cream as is supplied by the producers thereof to owners of factories, be paid by such owners and every such owner shall pay to the Under Secretary, Department of Agriculture and Stock, the amount of such assessment upon the actual number of gallons of that milk received by him or upon (in the case of cream supplied for use in the manufacture of butter) the actual quantity of butter manufactured by him from that cream or upon (in the case of cream supplied for use other than in the manufacture of butter) the actual quantity of that cream received by him during each and every calendar month, and the amount thereof payable by him for any month shall be remitted by him to the said Under Secretary within fifteen days after the last day of that month ;

- (v.) Where the assessment is upon cream supplied for consumption or use or intended consumption or use within the area of the City of Brisbane, or is upon milk or cream supplied for consumption or use or intended consumption or use within any area prescribed under this section, that assessment shall, in respect of so much of that milk or cream as is supplied by the producers thereof to persons other than owners of factories, be paid by such producers and every such producer shall pay to the Under Secretary, Department of Agriculture and Stock, the amount of such assessment upon the actual number of gallons of that milk supplied by him or, as the case may be, upon the actual quantity of that cream supplied by him during each and every calendar month, and the amount thereof payable for any month shall be remitted by him to the said Under Secretary within fifteen days after the last day of that month.

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All moneys collected by the said Under Secretary or by the said Board under the provisions of this subsection shall be remitted to the Treasury for payment into the Compensation Fund.

Every wholesale vendor as defined in \**"The Milk Supply Act of 1938,"* manufacturer of ice-cream, or owner of a factory may deduct from the moneys payable by him to a producer for milk or cream delivered to him by such producer during each calendar month the amount of any assessment payable under this section to the Under Secretary, Department of Agriculture and Stock, in respect of that milk or cream.

(9.) Every wholesale vendor as defined in \**"The Milk Supply Act of 1938,"* manufacturer of ice-cream, owner of a factory, or producer of milk or cream required to pay any assessment made and levied under this section shall, with each payment prescribed by this section, deliver to the Brisbane Milk Board, or, as the case may be, the Under Secretary, Department of Agriculture and Stock, the prescribed particulars verified in the prescribed manner with respect to milk or cream supplied to or by him for consumption or use or intended consumption or use within the area in question or, in the case of a factory prescribed under this section, supplied to that factory, during the month to which such payment relates.

(10.) In this section the terms "factory" and, where used in relation to the term factory, "owner" shall have the respective meanings assigned to them by †*"The Dairy Produce Acts, 1920 to 1944."*

Moreover every manufacturer of ice-cream and the premises in or on which he manufactures ice-cream shall respectively be an "owner" and a "factory" under and for the purposes of this section.

(11.) The repeal of, and substitution of this section for, section 7A of this Act by ‡*"The Diseases in Stock Acts Amendment Act of 1948"* shall not prejudice or affect—

(i.) Any Order in Council prescribing an area ; or

\* 2 G. 6 No. 27.

† 10 G. 5 No. 15 and amending Acts.

‡ 12 G. 6 No. 19.

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(ii.) Any regulation ; or

(iii.) Any assessment,

made under the said repealed section and in force at the passing of \**"The Diseases in Stock Acts Amendment Act of 1948,"* and every such Order in Council, regulation or assessment shall continue in force under and subject to this section as if it had been duly made hereunder until it is repealed, amended, discontinued, varied or altered hereunder.

Where an exemption from or reduction in the rate of an assessment continued in force by this subsection has been granted by the Minister pursuant to his powers in that behalf under the said repealed section 7A, and such exemption or reduction is in force at the passing of \**"The Diseases in Stock Acts Amendment Act of 1948,"* that exemption or reduction shall, unless it is sooner revoked by the Minister, continue in force until the thirty-first day of December, one thousand nine hundred and forty-eight."

**Amendments  
of s. 17.**

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

(a) The first paragraph thereof is repealed and the following paragraphs are inserted in lieu of that repealed paragraph, namely:—

“ On any sale or agreement for the sale of any cattle there shall be implied a condition which, subject to this section, shall be binding at law upon the seller that none of such cattle are suffering from or affected with tuberculosis, brucellosis, or mastitis.

Proof that any cattle suffered with or were affected by tuberculosis, brucellosis, or mastitis at any time—

(a) In the case of tuberculosis—within thirty days ; or

(b) In the case of brucellosis or mastitis—within seven days,

of the date of the sale or agreement for the sale of such cattle, or of the date of delivery thereof on or under such sale or agreement, whichever is the later, shall be conclusive evidence of the breach of the aforesaid condition and the buyer shall have his remedy against the seller accordingly.”

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(b) The last paragraph thereof is amended by repealing the words “ vendor and purchaser ” and by inserting, in lieu of such repealed words, the words “ seller and buyer ”; and the said last paragraph is also amended by repealing the words “ such vendor ” and by inserting, in lieu of such lastmentioned repealed words, the words “ such seller ”.

5. The first paragraph of section eighteen of the Principal Act 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 or remove them any distance, give notice in writing as prescribed and obtain from the nearest inspector a permit containing the prescribed particulars. Such permit shall be issued and remain valid subject to any conditions which may be endorsed thereon by an 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.”

6. The following paragraph is inserted after paragraph (b) of subsection four of section nineteen of the Principal Act, namely:— Amendment  
of s. 19 (4).

“ (b1) Travels or removes stock contrary to any condition endorsed on the permit by an inspector; or ”.

7. Section 25B of the Principal Act is amended as follows:— Amendment  
of s. 25B.

(a) In subsection one thereof the words “ or cream ” are inserted after the word “ milk ”.

(b) The following proviso is added to subsection two thereof, namely:—

“ Provided further that a heifer owned by an owner of any cow so destroyed, which cow was in production when so destroyed or at any previous time during such ownership, may, when that heifer comes into production, be accepted as a replacement for that destroyed cow and compensation may be paid accordingly if, but only if, the Minister is satisfied that such heifer is, at the time of such replacement, of a value equal to or greater than the amount of such compensation, and free from tuberculosis.”



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Amendment  
of s. 28 (4).

8. Subsection four of section twenty-eight of the Principal Act is repealed.

Amendment  
of s. 30.

9. The following subsection is added to section thirty of the Principal Act, namely :—

“(4.) For the purpose of proving in any prosecution or proceeding under this Act or the regulations that any person knew that stock were infected or diseased—

- (a) Proof that stock kept pastured on any land have been diseased for a period of seven days shall be evidence that, at the expiration of that period, the occupier of that land or his manager, agent, or superintendent knew that the stock were diseased, and in the absence of evidence in rebuttal shall be conclusive evidence of that knowledge ; and
- (b) Proof that travelling stock have been diseased for a period of two days shall be evidence that, at the expiration of that period, the person in charge of the stock knew that the stock were diseased, and in the absence of evidence in rebuttal shall be conclusive evidence of that knowledge ; and
- (c) Proof that stock have been diseased for a period of seven days shall be evidence that, at the expiration of that period, the person who during that period was the owner, or the person who during that period was in control or charge of the stock, knew that the stock were diseased, and in the absence of evidence in rebuttal shall be conclusive evidence of that knowledge.”

Amendment  
of Sch. II.,  
cl. 23.

10. The following paragraph is added to clause twenty-three of Schedule II. to the Principal Act, namely :—

“Prescribing the powers, functions, and duties of honorary inspectors generally, or of any particular honorary inspector, or of honorary inspectors included in any specified class of honorary inspectors.”

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