

## STOCK.

1 ELIZ. II.  
No. 39.  
THE  
DISEASES IN  
STOCK ACTS  
AMENDMENT  
ACT OF  
1952.

**An Act to make Further Provision with respect to Annual Returns of Stock by Amending "The Diseases in Stock Acts, 1915 to 1950" in certain particulars.**

[ASSENTED TO 2ND DECEMBER, 1952.]

**BE** it enacted by the Queen'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. (1.) This Act may be cited as "*The Diseases in Stock Acts Amendment Act of 1952*," and shall be read as one with \*"*The Diseases in Stock Acts, 1915 to 1950*," herein referred to as the Principal Act.

Collective title.

(2.) The Principal Act and this Act may be collectively cited as "*The Diseases in Stock Acts, 1915 to 1952*."

Commencement of Act.

†2. Except as herein otherwise provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

Repeals and savings.

3. The Acts specified in the Schedule to this Act (hereinafter referred to as "the repealed Acts") are repealed to the extent in that Schedule indicated :

Provided that, but without limiting the operation of ‡"*The Acts Shortening Acts*"—

(i.) Every regulation or other act of authority made or done under the repealed Acts and in force at the coming into operation of this Act shall continue in force for the purposes of, but subject to, the Principal Act as amended by this Act, until it is repealed or revoked by a further regulation or, as the case may be, other act of authority under the Principal Act as amended by this

\* 6 G. 5 No. 16 and amending Acts.

† Commenced 15 Dec. (Proc. *Gaz.* 13 Dec. 1952, p. 1738.)

‡ 31 V. No. 6 and amending Acts.

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Act and shall be deemed to have been made or done under the corresponding provisions of the Principal Act as amended by this Act ;

- (ii.) Such repeal shall not affect any return made and forwarded or book kept or any notice given or any information given or required to be given under the repealed Acts before the coming into operation of this Act or the use of any such return or information for any lawful purpose ;
- (iii.) All penalties and forfeitures imposed under the repealed Acts and not recovered at the coming into operation of this Act may be enforced and applied as if this Act had not come into operation ;
- (iv.) All actions and proceedings of whatever nature commenced or pending at the coming into operation of this Act under the repealed Acts may be carried on and prosecuted as if this Act had not come into operation, and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained ;
- (v.) In any Act any reference to or citation of any of the repealed Acts or to or of the collective citation of Acts in which any of the repealed Acts is included, shall be deemed, unless the context otherwise indicates or requires, to be a reference to or citation of \**“ The Diseases in Stock Acts, 1915 to 1952.”*

4. Section three of the Principal Act is amended— Amendments of s. 3.

(i.) By inserting after the definition of the term “ Chief Inspector ” in that section, the following definition :—

“ “ Clerk of Petty Sessions ”—The Clerk of Petty Sessions or the person discharging the duties of the Clerk of Petty Sessions at a place appointed under †*“ The Justices Acts, 1886 to 1949,”* for holding Courts of Petty Sessions ; ”. Clerk of Petty Sessions.

\* 6 G. 5 No. 16 and amending Acts.

† 50 V. No. 17 and amending Acts.

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(ii.) By repealing in that section the definition of the term "Local Authority" and by inserting, in lieu of that repealed definition, the following definitions:—

Local  
Authority.

" "Local Authority"—A Local Authority constituted under \**"The Local Government Acts, 1936 to 1951"*: The term includes Brisbane City Council constituted under †*"The City of Brisbane Acts, 1924 to 1951,"* and the corporation of The Commissioner of Irrigation and Water Supply constituted under ‡*"The Irrigation and Water Supply Commission Acts, 1946 to 1949,"* or any other corporation constituted under any other Act where pursuant to any Act, the corporation of The Commissioner of Irrigation and Water Supply or other corporation is a Local Authority ;

Local  
Authority  
Area.

"Local Authority Area"—The area in which, for the purposes of exercising its powers, functions, and authorities and performing its duties, any Local Authority has jurisdiction, including any land under the control of the Local Authority outside the boundaries of that area ;".

(iii.) By inserting after the definition of the term "Owner" in that section, the following definition:—

Person.

"Person"—Includes a body corporate ;";

(iv.) By inserting after the definition of the term "Vessel" in that section the following paragraph:—

Reference  
to other  
Acts.

"Any reference in this Act to any other Act shall be taken to include a reference to any later Act amending or in substitution for that other Act."

Insertion  
of headnote  
and s. 5A.

5. The following headnote and section are inserted after section five of the Principal Act, namely:—

*"Stock Returns.*

[5A.] (1.) In this section—

Meaning of  
"owner of  
stock" and  
"stock".

"Owner of stock"—means the owner, whether jointly or severally, of stock or the authorised

\* 1 G. 6 No. 1 and amending Acts.

† 15 G. 5 No. 32 and amending Acts.

‡ 11 G. 6 No. 11 and amending Acts.

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agent of or the superintendent or manager for the owner of stock or the person in charge of stock ; and

“ Stock ”—means any one or more horses, cattle, sheep, or swine, and includes foals, calves, lambs, and pigs.

(2.) (a) Every owner of stock and, in the case of travelling stock, the drover or person in charge shall, within one month after the first day of January in each year, make a return in the form prescribed of the number and description of all stock kept or depastured or, in the case of travelling stock, being travelled in any Local Authority Area upon that first day of January.

Annual  
return of  
stock in  
every Local  
Authority  
Area to be  
made.

(b) A return shall not be deemed to be made in accordance with this subsection unless and until the prescribed form has been filled in with all of the information required thereby to be supplied therein, signed by the person making that return, and lodged with—

- (i.) The Clerk of Petty Sessions nearest to the place where the stock the subject of that return were kept or depastured or, in the case of travelling stock, being travelled upon the date aforesaid ; or
- (ii.) (Where the stock the subject of that return were kept or depastured or, in the case of travelling stock, being travelled upon the date aforesaid within the boundaries of the Area of the City of Brisbane as set forth by \**“ The City of Brisbane Acts, 1924 to 1951, ”*) the Under Secretary of the Department of Agriculture and Stock of the Government of this State.

(c) Any owner of stock or, in the case of travelling stock, drover or person in charge who fails to make a return as required by this subsection or who makes any such return which contains any false or misleading information shall be guilty of an offence against this Act and liable to a penalty of not more than fifty pounds.

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\* 15 G. 5 No. 32 and amending Acts.

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Clerks of  
Petty  
Sessions to  
forward  
returns to  
Under  
Secretary,  
Department  
of Agri-  
culture and  
Stock.

(3.) At the end of every month each Clerk of Petty Sessions concerned shall transmit to the Under Secretary of the Department of Agriculture and Stock of the Government of this State all returns received by him during the month, and the Under Secretary shall cause such returns to be recorded, in the prescribed register kept in his Department, in the manner prescribed.

Use of  
returns.

(4.) (a) Returns made under this section shall be used for the purposes of this Act, \**"The Brands Acts, 1915 to 1945,"* †*"The Stock Routes and Rural Lands Protection Acts, 1944 to 1951,"* ‡*"The Rabbit Acts, 1913 to 1951,"* or of such other Acts as may be prescribed, and for statistical purposes generally or of any of the Departments of the Government of this State in particular.

(b) Subject to such provisions as may be prescribed by the regulations for the purposes hereof, any person on payment of the prescribed fee and any person on behalf of any Department of the Government of this State without payment of such fee may at all reasonable times search the prescribed register kept for the purposes of this section for any entries he desires to find or search.

The power to prescribe fees for the purposes of this paragraph shall include power to prescribe different fees according to the number of entries desired to be found or searched or otherwise as is prescribed.

Evidence.

(5.) (a) In any proceedings under or for a purpose of this Act or any other Act, a document which purports to be a copy of or extract from any return made under this section or §*"The Stock Returns Acts, 1893 to 1946,"* or the prescribed register kept in the Department of Agriculture and Stock of the Government of this State, and endorsed with a certificate purporting to be under the hand of the Under Secretary of the Department of Agriculture and Stock, or of any officer of that Department authorised by that Under Secretary to give such certificates, that such document is a true and correct copy of or extract from, as the case may be, that return or register shall, upon its production in

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\* 6 G. 5 No. 9 and amending Acts.

† 8 G. 6 No. 16 and amending Acts.

‡ 4 G. 5 No. 7 and amending Acts.

§ 57 V. No. 10 and amending Acts.

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evidence, be evidence of the matters contained and certified to therein and the signature on the certificate shall be presumed to be that of the Under Secretary or, as the case may be, of an officer of the Department of Agriculture and Stock so authorised, and in the absence of evidence in rebuttal, shall be conclusive evidence of such matters and signature.

(b) In any proceedings for failing to make a return as required by subsection two of this section, a certificate purporting to be under the hand of a Clerk of Petty Sessions or the Under Secretary of the Department of Agriculture and Stock of the Government of this State that a return was not lodged with him in the year in question within the time prescribed shall, upon its production in evidence, be evidence of those facts, and the signature on the certificate shall be presumed to be that of the Clerk of Petty Sessions or, as the case may be, Under Secretary, and in the absence of evidence in rebuttal, shall be conclusive evidence of such facts and signature."

6. Section seven of the Principal Act is amended— Amendments of s. 7.

(i.) By repealing in the paragraph of that section commencing with the words "The return made under \**The Stock Returns Act of 1893*," and ending with the words "due and payable" the words "The return made under \**The Stock Returns Act of 1893*," or any Act amending the same, shall be used for the purposes of this Act" and by inserting, in lieu of those repealed words, the words "On and from the coming into operation of †*The Diseases in Stock Acts Amendment Act of 1952*," the return made under section 5A of this Act shall be used for the purposes of this section"; also by repealing in that paragraph the words "that Act" and by inserting, in lieu of those repealed words, the words "that section".

(ii.) By repealing in the paragraph of that section commencing with the words "Any owner who fails to pay such assessment" the words "or to make any return of stock required by this Act or \**The Stock Returns Act of 1893*" (or any Act amending the same) or who makes any such return of stock which is false in any material particular," and by inserting, in lieu of those

\* 57 V. No. 10.

† This Act.

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repealed words, the words “ as required by this section shall be guilty of an offence against this Act and ” ; by repealing in that paragraph the words “ any such false return ” and by inserting, in lieu of those repealed words, the words “ , in contravention of section 5A of this Act, a return which contains any false or misleading information ” ; and by adding to that paragraph the words “ as well as the assessment on the figures returned ” .

(iii.) By repealing those two paragraphs of that section commencing respectively with the words “ Any penalty imposed by this section ” and the words “ That part of section two of \**The Stock Returns Act of 1893*” .”

Amendment  
of s. 25 (1).

7. Subsection one of section twenty-five of the Principal Act is amended by inserting in subparagraph (i.) of that subsection after the words “ being committed ” the words “ or to count the stock thereon or to inspect any stock, flock, or herd book, and do any of those things ” .

Amendment  
of s. 30 (1).

8. Subsection one of section thirty of the Principal Act is amended by adding to that subsection the following words :—

“ or, in the case of an offence against section 5A of this Act, of any person as aforesaid or of a Clerk of Petty Sessions ” .

Amendments  
of Sch. II.

9. The Second Schedule to the Principal Act is amended—

(i.) By inserting in clause twenty-one of that Schedule after the words “ Prescribing forms for ” the word “ returns, ” .

(ii.) By inserting after clause twenty-one of that Schedule the following clause, numbered 21A :—

Stock  
returns and  
register.

“ [21A.] Prescribing all or any provisions relating to the searching of or the taking of copies of or extracts from the register kept for the purposes of section 5A of this Act, the supplying of lists of returns made and particulars of stock respectively returned, and prescribing the fees payable in respect thereof, and exempting any person from payment of such fees.”

1 ELIZ. II. No. 37, 1952. *Succession and Probate Duties, Etc., Act.*

SCHEDULE.

[SECTION 3.]

Year and number of Act.	Short title of Act.	Extent of Repeal.
57 Vic. No. 10	<i>The Stock Returns Act of 1893</i>	The whole
26 Geo. V. No. 9	<i>The Statistics Act of 1935</i>	Sections six, seven, eight, and nine
6 Geo. VI. No. 29	<i>The Stock Returns Acts Amendment Act of 1942</i>	The whole
10 Geo. VI. No. 26	<i>The Stock Returns Acts Amendment Act of 1946</i>	The whole

SUCCESSION.

- (1) *Succession and Probate Duties Acts Amendment Act of 1952* .. .. . 1 *Eliz. II. No. 37*
- (2) *Testator's Family Maintenance Acts Amendment Act of 1952* .. .. . 1 *Eliz. II. No. 28*

**An Act to Amend "The Succession and Probate Duties Acts, 1892 to 1952," in certain particulars.**

1 ELIZ. II.  
NO. 37.  
THE  
SUCCESSION  
AND  
PROBATE  
DUTIES ACTS  
AMENDMENT  
ACT OF  
1952.

[ASSENTED TO 13TH NOVEMBER, 1952.]

**BE** it enacted by the Queen'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:—

1. This Act may be cited as "*The Succession and Probate Duties Acts Amendment Act of 1952*," and shall be read as one with \*"*The Succession and Probate Duties Acts, 1892 to 1952*," and those Acts and this Act may collectively be cited as "*The Succession and Probate Duties Acts, 1892 to 1952*." Short title and construction.  
  
Collective title.

"*The Succession and Probate Duties Act, 1892*," (as amended) is in this Act referred to as the Principal Act.

\* 56 V. No. 13 and amending Acts.