

STATUTORY SALARIES AND ALLOWANCES.*See PUBLIC SERVICE.***STOCK.**

3 ELIZ. II.
NO. 22.
THE STOCK
ACTS
AMENDMENT
ACT OF
1954.

**An Act to Amend "The Stock Acts, 1915 to 1953,"
in certain particulars; and for other purposes.**

[ASSENTED TO 4TH OCTOBER, 1954.]

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. **1.** (1.) This Act may be cited as "*The Stock Acts Amendment Act of 1954.*"

Principal Act. (2.) *"*The Stock Acts, 1915 to 1953,*" are in this Act referred to as the Principal Act.

Collective title. (3.) The Principal Act and this Act may be collectively cited as "*The Stock Acts, 1915 to 1954.*"

Amendment of s. 3. **2.** Section three of the Principal Act is amended by inserting after the definition of the term "Person" in that section, the following definition:—

Poultry. " "Poultry"—Fowls, ducks, geese, turkeys, guinea fowls, and pigeons, and the young thereof, and any other birds which the Governor in Council by Order in Council from time to time declares to be poultry under and for the purposes of this Act;".

Amendments of s. 7A. **3.** Section 7A of the Principal Act is amended—
(i.) By adding to subsection one of that section the following paragraphs:—

"The power of the Minister to make and levy all or any of the said assessments shall include power in every instance to make and levy the assessment upon all milk and cream so supplied, or upon all milk or upon all cream so supplied, or, where the Minister in his unfettered discretion specifies in the notice of the making of the assessment, upon such portion thereof as the Minister so indicates.

In relation to milk or cream supplied, the portion thereof liable to assessment may be indicated for the purposes of this subsection or subsection five of this

1954.

Stock Acts Amendment Act.

section, by specifying that portion in such manner as the Minister considers suitable, or inferentially upon the specifying of the remainder of that milk or cream supplied not liable to assessment according to class, area of production, class of producers, individual producers, route by which supplied, or otherwise as the Minister considers suitable.”;

(ii.) By inserting in subsection five of that section after the words “ amend any assessment made by him under this section ” the words “, whether made before or after the commencement of **The Stock Acts Amendment Act of 1954* ”, ”;

(iii.) By adding to subsection five of that section the following subparagraph :—

“ or (d) By making and levying that assessment upon such portion only of the milk and cream or milk or cream to which the assessment related, as the Minister indicates in such notice or, where the assessment is made and levied on a portion only of the milk and cream or milk or cream supplied in respect of any prescribed area or areas or factory or factories, by making and levying that assessment upon all milk and cream so supplied or upon all milk or upon all cream so supplied.”;

(iv.) By repealing in subsection eight of that section the words “ as defined in †*The Milk Supply Act of 1938*, ” ” wherever such words appear ;

(v.) By adding to subsection ten of that section the following paragraph :—

“ The term “ wholesale vendor ” in this section means a person who sells wholesale milk or cream, and includes a person who sells partly wholesale and partly retail milk or cream, but does not include any producer who sells only milk or cream produced by him.”.

4. Section thirteen of the Principal Act is Amendments of s. 13. amended—

(i.) By repealing in the first paragraph of that section the words “, and by placard on a tree or some patent object at the entrance of any roads intersecting or forming a boundary of the holding ” ;

* This Act.

† 2 G. 6 No. 27.

(ii.) By inserting after the first paragraph of that section the following paragraph :—

“ On placing any area in quarantine the inspector may, in cases where he considers it necessary or desirable so to do, affix in such place or places as he deems fit a notice that such area is placed in quarantine.”.

Amendments
of s. 26.

5. Section twenty-six of the Principal Act is amended by repealing subsection three of that section and by inserting, in lieu of that repealed subsection, the following subsections :—

“ (3.) An inspector may order—

(i.) Any stock which in his opinion are infected ;
or

(ii.) As a precaution against the spread of any disease from stock infected or suspected by him to be infected to any other stock, such other stock,

to be treated to his satisfaction by any owner thereof in any prescribed or other manner and within such time as he may specify in the order.

(4.) The provisions of subsections two and three of this section shall have application with respect to any stock whether the stock are on an infected area or not.’

New s. 26A.

6. The following section, numbered 26A, is inserted after section twenty-six of the Principal Act :—

Powers for
prevention
or checking
of the spread
from infected
areas of
disease, &c.

“ [26A.] (1.) Whenever the Governor in Council deems it necessary to do so for the prevention or checking of the spread from any infected area of any disease, he may by Order in Council declare that the provisions of this section shall apply with respect to that infected area, and thereupon the provisions of this section and of the Orders in Council and regulations made for the purposes hereof and for the time being in force shall apply, until the firstmentioned Order in Council is revoked, with respect to that infected area accordingly, and no person shall have any right or remedy in consequence of the lawful application thereof.

(2.) (a) No person shall go into, through, or out of any infected area with respect to which this section applies except under the authority of and in compliance in every respect with the provisions prescribed.

1954.

Stock Acts Amendment Act.

(b) No person shall move or cause or permit to be moved into, through, or out of any infected area with respect to which this section applies—

- (i.) Any animal ; or
- (ii.) Anything likely to spread disease, except under the authority of and in compliance in every respect with the provisions prescribed.

(c) Any person who contravenes or fails to comply with any provision of this subsection shall be liable to a penalty of not exceeding five hundred pounds.

(3.) For the purposes of this section and without limiting the general power to make regulations conferred by section thirty-one of this Act, the Governor in Council may from time to time by Order in Council, or by regulations made under that section, prescribe either generally or to meet particular cases such provisions as he deems necessary or desirable, including, but without limiting the generality of the foregoing provisions of this subsection, for all or any of the following purposes:—

- (i.) For prohibiting, regulating, and controlling the movement of persons, animals, and things likely to spread disease (whether animate or inanimate) into, through, or from infected areas ;
- (ii.) For prescribing and regulating the disinfection of the clothes of persons being in infected areas and the use of precautions against the spreading of disease by such persons ;
- (iii.) For prescribing and regulating the issue and production of licenses respecting movement in relation to infected areas ;
- (iv.) For prescribing and regulating the cleansing and disinfection with respect to movement in relation to infected areas ;
- (v.) For prescribing and regulating the seizure, detention, and disposal of animals and things moved in contravention of the prescribed provisions ;
- (vi.) For making provision for and with respect to the payment of compensation, in such cases as the Governor in Council deems desirable, arising out of the execution of this section, including any Order in Council

or regulation made hereunder, including the regulating of applications for, and the mode of payment of such compensation ; and

- (vii.) Generally, for the purpose of preventing or checking the spread of disease from infected areas.

The power to prescribe such provisions shall include power to prescribe any provision so that it may be of general or specially limited application according to persons, animals, things, place, or circumstances, or otherwise as is prescribed."

New s. 26B.

7. The following section, numbered 26B, is inserted after section 26A of the Principal Act as previously inserted by this Act—

Boarding kennels.

" [26B.] (1.) This section shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

(2.) (a) Subject to the provisions of paragraph (a) of subsection four of this section, the Chief Inspector from time to time may grant and renew, and approve of the assignment and transfer of, boarding kennel licenses under this Act of the following kinds :—

- (i.) A boarding kennel (ordinary) license ;
 (ii.) A boarding kennel (veterinary) license.

(b) A boarding kennel (ordinary) license shall while in force authorise the holder thereof, subject to compliance in every respect with the conditions prescribed for licenses of that kind, to use the premises in respect of which that license is granted as a boarding kennel, but shall not authorise the holder to use or allow to be used those premises for the treatment by any person whomsoever of any dogs or cats received therein.

(c) A boarding kennel (veterinary) license shall while in force authorise the holder thereof, subject to compliance in every respect with the conditions prescribed for licenses of that kind, to use the premises in respect of which that license is granted as a boarding kennel and also to use and allow to be used those premises for the treatment by any person or persons of all or any dogs and cats received therein.

(d) Every application for the grant of a boarding kennel license under this Act or for the renewal thereof, or for the approval of any assignment or transfer of a boarding kennel license, shall be made to the Chief Inspector

1954.

Stock Acts Amendment Act.

and shall be in the prescribed form or a form to the like effect and contain such particulars and information as may be prescribed and shall be accompanied by the prescribed fee :

Provided that the Chief Inspector from time to time may waive the prescribed fee payable upon any such application, if he is satisfied that no fee or other valuable consideration is charged and received for the reception and care of dogs and cats in the boarding kennel in question, or under such other circumstances as may be prescribed.

(e) Every boarding kennel license under this Act, including every renewal thereof, shall be in force, subject to this Act, for such period as may be prescribed, and shall be deemed to be granted or assigned or transferred, as the case may be, subject to the conditions prescribed for licenses of the kind in question.

(f) No boarding kennel license under this Act shall be capable of being assigned or transferred except with the prior approval of the Chief Inspector, and any assignment or transfer otherwise than with such approval shall be absolutely void.

(3.) (a) No person shall at any time use any premises as a boarding kennel unless he is then the holder of a current boarding kennel (ordinary) license or boarding kennel (veterinary) license under this Act granted in respect of the premises in question.

(b) No person shall at any time use or allow to be used any boarding kennel for the treatment by any person whomsoever of any dog or cat received therein unless he is then the holder of a current boarding kennel (veterinary) license under this Act granted in respect of the boarding kennel in question or unless he is excused by the regulations.

(c) The provisions of this subsection shall apply with respect to all boarding kennels, whether established before, on, or after the coming into operation of this section.

(4.) (a) No boarding kennel (veterinary) license under this Act shall be granted unless there is provided, in compliance in every respect with the regulations, if any, in that behalf or, in so far as not so prescribed, to the satisfaction of an inspector, in the premises in question and separate from the accommodation provided

for other dogs and cats, suitable accommodation for all dogs and cats received in those premises and requiring or undergoing treatment.

(b) Without limiting the power to prescribe conditions subject to which all or any boarding kennel licenses under this Act shall be subject, every boarding kennel (veterinary) license under this Act shall be held subject to all the following conditions :—

- (i.) That the separate accommodation referred to in paragraph (a) of this subsection shall, subject to all orders in that behalf of inspectors, be maintained at all times in the boarding kennel in respect of which the license is granted by the holder of that license ;
- (ii.) That all reasonable precautions shall be taken at all times by the holder of that license, in respect of all dogs and cats received in such boarding kennel, to prevent the spread of infectious diseases (whether a disease within the meaning of section three of this Act or not) ;
- (iii.) That no dog or cat shall at any time be received into such boarding kennel for the purpose of undergoing treatment, except on the production of a prior written authority of a veterinary surgeon within the meaning of **The Veterinary Surgeons Acts, 1936 to 1946* " ; and
- (iv.) That the treatment of every dog and every cat received into such boarding kennel for the purpose of treatment, shall be at the direction of the veterinary surgeon as aforesaid who authorised the reception of such dog or cat, as the case may be.

(c) In addition to any forfeiture or suspension to which the boarding kennel license may be liable upon a breach of any condition subject to which that license is held, the holder of any boarding kennel license under this Act who fails to comply in any respect with any such condition shall be guilty of an offence against this Act and may be proceeded against for that offence accordingly.

* 1 E. 8 No. 17 and amending Acts.

1954.

Stock Acts Amendment Act.

(5.) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding fifty pounds.

(6.) In this section, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say—

“ A boarding kennel ”—Premises for the reception and care therein of any dogs or cats or dogs and cats belonging to persons other than the occupier of, or persons (if any) residing on, those premises, or, belonging to such occupier or residents, of a number which exceeds such number as may be prescribed, whether the premises are used for the purpose aforesaid temporarily or permanently or whether any treatment of all or any of those animals received is carried out or not or whether the premises are used for any other purpose or not ;

A boarding
kennel.

“ Holder ”—In relation to any boarding kennel license under this Act, the person who for the time being is the lawful holder thereof by grant, assignment, or transfer in pursuance of this Act.

Holder.

In this section the term “ treatment ” shall not have a meaning corresponding to the meaning assigned by section three of this Act to the term “ treated. ” If the Governor in Council considers it so necessary or desirable, he may by the regulations define for the purposes of this section the meaning of the term “ treatment ”.

(7.) For the purposes of this section and without limiting the general power to make regulations conferred by section thirty-one of this Act, the Governor in Council may from time to time by regulations made under that section prescribe either generally or to meet particular cases such provisions as he deems necessary or desirable, including, but without limiting the generality of the foregoing provisions of this subsection, for all or any of the following purposes :—

(i.) Providing for, regulating, and controlling the licensing of boarding kennels ; the renewal from time to time and the assignment and transfer of such licenses ; fees payable upon

applications for the grant of such licenses and for the renewal thereof and for approval to the assignment and transfer thereof; the period for which such licenses and renewals thereof shall remain in force; the cancellation and suspension of such licenses; and for the prohibition of the reception, care, and treatment, or any of these acts, of dogs and cats in boarding kennels in respect of which boarding kennel licenses under this Act are not in force;

- (ii.) Providing for the inspection, cleansing, and disinfection of boarding kennels and articles and things therein;
- (iii.) Prescribing the powers of inspectors;
- (iv.) Providing for the furnishing of information by those managing boarding kennels;
- (v.) Providing standards for the provision and maintenance of accommodation for dogs and cats in boarding kennels suitable as respects size, cleanliness, and otherwise as prescribed, including, but without limiting the generality of the foregoing, standards for appurtenances thereto and appliances therein, and for facilities for isolating infected dogs and cats therein; and
- (vi.) For securing that dogs and cats therein will at all times be kept in suitable accommodation and be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals, and that all reasonable precautions will be taken to prevent the spread among such animals of infectious diseases (whether a disease within the meaning of section three of this Act or not);
- (vii.) Prescribing all or any matters and things which by this section are required or permitted to be prescribed.

The power to prescribe such provisions shall include power to prescribe any provision so that it may be of general or specially limited application according to kinds of boarding kennel licenses, persons, animals, place, class, or circumstances, or otherwise as prescribed,

1954.

Stock Acts Amendment Act.

and without limiting the generality of the foregoing, regulations may differ in respect of the different classes of boarding kennels and the different kinds of boarding kennel licenses.

(8.) After the passing of **“The Stock Acts Amendment Act of 1954,”* and before the coming into operation of this section regulations may be made for the purposes of this section (to take effect from the date of publication of those regulations in the *Gazette*) and applications for boarding kennel licenses under this Act may be made and fees thereupon shall be payable, and all powers may be exercised, as may be made, paid, and exercised after the coming into operation of this section, for the purpose of enabling boarding kennel licenses to be issued immediately upon this section coming into operation, and for that purpose this section shall be deemed to come into operation upon the passing of **“The Stock Acts Amendment Act of 1954.”*

(9.) Nothing in this section contained shall be deemed to affect the provisions of †*“The Veterinary Surgeons Acts, 1936 to 1946 ”.*

8. Section twenty-seven of the Principal Act is ^{Amendment} amended by repealing therein the words “hear and ” ^{of s. 27.} and by inserting, in lieu of those repealed words, the words “, upon the making of all such inquiries, if any, as he considers necessary,”.

9. Subsection one of section twenty-eight of the Principal Act is ^{Amendment} amended by repealing in paragraph (f) ^{of s. 28 (1).} thereof the words “or refuses to obey the order” and by inserting, in lieu of those repealed words, the words “or fails howsoever to obey the lawful order or any part of the lawful order”.

10. Section twenty-nine of the Principal Act is ^{Repeal of} repealed and the following section is inserted in lieu of ^{and new} that repealed section :— ^{s. 29.}

“[29.] Any person who, without the authority of ^{Destroying} the Minister or an inspector, demolishes, destroys, pulls ^{notices, &c.} down, erases, removes, defaces, or otherwise damages or interferes with any notice or placard fixed, posted, or placed pursuant to this Act shall be liable to a penalty not exceeding fifty pounds.”

* This Act.

† 1 E. 8 No. 17 and amending Act.