

Queensland



ANNO NONO

ELIZABETHAE SECUNDAE REGINAE.

No. 42.

An Act to Amend "The Stock Acts, 1915 to 1959," in certain particulars.

[ASSENTED TO 16TH DECEMBER, 1960.]

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. (1.) This Act may be cited as "*The Stock Acts* Short title.
Amendment Act of 1960."

(2.) "*The Stock Acts, 1915 to 1959,*" are in this Principal Act.
Act referred to as the Principal Act.

(3.) The Principal Act and this Act may be Collective title.
collectively cited as "*The Stock Acts, 1915 to 1960.*"

Amendment
of s. 3.

2. Section three of the Principal Act is amended by inserting, after the definition "Swine", the following definition :—

Tested.

" " Tested "—Tested in the prescribed manner or by a prescribed method: the term "test" shall have a corresponding meaning ;".

Amendments
of s. 4.

3. Section four of the Principal Act is amended—

(a) By inserting in subsection two after the words "during the period of his inspectorship, have and exercise", the word "only"; and

(b) By inserting after subsection two the following subsection :—

" (2A.) Every member of the Police Force shall be *ex officio* an honorary inspector under this Act and shall have and exercise the powers, functions and duties of an honorary inspector."

Amendment
of s. 5A (2)
(c).

4. Subsection two of section 5A is amended by omitting from paragraph (c) the words "fifty pounds" and inserting in their stead the words "one hundred pounds".

Amendments
of s. 7.

5. Section seven of the Principal Act is amended—

(a) By omitting the words "in each year" in the first paragraph and inserting in their stead the words "in respect of each year (and whether before or after the commencement of the year in question)";

(b) By omitting the scale in the second paragraph of that section and inserting in its stead the following scale :—

" Description of Stock.	Rate.
(i.) Cattle	Subject to paragraph (b2) of the proviso hereto, a rate of not more than one shilling on every head
(ii.) Horses	
(iii.) Cattle and horses together	
(iv.) Sheep	Subject to paragraph (b1) of the proviso hereto, a rate of not more than three pence on every head
(v.) Swine	Subject to paragraph (b3) of the proviso hereto, a rate of not more than three pence on every head"

(c) By inserting in the proviso to the second paragraph, after paragraph (b1) of that proviso, the following paragraphs :—

“(b2) The minimum assessment payable in respect of eleven or more cattle, or horses, or cattle and horses owned by any owner shall be two pounds ;

(b3) The minimum assessment payable in respect of swine owned by any owner shall be one pound.” ; and

(d) By omitting in the fourth paragraph (being the paragraph commencing with the words “ Any owner who fails ”) the words “ fifty pounds ” and inserting in their stead the words “ one hundred pounds ”.

6. Section nine of the Principal Act is amended— Amendments of s. 9.

(a) By adding at the end of the first paragraph of subsection one the words “ and have been treated or tested or treated and tested as prescribed.” ; and

(b) By inserting in subsection 3A after the word “ crossing-place ”, wheresoever occurring, the words “, place of entry ” ;

(c) By inserting after subsection 3A the following subsections :—

“(3B.) A person shall not introduce by aircraft in to the State from any other State or territory of the Commonwealth any stock of a class prescribed for the purposes of this subsection except under the authority of and in compliance in every respect with the requirements of a permit in writing granted by the Chief Inspector. When permit required for introduction of stock by air.

(3C.) No stock shall be introduced by ship or aircraft from another State or Territory of the Commonwealth other than at a place of entry or port of introduction appointed from time to time by the Governor in Council by Order in Council.

(3D.) The owner or drover of any stock that are introduced into this State from another State or Territory of the Commonwealth shall forthwith upon the

introduction of the stock deliver to an inspector at the crossing-place, place of entry or port of introduction into the State of the stock—

- (a) A certificate from the proper officer in relation to the portion of the State or Territory of the Commonwealth from which the stock were first brought for the purposes of introduction into this State that the stock are not infected and have been treated or tested or treated and tested as prescribed ; and
- (b) Such other certificates as may be prescribed.

(3E.) Any person who fails to comply in every respect with the requirements of subsection 3D of this section shall be liable to a penalty not exceeding two hundred and fifty pounds or at the discretion of the adjudicating court to be imprisoned for a period not exceeding six months.”

New s. 9A.

7. The Principal Act is amended by inserting after section nine the following section :—

Destruction
of stock
from other
States where
prescribed
certificates
not
produced.

“ [9A.] (1.) Where in respect of any stock introduced into this State from another State or Territory of the Commonwealth the owner or drover of the stock has contravened the provisions of this Act by failing to deliver to an inspector any prescribed certificate in relation to the introduction into this State of the stock in question, the owner of the stock (whether or not he was the owner of the stock at the time of the introduction thereof) shall within seven days or such further time as the Chief Inspector in special circumstances allows after service upon him of a notice in writing under the hand of an inspector requiring him so to do—

- (a) Deliver to the inspector all such certificates in relation to the stock as were required by this Act to be delivered upon the introduction of the stock into the State and were not so delivered or such other certificates in substitution therefor as the Chief Inspector may require and in addition to any such certificates such further certificates as the Chief Inspector may require ; or

(b) Give an undertaking in writing to the satisfaction of the Chief Inspector for the removal of the stock out of the State or for the disposal otherwise of the stock.

(2.) If the owner—

(a) Being thereunto required fails to comply with the provisions of subsection one of this section, by failing either to deliver the certificates specified in paragraph (a) of that subsection or to give an undertaking as specified in paragraph (b) of the said subsection one; or

(b) Having given an undertaking as specified in paragraph (b) of subsection one of this section, fails to comply in every respect with the terms of that undertaking,

the Chief Inspector may by order in writing under his hand order the destruction of the stock in question.

(3.) An order made or given under subsection two of this section directing the destruction of any stock may prescribe the manner in which, the time within which, and the person by whom the stock shall be destroyed, and for that purpose may direct either that the stock be destroyed by or under the supervision of the person named in the order, at the holding or premises in or upon which the stock were found or that the stock be delivered at such time and place as are specified in the order to a person named in the order for destruction.

(4.) A notice given under subsection one of this section and an order made or given under subsection two of this section shall be served on the occupier of the holding or premises in or upon which the stock are found or, if there is no occupier, on the owner of the stock or, if neither the owner nor the occupier is present at the holding or premises, on the person apparently in charge thereof, and service of the notice or order pursuant to this subsection upon the occupier or person apparently in charge of the holding or premises shall be deemed to be sufficient service upon the owner of the stock.

(5.) Any owner, occupier or person apparently in charge of any premises or holding who contravenes or fails to comply in any respect with the requirements of an order by the Chief Inspector under subsection two of this section shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred and fifty pounds or to imprisonment for a period not exceeding six months.

(6.) Upon a failure in any respect to comply with the requirements of an order made or given under subsection two of this section, and without prejudice to any proceedings which may be taken upon that failure, the Chief Inspector may, after the expiration of seven days from the date of the failure, direct in writing an inspector to enter upon the premises or holding to which the order relates and destroy or cause to be destroyed the stock specified in the order, and for the purposes of such destruction the inspector may, if he thinks fit, remove or cause to be removed any of the stock to any other place.

(7.) Any expenses incurred by the Chief Inspector in pursuance of an order under subsection two of this section, or by an inspector in pursuance of a direction under subsection six of this section, may be recovered from the owner of the stock in question in any court of competent jurisdiction as a debt due to the Crown.

(8.) The owner of any stock destroyed pursuant to an order or direction made or given under this section shall not have any claim for compensation or otherwise against the Minister, the Chief Inspector, an inspector or any other person referred to in the order or direction in respect of the destruction of the stock in compliance with the order or direction."

**Amendment
of s. 16A (8).**

8. Subsection eight of section 16A of the Principal Act is amended by omitting from the second paragraph the words " fifty pounds " and inserting in their stead the words " one hundred pounds ".

**Amendments
of s. 18.**

9. Section eighteen of the Principal Act is amended—
(a) By omitting from the first paragraph the words " give notice in writing as prescribed and " ;

(b) By inserting in the first paragraph, after the words "the prescribed particulars.", the words "No such permit shall be issued until the owner, if required by the inspector so to do, furnishes to the inspector a notice in writing containing particulars as prescribed." ;

(c) By adding at the end of the paragraph commencing with the words "In such notice the following particulars" the following subparagraph :—

" ; and (h) The mode of transport." ; and

(d) By omitting from the last paragraph the words "no such permit shall be for a longer period than three months, and "

10. Section nineteen of the Principal Act is ^{Amendments of s. 19.} amended—

(a) By adding at the end of subsection two the words "for inspection" ;

(b) By omitting subsection three and inserting in its stead the following subsection :—

"(3.) If the waybill is lost or destroyed, the drover shall forthwith take and do all steps and things necessary to provide himself with a waybill which complies in every respect with the requirements of this Act." ;

(c) By inserting in paragraph (c) of subsection four, after the words "produce the permit or waybill", the words "for inspection" ;

(d) By inserting after paragraph (f) of subsection four, the following paragraph :—

" ; or (g) sells or delivers to any person stock not fully and accurately described in the waybill." ;

(e) By omitting from subsection four the words "fifty pounds" and inserting in their stead the words "one hundred pounds" ;

(f) By omitting from subsection five the words "fifty pounds" and inserting in their stead the words "one hundred pounds" ; and

(g) By adding at the end the following subsections :—

“(6.) Where a drover sells or delivers stock to any person he shall at the same time deliver to that person or that person’s agent duly authorised to take delivery of the stock on his behalf a waybill in respect of the stock wherein the stock are fully and accurately described.

Penalty : One hundred pounds.

(7.) A person who purchases or receives from any drover any stock shall retain and preserve for a period of six months after the purchase or receipt of the stock the waybill in respect of the stock delivered to him or his agent by the drover pursuant to subsection six of this section and shall upon demand made at any time during that period by an inspector or member of the Police Force produce the waybill for inspection.

Penalty : One hundred pounds.”

Amendment
of s. 21 (1).

11. Subsection one of section twenty-one of the Principal Act is amended by omitting from the second paragraph the words “ fifty pounds ” and inserting in their stead the words “ one hundred pounds ”.

Amendment
of s. 25A.

12. Section 25A of the Principal Act is amended by inserting in subsection one, after the words “ with or without assistants ”, the words “ and with such vehicle or vehicles and equipment, plant and instruments as he considers necessary for the proper discharge of his duties ”.

Amendments
of s. 28.

13. Section twenty-eight of the Principal Act is amended—

(a) By inserting after paragraph (e) of subsection one the following paragraph :—

“(ea) Assaults, resists, obstructs, threatens, or intimidates any inspector, Government veterinary officer, approved veterinary surgeon, or other officer in the exercise of his powers or in the discharge of his duties under this Act, or attempts so to do ;” ; and

(b) By omitting from paragraph (f) of subsection one the words “ Prevents or obstructs the inspector in the execution of the powers conferred upon him by this Act, or ”.

14. Section twenty-nine of the Principal Act is amended by omitting the words “ fifty pounds ” and inserting in their stead the words “ one hundred pounds ”. Amendment of s. 29.

15. Subsection two of section thirty of the Principal Act is amended by omitting the words “ ten pounds ” and inserting in their stead the words “ fifty pounds ”. Amendment of s. 30 (2).

16. Schedule II. of the Principal Act is amended by adding at the end the following clause :— Amendment of Schedule II.

“ 24. Prescribing all matters and things which by this Act are required or permitted to be prescribed.”