

Queensland



ANNO VICESIMO SECUNDO

ELIZABETHAE SECUNDAE REGINAE

No. 32 of 1973

**An Act to amend The Stock Acts 1915 to 1965 in certain particulars; to amend The Poultry Industry Acts 1946 to 1965 in certain particulars; to repeal The Pig Industry Act of 1933 and The Buffalo Fly Control Acts 1941 to 1965 and to provide for matters incidental thereto**

[ASSENTED TO 19TH APRIL, 1973]

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:—

PART I—PRELIMINARY

1. **Short title and citation.** This Act may be cited as the *Stock Act and Other Acts Amendment Act 1973*.

2. **Arrangement.** This Act is divided into Parts as follows:—

PART I—PRELIMINARY, ss. 1–2;

PART II—AMENDMENTS OF THE STOCK ACTS 1915 TO 1965, ss. 3–37;

PART III—AMENDMENTS OF THE POULTRY INDUSTRY ACTS 1946 TO 1965, ss. 38–47;

PART IV—REPEAL OF CERTAIN ACTS, ss. 48–49.

PART II—AMENDMENTS OF THE STOCK ACTS 1915 TO 1965

3. Citation. (1) In this Part, *The Stock Act of 1915* as amended from time to time is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Stock Act 1915–1973*.

4. Amendment of s. 3. Section 3 of the Principal Act is amended by—

(a) inserting before the definition “Actual owner” the following definition:—

“ “Accredited”—Accredited by the Chief Inspector of Stock; ”;

(b) inserting after the definition “Actual owner” the following definition:—

“ “Animal”—Includes a bird of any kind; ”;

(c) inserting after the definition “Approved Veterinary Surgeon” the following definitions:—

“ “Authorised agent”—A person authorised by the owner of stock to act on his behalf in relation to the purchase, sale or movement of stock;

“ “Authorised Veterinary Surgeon”—A veterinary surgeon authorised by the Chief Inspector of Stock; ”;

(d) omitting the definition “Clerk of Petty Sessions ”;

(e) inserting after the definition “Fodder” the following definition:—

“ “Free area”—Any part of the State in respect of which there subsists a notification under this Act declaring that part to be a free area as regards any disease; ”;

(f) inserting after the definition “Fund” the following definition:—

“ “Government Veterinary Officer”—A person registered as a veterinary surgeon under *The Veterinary Surgeons Acts 1936 to 1964* who holds, within the Department of Primary Industries of the Government of the State, the appointment of veterinary officer, or other appointment within that department of the same or greater seniority which appointment is directly concerned with the provision or the supervision of the provision of disease control and eradication or husbandry services; ”;

(g) omitting the definition “Infected area” and inserting in its stead the following definition:—

“ “Infected area”—Any part of the State in respect of which there subsists—

(a) an Order in Council whereby the Governor in Council has declared the part to be an infected area;

(b) a notice given by an inspector placing the part in quarantine;

(c) an undertaking entered into by the owner of a holding under subsection (2) of section 13; ”;

(h) in the definition “Infected stock”, omitting the words “in direct or indirect contact” and inserting in their stead the words “exposed to the risk of infection”;

(i) omitting the definition "Minister" and inserting in its stead the following definition:—

“ “Minister”—The Minister for Primary Industries or other Minister of the Crown who, at the material time, is charged with the administration of this Act: the term includes any Minister of the Crown who is temporarily performing the duties of the Minister; ”;

(j) in the definition "Notifiable disease", inserting after the words "swine fever" the words "Teschén disease (swine); ”;

(k) in the definition "Owner" adding the words "and, in the case of stock in any saleyard, includes the authorised agent commissioned to dispose of that stock ”;

(l) in the definition "Poultry" inserting after the words "guinea fowls" the word " , pheasants ”;

(m) inserting after the definition "Prescribed" the following definition:—

“ “Protected area”—Any part of the State in respect of which there subsists a notification under this Act declaring the part to be a protected area as regards any disease; ”;

(n) inserting after the definition "Regulations" the following definition:—

“ “Restricted area”—Any part of the State in respect of which there subsists a notification under this Act declaring that part to be a restricted area as regards any disease; ”;

(o) inserting after the definition "Sprayed" the following definition:—

“ “Stabled and groomed”—Stabled and groomed continuously for the 35 days last preceding the date in question; ”;

(p) in the definition "Stock"—

(i) inserting after the word "camels" the words " , dogs, cats, poultry ”;

(ii) omitting the words "and birds ”;

(q) inserting after the definition "Swine" the following definition:—

“ “Tag”—A tag or label of a prescribed kind or other prescribed means of identification; ”.

**5. Amendment of s. 4.** Section 4 of the Principal Act is amended by—

(a) in subsection (4), omitting the words "sections 7A or 7B" and inserting in their stead the words "section 7A ”;

(b) omitting subsections (5) and (6).

**6. Amendment of s. 5A.** Section 5A of the Principal Act is amended by—

(a) in subsection (2) omitting paragraph (b) and inserting in its stead the following paragraph:—

“ (b) A return made pursuant to paragraph (a) may be lodged with—

(i) the clerk of a Magistrates Court; or

(ii) the Under Secretary of the Department of Primary Industries. ”;

(b) in subsection (3),

(i) in the note appearing at the beginning of the subsection omitting the words "Petty Sessions" and the words "Agriculture and Stock" and inserting in their stead respectively the word "Courts" and the words "Primary Industries";

(ii) omitting the words "Clerk of Petty Sessions" and the words "Agriculture and Stock" and inserting in their stead respectively the words "clerk of a Magistrates Court" and the words "Primary Industries";

(c) in subsection (5),

(i) omitting the words "Agriculture and Stock" where they occur and inserting in their stead in each case the words "Primary Industries";

(ii) omitting the words "Clerk of Petty Sessions" where they firstly occur and inserting in their stead the words "clerk of a Magistrates Court";

(iii) omitting the words "Clerk of Petty Sessions" where they secondly occur and inserting in their stead the words "clerk of that Magistrates Court."

**7. Amendment of s. 6.** Section 6 of the Principal Act is amended by, in subsection (4), omitting the words "one pound for every one pound" and inserting in their stead the expression "\$2 for every \$1".

**8. Amendment of s. 6A.** Section 6A of the Principal Act is amended by—

(a) in subsection (2), in subparagraph (a), omitting all words from and including the words "and any moneys" to the end of the subparagraph;

(b) omitting subsection (3) and inserting in its stead the following subsection:—

"(3) Payments may be made from the Compensation Fund pursuant to an agreement made by an Approved Veterinary Surgeon with the Minister for the rendering of veterinary services."

**9. Amendment of s. 7.** Section 7 of the Principal Act is amended by—

(a) omitting the second paragraph and the scale;

(b) adding the following paragraph:—

"In any proceeding under this section, a certificate purporting to be signed by the Under Secretary of the Department of Primary Industries certifying that a person named therein has not paid any assessment required by this section to be paid shall, upon its production be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein."

**10. Repeal of and new s. 7A.** (1) The Principal Act is amended by repealing section 7A and inserting in its stead the following section:—

"7A. Assessments on milk and cream. (1) The Minister may make and levy the following assessments in respect of milk and cream supplied to factories—

(a) in respect of milk, an amount not exceeding one half of one cent on every gallon, based on the volume of milk supplied;

(b) in respect of cream, an amount not exceeding one cent per pound of butter-fat based on the weight of butter-fat contained in cream supplied.

(2) Different assessments may be made and levied under this section in respect of different factories.

(3) Every owner of a factory shall, in the first instance, pay the amount of any assessment made and levied under this section to the Under Secretary Department of Primary Industries not later than fifteen days after the last day of the month in which the milk or cream the subject of the assessment was supplied to the factory.

(4) All moneys received by the Under Secretary Department of Primary Industries under this section shall be paid into and form part of the Compensation Fund.

(5) Notice of an assessment made under this section shall upon the making thereof be published in the Gazette and thereupon the assessment shall be deemed to be duly made and levied and shall be payable as prescribed.

The Minister may from time to time by notice published in the Gazette revoke or vary any assessment made and levied by him under this section.

(6) The owner of a factory with respect to any assessment payable under this section—

(a) may deduct the amount thereof from any moneys due by him to the producer of the milk or cream in respect of which the assessment is made and levied, and that entitlement shall continue notwithstanding any change in the ownership of those moneys;

(b) may recover the amount thereof from the producer by action in any court of competent jurisdiction.

(7) In this section the terms “factory” and, where used in relation to that term, “owner” have the respective meanings assigned to them by the *Dairy Produce Act 1920-1972*.

**11. Repeal of s. 7B.** The Principal Act is amended by repealing section 7B.

**12. Amendment of s. 9.** Section 9 of the Principal Act is amended by—

(a) in subsection (1), in the second paragraph, omitting the word “permit” and inserting in its stead the words “issue a permit for”;

(b) omitting subsection (3A) and inserting in its stead the following subsection:—

“(3A) When it is proposed to introduce stock into the State from an adjoining State or Territory of the Commonwealth the owner of that stock shall give notice (as prescribed by this subsection) of their proposed introduction to the inspector at the crossing place, place of entry or port of introduction or, if there be no such inspector, to the inspector stationed nearest thereto.

The notice shall be in writing and shall be given not less than two days and not more than fourteen days before the date on which the proposed introduction is to be made:

Provided that in a particular case the Chief Inspector or an inspector authorised by him (either generally or in the particular case) may, upon the application of the owner of the stock in question, approve that the duration of the notice be a period (being less than two days before the date aforesaid but such as to allow the inspector to whom the notice is to be given pursuant to the first paragraph of this subsection sufficient time to examine the stock under this section) specified by him and that the notice need not be in writing, whereupon it shall be deemed sufficient compliance with the first paragraph of this subsection if the owner concerned gives notice in accordance with that approval.”.

**13. Repeal of s. 10.** The Principal Act is amended by repealing section 10.

**14. Amendment of s. 12.** Section 12 of the Principal Act is amended by—

(a) in subsection (1),

(i) in subparagraph (i),

(A) omitting the words “ any carcass ” and inserting in their stead the words “ the semen or carcass ”;

(B) inserting after the words “ removal of stock ” the words “ or semen or any carcass of stock ”;

(ii) in subparagraph (v) inserting after the words “ infected area ” the words “ in respect of a specified disease ”;

(iii) omitting the proviso;

(b) in subsection (2), inserting after the word “ carcass ” where it occurs the words “ or semen of stock ” in each case;

(c) adding the following subsection:—

“ (3) The Governor in Council may exercise the power conferred on him by paragraph (v) of subsection (1) in respect of a part of Queensland notwithstanding that at the time of the exercise it is not known that disease is present within that part if, in the opinion of the Chief Inspector, there is a real possibility that disease has been or may be introduced into the part from elsewhere.”.

**15. Amendment of s. 12A.** Section 12A of the Principal Act is amended by—

(a) omitting subsection (2) and inserting in its stead the following subsection:—

“ (2) The Minister may by the same or a like notification in respect of a specified class of stock within a protected area and in relation to the disease in respect of which the area has been declared to be protected, require such stock to be subjected to such tests or treatment and at such times as are specified in the notification.”;

(b) in subsection (4), in subparagraph (iii) inserting after the word “ testing ” the words “ or treatment ”.

16. New s. 12B. The Principal Act is amended by inserting after section 12A the following section:—

“12B. Free areas. (1) The Minister may in cases where he is satisfied at any time that within a period of five years immediately preceding that time, there has been no evidence of the presence of a particular disease within an area, by notification published in the Gazette, declare that area to be a free area in respect of the disease specified therein.

(2) The Minister by the same or a like notification—

(a) may prohibit the introduction into the free area of any stock, class of stock, carcass, fodder, fittings or animal product or permit such introduction subject only to such terms and conditions as are specified in the notification;

(b) may require any stock or class of stock within the free area to be subjected at any time and from time to time to the test or treatment specified in the notification for the disease or diseases in respect of which the area has been declared to be a free area.

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

(4) Any person who—

(a) introduces into a free area any stock, class of stock, carcass, fodder, fittings or animal product the introduction of which is prohibited pursuant to subsection (2);

(b) contravenes or fails to comply with any condition imposed pursuant to subsection (2) with respect to the introduction into a free area of any stock, class of stock, carcass, fodder, fittings or animal product;

(c) obstructs or prevents the testing or treatment required by the Minister of any stock within a free area,

is guilty of an offence against this Act.

Penalty: \$200.”.

17. New s. 12C. The Principal Act is amended by inserting after section 12B as inserted by this Act the following section:—

“12C. Restricted areas. (1) The Minister may, where he is satisfied that in any area there is no longer evidence of active disease and control or eradication measures are being undertaken, by notification published in the Gazette, declare that area to be a restricted area.

(2) The Minister by the same or a like notification—

(a) may prohibit the introduction into the restricted area of any stock, class of stock, carcass, fodder, fittings or animal product or permit such introduction subject only to such terms and conditions as are specified in the notification;

(b) may require any stock or class of stock within the restricted area to be subjected at any time and from time to time to such testing or treatment as he thinks necessary for the control or eradication of disease, and specified in the notification.

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

(4) Any person who—

(a) introduces into a restricted area any stock, class of stock, carcass, fodder, fittings or animal product the introduction of which is prohibited by subsection (2);

(b) contravenes or fails to comply with any condition imposed by subsection (2) with respect to the introduction into the restricted area of any stock, class of stock, carcass, fodder, fittings or animal product;

(c) obstructs or prevents the testing or treatment required by the Minister within a restricted area,

is guilty of an offence against this Act.

Penalty: \$200.”

**18. Amendment of s. 13.** Section 13 of the Principal Act is amended by—

(a) numbering the existing section as subsection (1) and, in the first paragraph of that subsection, inserting after the word “and” the brackets and words “(save with respect to holdings from the owners of which undertakings are accepted pursuant to subsection (2))”;

(b) adding the following subsections:—

“(2) The Minister may accept from the owner of a holding that, but for this subsection, would be required to be placed in quarantine his undertaking in writing (and in the prescribed form, if any) that he will in respect of the holding and the stock thereon comply in all respects with the provisions of this Act applicable thereto or that would be applicable thereto were the holding placed in quarantine under subsection (1).

For so long as it continues in force such an undertaking shall be deemed to have been entered into from time to time by and to oblige the owner for the time being of the holding and the owner for the time being shall be subject to and shall comply in all respects with such provisions and with all orders and directions made or given under this Act in respect of his holding or the stock thereon.

Such an undertaking may be expressed to be limited to a period specified therein or may be of indefinite duration and shall continue in force until—

(a) the expiration of the period (if any) specified therein; or

(b) the Chief Inspector notifies the obligor for the time being in writing that he is released from further obligation thereunder,

whichever event is the first to occur.

No stamp duty or other instrument tax shall be payable in respect of an undertaking entered into under this subsection.

(3) Where under this Act the Governor in Council, the Minister or any other person is required or empowered to do any thing or issue any process in respect of an area placed in quarantine or any part thereof or the owner thereof such thing may be done or process issued in respect of a holding the owner of which is for the time being obliged by an undertaking entered into under subsection (2) or, as the case may be, in respect of such owner”.



**19. New s. 14A.** The Principal Act is amended by inserting after section 14 the following section:—

“ **14A. Requirement as to stock-proof fences in quarantine area.**

(1) When the Minister is satisfied that the proper control of any disease within any part of the State requires that the stock within that part be retained within stock-proof fences he may, in writing, require the owner of a holding that is placed in quarantine to repair the whole or part of the fences along the boundaries of his holding so as to render the fences proof against the ingress and egress of such stock as the Minister specifies.

The Minister may, in such a requisition, limit the time within which the owner to whom it is directed is required to comply therewith.

If within the time limited by the Minister the owner to whom such a requisition is directed fails to comply therewith to the satisfaction of the Minister, the Minister may authorise an inspector to cause to be done the work required by the requisition and the costs and expenses of such work shall be recoverable in any court of competent jurisdiction from the owner concerned as a debt due and payable to the Crown but unpaid.

(2) An owner of a holding who, pursuant to a requisition or a court proceeding under subsection (1) incurs the costs and expenses of repairing fencing that forms a common boundary with an adjoining holding may demand and recover by way of action for debt in any court of competent jurisdiction from the owner of such adjoining holding a contribution of one-half of the amount of such costs and expenses, any provision of the *Dividing Fences Act 1953-1972* notwithstanding.”

**20. Amendment of s. 15.** Section 15 of the Principal Act is amended by—

(a) omitting the words “ of the Minister or his delegate or an inspector under this Act ” and inserting in their stead the words “ under this Act of the Minister or his delegate or an inspector or a Government Veterinary Officer ”;

(b) adding to the proviso the following subparagraph:—

“ ;

(f) In a case to which an Order in Council or a regulation made for the purposes of section 26A applies compensation shall be payable in accordance with that Order in Council or regulation notwithstanding the foregoing provisions of this section ”.

**21. Amendment of s. 16.** Section 16 of the Principal Act is amended by inserting after the word “ contagiosa,” the words “ or any stock suspected of suffering from any of those diseases,”.

**22. Amendment of s. 16A.** Section 16A of the Principal Act is amended by, in subsection (12), omitting the words “ Agriculture and Stock ” and inserting in their stead the words “ Primary Industries ”.

23. Repeal of and new s. 17. Section 17 of the Principal Act is repealed and the following section inserted in its stead:—

“17. Warranty implied on sale of stock. (1) On any sale or agreement for the sale of stock, there shall be implied a warranty that, subject to this section, shall be binding upon the seller namely that each head of such stock is not suffering from or affected by any disease specified in this section in relation to the species of stock specified in this section or specified in an Order in Council made under this section in relation to the stock specified in the Order in Council.

(2) It shall not be competent to any person to enter into a contract or agreement express or implied whereby it is agreed by and between the parties that the warranty expressed by this section shall not be legally binding as against the seller of stock.

(3) 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 sale of those cattle, or of the date of delivery thereof on such sale or agreement for sale whichever is the later, shall be conclusive evidence of the breach of the warranty expressed by this section and the buyer shall have his remedy against the seller accordingly.

(4) Proof that any cattle have reacted to a prescribed tuberculosis test shall be prima facie evidence that those cattle are suffering from or affected by tuberculosis.

(5) The Governor in Council may from time to time by Order in Council—

(a) specify diseases to which the warranty expressed by this section shall apply and the species of stock in respect of which that warranty shall so apply;

(b) prescribe the evidentiary value of such matters specified therein as he thinks fit.”

24. Amendment of s. 18. Section 18 of the Principal Act is amended by—

(a) in subsection (1),

(i) inserting after the words “nearest inspector” the words “or person authorised by the Minister in that behalf”;

(ii) adding the following paragraph:—

“Where a permit issued under this subsection is subject to conditions endorsed thereon the owner of the stock in respect of which such permit is issued shall cause the conditions to be complied with in all respects.

Penalty: \$200 or imprisonment for six months or both.”;

(b) in subsection (2),

(i) inserting after the words “neighbouring holdings” the words “or race or training tracks”;

(ii) inserting after the word “spraying” the words “, milking, training, racing”;

(iii) omitting the words “incidental to animal husbandry”.

**25. Amendment of s. 19.** Section 19 of the Principal Act is amended by—

- (a) in subsection (1),
  - (i) adding to provision (a) the words “ wherein such stock is fully and accurately described ”;
  - (ii) inserting after the word “ waybill ” where it occurs in the second paragraph the words “ wherein such stock is fully and accurately described ”;

(iii) adding the following paragraphs:—

“ A drover shall be taken to comply with this subsection notwithstanding that he has not a permit in his possession as prescribed if before entering upon his journey with the stock he—

- (a) gives notice to an inspector of the intended journey and obtains from the inspector approval for the issue of a permit as prescribed;
- (b) endorses upon the waybill relating to that journey the number of the permit issued in respect thereof; and
- (c) has that waybill in his possession throughout that journey.

The drover of stock that are travelling in a convoy of road vehicles shall ensure that, prior to the commencement of the journey concerned, the driver of each vehicle comprising that convoy is supplied with a copy of the waybill relating to the stock travelling on that journey wherein that stock is fully and accurately described, supplied to the drover and each such driver shall retain in his possession and carry with him at all times throughout the journey that copy waybill.”;

(b) in subsection (2), adding the following paragraph:—

“ If a copy waybill is lost or destroyed after it has been supplied to the driver of a vehicle that is part of a convoy of road vehicles and before the completion of the journey to which it relates, the driver concerned shall take all such steps and do all such things as are necessary to obtain for himself a further copy of the waybill so lost or destroyed.”;

(c) in subsection (4), adding the following subparagraph:—

“ ; or

(h) Has in his possession a waybill that is to his knowledge false in any particular”;

(d) in subsection (5), omitting the words “ second paragraph ” and inserting in their stead the words “ second or fourth paragraph ”;

(e) inserting after subsection (8) the following subsection:—

“ (9) A person who knowingly enters any false or misleading information on a waybill is guilty of an offence against this Act.

Penalty: \$200.”.

**26. Repeal of and new s. 22.** The Principal Act is amended by repealing section 22 and inserting in its stead the following section:—

“ **22. Branding of travelling sheep.** Every owner of travelling sheep that are not legibly branded on the body with the letter T not less than 75 millimetres in length (whether or not they are branded with the owner’s station brand) commits an offence against this Act and for every head of sheep so unbranded shall be liable to a penalty of not less than one cent nor more than five cents.

Notwithstanding this section—

- (a) it shall not be necessary to brand travelling sheep in accordance therewith in cases where those sheep are legibly branded with the owner's registered sheep paint brand and —
  - (i) are intended to be driven from the time of their removal for not more than 65 kilometres to a destination; or
  - (ii) are conveyed by rail or motor vehicle to a destination;
- (b) it shall not be necessary to brand in accordance therewith sheep that are intended to be driven to a pound;
- (c) it shall not be necessary to brand in accordance therewith nor to legibly brand with the owner's registered paint brand—
  - (i) stud sheep travelling to a sale or show;
  - (ii) fat lambs travelling to a saleyard or licensed slaughter-house.”.

**27. Amendment of s. 23.** Section 23 of the Principal Act is amended by, in subsection (1), inserting after the words “notifiable disease” the words “or a disease not previously recognized”.

**28. Amendment of s. 25.** Section 25 of the Principal Act is amended by—

- (a) in subsection (1),
  - (i) in subparagraph (i),
    - (A) omitting the words “inspect and/or test for disease” and inserting in their stead the words “inspect, test for disease or treat for disease”;
    - (B) inserting after the words “disease stock” the words “or semen of stock”;
    - (C) inserting after the words “possession of stock” the words “or semen of stock”;
    - (ii) inserting after subparagraph (i) the following subparagraph:—
      - “(ia) Enter upon any holding or premises to provide husbandry services as determined by the Minister or to advise an owner on and where necessary to assist him in the carrying out of measures for the prevention of disease;”;
    - (iii) omitting subparagraph (iva) and inserting in its stead the following subparagraph:—
      - “(iva) Upon the authority of the Minister—
        - (a) order the owner of a holding or saleyard to erect and maintain in proper condition in the holding or saleyard a crush or race such as will enable the effective and safe examination by an inspector of stock specified by him;
        - (b) order the owner of a saleyard within a tick infested area to install and maintain in proper condition in that saleyard a cattle dip;
        - (c) order an owner to cause stock on a holding to be mustered;

- (d) order an owner to hold stock on a holding for examination;
- (e) order an owner to treat stock on a holding to his satisfaction;";
- (iv) inserting after subparagraph (v) the following subparagraph:—  
“(vi) Order the destruction and disposal of diseased stock at saleyards and licensed slaughter-houses;”;
- (v) adding the following paragraph:—  
“For the purpose of testing for disease any stock or semen of stock or carcass of stock an inspector may take specimens of any part of the stock or semen of stock or carcass, or any product of the stock, or of internal or external parasites in or on the stock or carcass as he requires.”.

**29. Amendment of s. 25A.** Section 25A of the Principal Act is amended by omitting subsection (14).

**30. Repeal of s. 25B.** The Principal Act is amended by repealing section 25B.

**31. Repeal of and new s. 26.** The Principal Act is amended by repealing section 26 and inserting in its stead the following section:—

“**26. Testing, treatment and isolation of stock and treatment of vehicles.** (1) An inspector may order that—

- (a) stock that is infected or suspected;
- (b) stock that in his opinion is in danger of becoming infected by the spread of disease from other stock;
- (c) stock that is within an infected area;
- (d) a truck or other vehicle that is or has been used for conveying infected or suspected stock,

be, in the case of stock, tested and treated and in the case of a truck or other vehicle, treated, to his satisfaction in such manner (whether prescribed or not) as is desirable and adequate to prevent or avoid the spread of disease.”.

**32. Amendment of s. 26A.** Section 26A of the Principal Act is amended by, in subsection (3),

(a) in subparagraph (ii) inserting after the words “disinfection of” the words “parts of the bodies or of”;

(b) in subparagraph (vi), inserting after the word “detention,” the word “destruction”;

(c) inserting after subparagraph (vii) the following subparagraph:—  
“(viii) For prescribing the powers of inspectors and persons authorised by the Minister to enter upon holdings and premises, and there to search for, trap and destroy vectors of disease;”;

(d) renumbering subparagraph (viii) as subparagraph (ix);

(e) adding the following paragraph:—

“The power to prescribe by Order in Council under this subsection or by regulation under section 31 for a purpose referred to in subparagraph (vi) includes power to so prescribe with respect to the destruction and disposal of stock that is not infected as well as to the destruction and disposal of stock that is infected.”.

33. Amendment of s. 28. Section 28 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting subparagraph (g) and inserting in its stead the following subparagraph:—

“(g) Fails to close and secure against its being opened by stock any gate erected on a road or stock route;”;

(ii) adding the following subparagraph:—

“;

(m) enters false information on a certificate of health relating to stock, required to be furnished under this Act”;

(b) omitting subsection (2) and inserting in its stead the following subsection:—

“(2) If a person to whom an order made under this Act by an inspector or a Government Veterinary Officer is directed fails to comply in all respects with the order within the time (if any) limited therefor by the order, an inspector or Government Veterinary Officer upon the direction of the Minister, may cause to be done the work required by the order and the costs and expenses of such work shall be recoverable in any court of competent jurisdiction from, in the case of an order with respect to stock or a holding, the owner and, in the case of an order with respect to a vehicle, the owner, his manager or agent or other person to whom the order in question was directed as a debt due and payable to the Crown but unpaid.

Where the order in question was made with respect to the treatment of stock such costs and expenses shall, until recovered, be and remain a first charge upon the stock treated notwithstanding any change in ownership thereof that may from time to time take place.”.

34. Amendment of s. 30. Section 30 of the Principal Act is amended by—

(a) omitting subsection (1) and inserting in its stead the following subsection:—

“(1) (a) An offence against this Act may be prosecuted and amounts of assessments, fees or charges of any kind payable under this Act and not paid may be recovered in a summary way under *The Justices Acts 1886 to 1968* on complaint by an inspector or other person thereunto authorised in writing by the Minister.

(b) All amounts of assessments, fees or charges of any kind payable under this Act and not paid may be recovered by the Crown by action as for a debt in any court of competent jurisdiction.

The remedy conferred by this paragraph (b) is in addition to the remedy conferred by paragraph (a).”.

35. New s. 30A. The Principal Act is amended by inserting after section 30 the following section:—

“30A. Liability for offence by agent or employee. (1) Notwithstanding sections 7 and 23 of *The Criminal Code* or any other Act or law or rule of law or practice, where a person commits

an offence against this Act as an agent or employee, the principal or employer, as the case may be, of that person shall be deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with committing the offence.

It is immaterial that the offence was committed without the authority or contrary to the instructions of the principal or employer.

(2) A person is not liable to be convicted for an offence against this Act committed by him as an employee if he satisfies the court that the offence was committed while the business of his employer was being conducted under the personal superintendence of that employer or of a manager or other representative of that employer, and that the offence was committed with the knowledge of that employer, manager or representative.

(3) Save as provided by subsection (2) this section applies so as not to prejudice liability imposed under this Act on any person by whom an offence against this Act is actually committed.”.

**36. Amendment of Sch. II.** The Principal Act is amended by, in schedule II—

(a) adding to clause 1 the words “, a protected area, free area or restricted area”;

(b) adding to clause 2 the words “, a protected area, free area or restricted area; prescribing with respect to the closing of gates on or leading into land adjoining the boundary of a quarantine area, an infected area, protected area, free area or restricted area; prescribing with respect to the furnishing of returns by owners of stock within a quarantine area, an infected area, a protected area, free area or restricted area and the matters to which such returns are to relate”;

(c) inserting in clause 6 after the word “areas” the words “, protected areas, free areas or restricted areas”;

(d) inserting after clause 6 the following clause:—

“ 6A. Prescribing methods of hygiene and standards of cleanliness of premises where stock are kept.”;

(e) inserting in clause 7 after the word “preventing” the words “, controlling and eradicating”;

(f) omitting clause 10 and inserting in its stead the following clause:—

“ 10. Prohibiting or regulating the introduction into the State of semen of stock; prohibiting or regulating the conveyance by road, rail, air or water within the State or along the coast of the State within its territorial waters of stock, carcasses, hides, skins, animal products, fodder, bags that have been used in connection with stock or with anything associated with stock, manure or any thing likely to spread disease whether or not such thing is itself diseased.”;

(g) inserting in clause 11 after the words “regulating the” the words “collection, keeping”;

(h) omitting clause 13 and inserting in its stead the following clause:—

“ 13. Prescribing standards for and regulating the construction, maintenance, operation and registration of cattle dips, spray installations and equipment and other places used or to be used for the treatment of stock; prescribing the charges to be made in respect of the use of any of such facilities or to be made in respect of the treatment of stock by an inspector; prescribing and regulating the sampling and testing of fluids used in such dips, installations, equipment and other places; prohibiting or regulating the use of unregistered dips, installations, equipment and other places.”;

(i) omitting clause 15 and inserting in its stead the following clause:—

“ 15. Providing for the identification of stock generally and, in particular, stock that have been or are about to be tested or treated for disease; prescribing with respect to the establishment of a scheme of identification and the licensing of owners of stock (by way of aid to or exception from the scheme of identification), the protection of such a scheme from fraudulent practices, the formation of registers and the allotment of particulars of identification to owners of stock, the evidentiary value of registers and of a certificate based thereon; prohibiting or regulating the sale of stock, or the sending or delivery of stock to an abattoir or slaughterhouse for slaughter, or the movement of stock unless such stock is identified as prescribed.”;

(j) omitting clause 16 and inserting in its stead the following clause:—

“ 16. Prohibiting or regulating the holding of shows or of public sales of stock, the use of infected or suspected stock and the exposure of infected or suspected stock for sale in any place.”;

(k) inserting in clause 16A before the words “ or disposal ” the word “ destruction ”;

(l) inserting in clause 17 before the words “ and disposal ” the word “ destruction ”.

(m) inserting after clause 17 the following clause:—

“ 17A. Prescribing and regulating the registration and control of piggeries where garbage is fed to swine.”;

(n) inserting in clause 23 after the word “ Act,” the words “ and of persons other than officers appointed under this Act who perform functions and carry out duties for the purposes of this Act,”.

**37. Commencement of s. 26D of Principal Act and preservation of acts done thereunder.** (1) Notwithstanding anything contained in *The Stock Acts Amendment Act of 1965* the provisions of section 26D of the Principal Act shall be deemed to have come into force on the twenty-ninth day of October 1965.

(2) It is hereby declared that anything done before the commencement of *The Stock Acts Amendment Act of 1965* in purported exercise of the powers conferred by that Act and that would have been lawfully done if that Act had commenced on the twenty-ninth day of October 1965 shall not be held to be unlawful by reason only that the Act was not in force at the material time.



PART III—AMENDMENTS OF THE POULTRY INDUSTRY ACTS  
1946 TO 1965

38. Citation. (1) In this Part *The Poultry Industry Act of 1946* as amended from time to time is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Poultry Industry Act 1946–1973*.

39. Amendment of s. 4. Section 4 of the Principal Act is amended by—

(a) omitting the definition “Minister” and inserting in its stead the following definition:—

“ “Minister”—The Minister for Primary Industries or other Minister of the Crown who, at the material time, is charged with the administration of this Act: the term includes any Minister of the Crown who is temporarily performing the duties of the Minister; ”;

(b) in the definition “Poultry” inserting after the words “guinea fowls” the word “, pheasants”;

(c) in the definition “Under Secretary” omitting the words “Agriculture and Stock” and inserting in their stead the words “Primary Industries”.

40. Amendment of s. 6. Section 6 of the Principal Act is amended by—

(a) in subsection (2), in subparagraph (b), omitting the words “Officer in Charge, Poultry Branch” and inserting in their stead the words “Husbandry Officer in Charge, Poultry Section”;

(b) in subsection (6) omitting all words from and including the word “officer” to the words “and Stock” and inserting in their stead the words “husbandry officer in charge, Poultry Section, Department of Primary Industries”;

41. Amendment of s. 10. Section 10 of the Principal Act is amended by—

(a) in the proviso, omitting all words from and including the word “Officer” to the words “and Stock” and inserting in their stead the words “Husbandry Officer in Charge, Poultry Section, Department of Primary Industries”;

(b) adding the following proviso:—

“ :

Provided further that where in relation to a matter arising under or pertaining to Part V a reference is made by or under this Act to the Chief Inspector, that reference shall be read and construed to be a reference to the Chief Inspector appointed under and for the purposes of the *Stock Act 1915–1973* ”.

42. Amendment of s. 10B. Section 10B of the Principal Act is amended by, in subsection (7), omitting the words “a sum not exceeding twenty thousand pounds and in addition”.

**43. Amendment of s. 12.** Section 12 of the Principal Act is amended by, in subsection (4), omitting all words from and including the word "Officer" to the words "and Stock" and inserting in their stead the words "Husbandry Officer in Charge, Poultry Section, Department of Primary Industries".

**44. Amendment of s. 18.** Section 18 of the Principal Act is amended by, in subsection (1),

(a) in paragraph (a), omitting all words from and including the word "Officer" to the words "and Stock" and inserting in their stead the words "Husbandry Officer in Charge, Poultry Section, Department of Primary Industries";

(b) in paragraph (e), omitting all words from and including "Officer" to the words "and Stock" and inserting in their stead the words "Husbandry Officer in Charge, Poultry Section, Department of Primary Industries".

**45. Amendment of s. 19.** Section 19 of the Principal Act is amended by, in subsection (2),

(a) omitting all words from and including the word "Officer" to the words "and Stock" and inserting in their stead the words "Officer in Charge, Poultry Section, Department of Primary Industries";

(b) inserting after the words "the said" the word "Husbandry".

**46. Amendment of s. 28.** Section 28 of the Principal Act is amended by, in subsection (2), omitting the words "Agriculture and Stock" and inserting in their stead the words "Primary Industries".

**47. Amendment of s. 30.** Section 30 of the Principal Act is amended by omitting the words "diseased poultry" and inserting in their stead the words "poultry infected with any disease of poultry prescribed in or under section 17 of the *Stock Act 1915-1973*".

#### PART IV—REPEAL OF CERTAIN ACTS

**48. Repeal of 24 Geo. 5 No. 6.** *The Pig Industry Act of 1933* is repealed on and from a date to be appointed by Proclamation.

**49. Repeal of 5 Geo. 6 No. 20.** (1) *The Buffalo Fly Control Acts 1941 to 1965* are repealed on and from the first day of July 1973.

(2) On the first day of July 1973 the fund called the Buffalo Fly Control Fund kept pursuant to *The Buffalo Fly Control Acts 1941 to 1965* shall be closed and on and from that date the moneys standing to the credit of that fund as at that date shall be paid into and form part of the Stock Fund established and kept pursuant to the *Stock Act 1915-1973*.

(3) The provisions of subsection (4) of section 6 of the *Stock Act 1915-1973* relating to the making of a grant in and of the Stock Fund established under that Act shall apply in respect of moneys paid to that fund pursuant to this section as if such moneys were the amount of assessments levied and paid under that Act.