

PART II—AMENDMENTS OF STOCK ACT 1915–1976

4. **Citation.** (1) In this Part the *Stock Act* 1915–1976 is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Stock Act* 1915–1978.

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

- (a) inserting after the definition “Animal” the following definition:—
““Animal Product”—Includes fat, milk, whey, cream, butter, butter-milk, cheese, eggs, feathers, semen, ova, faeces, urine or secretion whatsoever of any stock;”;
- (b) omitting the definition “Authorised Veterinary Surgeon” and substituting the following definition:—
““Authorized Veterinary Surgeon”—A veterinary surgeon appointed by the Minister by notice published in the Gazette to be an Authorized Veterinary Surgeon;”;
- (c) inserting after the definition “Authorized Veterinary Surgeon” the following definition:—
““Biological preparation”—
 - (i) Any product prepared from animal tissue (including blood, lymph, or glandular secretion) or produced by the agency of microscopic or ultra-microscopic organisms or ferments in any manner whatsoever, and used for or in relation to the diagnosis, prevention, alleviation or cure of disease or abnormal conditions in stock or which is used in animal production to promote growth or to change the physiological state of stock;
 - (ii) Any synthetic compound, identical with or closely related to the products enumerated in (i) above and which has or is alleged to have comparable uses;”;
- (d) in the definition “Convey” omitting the words “, vessel, aeroplane, or seaplane” and substituting the words “or vessel”;
- (e) inserting after the definition “Convey” the following definition:—
““Declared area”—Any part of the State in respect of which there subsists a notification under this Act notifying that part to be a declared area of the category specified as regards any disease;”;
- (f) in the definition “Fodder” inserting after the word “corn,” the words “prepared meals, licks,” and omitting the word “fodder” and substituting the word “feeding”;
- (g) omitting the definitions “Free area”, “Protected area” and “Restricted area”;
- (h) omitting the definition “Fund”;
- (i) in the definition “Government Veterinary Officer” omitting the expression “*The Veterinary Surgeons Acts 1936 to 1964*” and substituting the expression “the *Veterinary Surgeons Act 1936–1973*”;
- (j) in the definition “Infected area” omitting from paragraph (a) the words “an Order in Council whereby the Governor in Council has declared” and substituting the words “a notification whereby the Minister has notified”;

(k) inserting after the definition “Introduced stock” the following definition:—

““Laboratory”—Premises used for the manufacture of biological preparations or for the pathological examination of sick, infected or suspected stock or infected or suspected animal products, but does not include a veterinary surgery under the control of or used by a veterinary surgeon registered under the *Veterinary Surgeons Act 1936–1973* for the treatment and cure of sick, infected or suspected stock, or a veterinary clinic, veterinary centre or veterinary hospital within the meaning of that Act;”;

(l) omitting the definitions “Travelling stock” and “Travelling Stock” and substituting the following definition:—

““Travelling Stock”—Stock whilst being travelled, driven, or carried by land, air, or water other than in the holding where they are ordinarily depastured. The term also includes stock delivered to a saleyard, showground, recreation ground, or racecourse and shall apply to such stock in respect to the permit and waybill issued relative to such movement until the stock are removed from such saleyard, showground, recreation ground, or racecourse;”;

(m) in the definition “Treated” inserting after the word “disinfected,” the word “fumigated”;

(n) in the definition “Vessel” omitting the words “aeroplane, or seaplane” and substituting the words “aircraft, or air cushion vehicle”.

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

(a) in subsection (1) inserting after the first paragraph the following paragraph:—

“The Governor in Council may appoint a person as holding any office for the time being to be an acting inspector and such person shall by virtue of that office and without further or other appointment be an acting inspector.”;

(b) in subsection (3) omitting the expression ““*The Veterinary Surgeons Acts, 1936 to 1964,*” and who is qualified under paragraph (i) of subsection (1) of section eighteen of those Acts to be so registered,” and substituting the expression “the *Veterinary Surgeons Act 1936–1973*”;

(c) renumbering subsection (7) as subsection (5);

(d) inserting after subsection (5) as so renumbered the following subsection:—

“(6) **Authorized Veterinary Surgeon.** For the purpose of the effectual execution of this Act the Minister may from time to time appoint, with power of revocation, any veterinary surgeon registered as such under the *Veterinary Surgeons Act 1936–1973* to be an Authorized Veterinary Surgeon and any veterinary surgeon so appointed shall, during the period of that appointment have and exercise such powers, functions and duties as may be prescribed: Every such appointment shall be subject to such terms and conditions as may be prescribed.”

- 7. Repeal of ss. 5A and 7.** The Principal Act is amended by—
(a) omitting the heading appearing immediately above section 5A;
(b) repealing sections 5A and 7.

- 8. Repeal of s. 6.** The Principal Act is amended by repealing section 6.

9. Disposal of moneys in Stock Fund. On the commencement of this section, all moneys standing to the credit of the Stock Fund established under section 6 of the Principal Act shall be paid into and form part of Consolidated Revenue and the Stock Fund shall cease to exist.

- 10. Amendment of s. 9.** Section 9 of the Principal Act is amended by—
(a) omitting subsection (1) and substituting the following subsection:—

“(1) **Introduction of stock by land.** (a) Where an inspector is stationed at a crossing place, no stock intended to be introduced into the State shall be examined by that inspector or brought across the boundary from any adjoining State or territory of the Commonwealth until the drover of such stock has produced a certificate from the proper officer of that State or territory stating that such stock—

- (i) are not infected; and
- (ii) have been treated or tested or treated and tested as prescribed; or
- (iii) have originated from a herd or flock which has been treated or tested or treated and tested as prescribed and which has been certified as being free of disease by the Chief Inspector of Stock, or such other officer as may be prescribed, of the State or territory of origin.

In addition to the certificate referred to above the drover of such stock shall produce such other certificates as may be prescribed.

(b) Where no inspector is stationed at a crossing place, stock intended to be introduced into the State may be brought across the boundary from any adjoining State or territory of the Commonwealth provided that—

- (i) the drover of such stock has in his possession the certificate or certificates referred to in paragraph (a) hereof; and
- (ii) such stock are travelled directly to the centre where the nearest inspector (not being an honorary inspector) is stationed and the certificate or certificates referred to in paragraph (i) hereof are there delivered to an inspector, notwithstanding that a permit to travel such stock has not been obtained.

(c) Notwithstanding anything contained in this section, stock intended to be introduced into this State from the State of New South Wales by rail through the tunnel within the vicinity of the crossing place designated as Grady's Gap may be brought across the boundary provided that—

- (i) the drover of such stock has in his possession the certificate or certificates referred to in paragraph (a) hereof; and

(ii) such stock are travelled directly by rail to Brisbane or to the abattoir at Bromelton and the certificate or certificates referred to in paragraph (i) hereof are there delivered to an inspector, notwithstanding that a permit to travel such stock has not been obtained.

(d) Upon receipt of the certificate or certificates referred to in paragraph (a) hereof and all other necessary information an inspector shall examine such stock and determine whether or not they are infected and upon being satisfied that they are not infected he shall, where the circumstances require it, issue a permit for such stock to travel.

A certificate referred to in this subsection shall be invalid unless it is produced to the inspector within 14 days of the completion thereof.”;

(b) in subsection (2) omitting from the heading thereof the word “clean” and substituting the word “healthy”;

(c) in subsection (3B)—

(i) omitting from the heading thereof the word “air” and substituting the word “vessel”;

(ii) omitting the word “aircraft” and substituting the word “vessel”;

(d) in subsection (3C) omitting the words “ship or aircraft” and substituting the word “vessel”;

(e) in subsection (3D)—

(i) omitting the words “owner or”;

(ii) omitting the words “crossing-place”;

(iii) adding immediately after the word “prescribed” where it appears in paragraph (a) the words “or have originated from a herd or flock which has been treated or tested or treated and tested as prescribed and which has been certified as being free of disease by the Chief Inspector of Stock, or such other officer as may be prescribed, of the State or territory of origin”;

(f) in subsection (3E) omitting the expression “3D of this section” and substituting the expression “(1) or (3D)”;

(g) inserting after subsection (3E) the following subsection:—

“(3F) Notwithstanding anything contained in this section, day old chickens may be introduced into this State from any other State or territory of the Commonwealth subject only to such conditions or restrictions as may be prescribed.”;

(h) in subsection (4) omitting the words “owner or”;

(i) inserting after subsection (4) the following subsections:—

“(5) All stock introduced into this State from any other State or territory of the Commonwealth shall be identified as prescribed,

(6) In this section—

“day old chickens”—means the young (less than seven days old) of any fowl.”.

11. Amendment of s. 9A. Section 9A of the Principal Act is amended by in subsection (1) omitting the words “owner or”.

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

- (a) in subsection (1)—
 - (i) omitting the words “ the semen ” where they occur in paragraph (i) and substituting the words “ any animal product ”;
 - (ii) omitting the words “ or semen ” where they occur in paragraph (i) and substituting the words “ or any animal product ”;
 - (iii) omitting paragraph (v);
 - (iv) renumbering paragraph (vi) as paragraph (v);
- (b) in subsection (2) omitting the words “ or semen of stock ” wherever they occur and substituting in each case the words “ or animal product ”;
- (c) omitting subsection (3).

13. Repeal of and new s. 12A. The Principal Act is amended by repealing section 12A and substituting the following section:—

“ **12A. Infected and declared areas.** (1) The Minister may, by notification published in the Gazette, notify any area therein described to be—

- (a) an infected area; or
- (b) a declared area of such other category as is specified therein

in respect of any disease specified in such notice.

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

- (a) require any stock within an infected area to be removed out of that area;
- (b) prohibit the introduction into, the movement within or the removal out of any infected area or declared area of any stock, carcass, fodder, fittings or animal product or permit such introduction, movement or removal subject only to such terms and conditions as are specified in the notification;
- (c) require any stock within any infected area or declared 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 notified to be an infected area or a declared area.

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

(4) Any person who—

- (a) fails to remove any stock out of an infected area the removal of which is required pursuant to subsection (2);
- (b) introduces into, moves within or removes out of any infected area or declared area any stock, carcass, fodder, fittings or animal product the introduction, movement or removal of which is prohibited pursuant to subsection (2);
- (c) contravenes or fails to comply with any condition imposed pursuant to subsection (2) with respect to the introduction into, the movement within or the removal out of any infected area or declared area of any stock, carcass, fodder, fittings or animal product;

(d) obstructs or prevents the testing or treatment required by the Minister of any stock within any infected area or declared area,

is guilty of an offence against this Act.

Penalty: \$500.

(5) The Minister may exercise the power conferred on him by this section in respect of an infected area notwithstanding that at the time of the exercise it is not known that disease is present within that area if, in the opinion of the Chief Inspector, there is a real possibility that disease has been or may be introduced into the area from elsewhere.”.

14. Savings with respect to existing areas. (1) Where immediately prior to the commencement of this section a part of Queensland is an infected area in respect of a specified disease pursuant to a declaration made by Order in Council under section 12 (1) (v) of the Principal Act, that part shall on such commencement be deemed to be an infected area in respect of that specified disease notified by the Minister pursuant to section 12A of the *Stock Act 1915-1978*.

(2) Where immediately prior to the commencement of this section any area is a protected area in respect of a specified disease pursuant to a declaration made by the Minister under section 12A of the Principal Act, such area shall on such commencement be deemed to be a declared area of the category of a protected area in respect of the specified disease in question notified by the Minister pursuant to section 12A of the *Stock Act 1915-1978*.

15. Repeal of s. 12B. The Principal Act is amended by repealing section 12B.

16. Repeal of s. 12C. The Principal Act is amended by repealing section 12C.

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

(a) in subsection (1)—

(i) omitting the first paragraph and substituting the following paragraph:—

“The Minister may order the destruction of any infected or suspected stock or any animal product thereof, or any carcass, or any articles or things used in connection with such stock, animal product or carcass, or any infected or suspected pasture or fodder, or the removal and disposal of soil, whenever in his opinion such destruction or removal and disposal would tend to prevent the spread of disease.”;

(ii) in the third paragraph inserting after the word “Every” the words “animal product.”;

(iii) inserting after the third paragraph the following paragraph:—

“Soil ordered to be removed and disposed of shall be removed and disposed of in the manner prescribed.”;

(b) in subsection (2) inserting after the word “stock,” wherever it occurs the words “animal product.”.

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

(a) in the first paragraph—

(i) inserting after the word “stock,” where it first occurs the words “animal products,”;

(ii) by omitting the words “from the Fund” and substituting the words “the amount of which shall be a charge upon and be paid out of Consolidated Revenue which is hereby to the necessary extent appropriated accordingly”;

(b) omitting paragraph (b) of the proviso and substituting the following paragraph:—

“(b) The rate of compensation in each case shall be such as is prescribed but in no case shall it exceed, as the case may be, the market value of such stock or animal products or the market value of articles or things of the same description as the articles or things destroyed.”.

19. New s. 15A. The Principal Act is amended by inserting after section 15 the following section:—

“**15A. When no compensation payable.** Where—

(a) any stock or animal product or article or thing used in connexion with such stock or animal product is destroyed by order, pursuant to this Act, of the Minister or his delegate or an inspector or a Government Veterinary Officer for the purpose of preventing the spread of disease;

(b) the destruction by order as aforesaid arises out of the doing of any act or thing or the making of any omission by the owner of the stock or animal product or article or thing used in connexion with such stock or animal product with respect to any part thereof, the doing of which act or thing or the making of which omission causes or contributes to or is such as is likely to cause or contribute to the spread of disease; and

(c) the owner is convicted of an offence against any law of the State or the Commonwealth relating to the control, eradication or prevention of disease and the act or thing as aforesaid is done or the omission as aforesaid is made in connexion with the commission of the offence,

compensation is not payable under this Act to the owner in respect of the destruction of that stock or animal product or article or thing used in connexion with such stock or animal product.”.

20. Repeal of s. 16A. The Principal Act is amended by repealing section 16A.

21. Amendment of s. 17. Section 17 of the Principal Act is amended by—

(a) in subsection (3)—

(i) omitting the punctuation mark occurring between the words “tuberculosis, brucellosis” and substituting the word “or”;

(ii) omitting the words “or mastitis” wherever they occur therein;

- (b) in subsection (4)—
 - (i) omitting the words “tuberculosis test” and substituting the words “test for tuberculosis or brucellosis”;
 - (ii) inserting at the end thereof the words “or brucellosis as the case may be”.

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

- (a) in subsection (1)—
 - (i) in the first paragraph inserting after the word “inspector” where it occurs for the second, third, fourth and fifth times the words “or authorized person”;
 - (ii) in the second paragraph inserting after the word “inspector” wherever it occurs the words “or authorized person” and inserting after the word “satisfied” the words “that its issuance is not likely to lead to the spread of disease and”;
 - (iii) in the third paragraph inserting after the word “inspector” the words “or authorized person”;
 - (iv) in the fifth paragraph inserting after the word “inspector” the words “or authorized person”;
 - (v) in the sixth paragraph omitting the words “or drover”;
 - (vi) omitting the seventh paragraph and substituting the following paragraph:—

“No person, other than an inspector or authorized person, shall issue, purport to issue or make any endorsement on a permit to travel stock and no person other than an inspector shall make any alteration in any such permit after it has been issued”;

- (b) in subsection (2)—
 - (i) omitting the word “special” wherever it occurs and substituting in each case the word “concessional”;
 - (ii) in the first paragraph inserting after the word “inspector” the words “or person authorized by the Minister in that behalf”;
 - (iii) in the third paragraph inserting after the word “inspector” the words “or authorized person”;
 - (iv) in the fourth paragraph omitting the words “shall subsist until it is cancelled by an inspector and”;
- (c) inserting after subsection (2) the following subsections:—

“2A. Where, because of the movement of stock pursuant to the terms of a concessional permit issued under subsection (2)—

- (i) a Local Authority is of the opinion that serious detriment has been or will be caused to roads or footpaths in its Local Authority Area; or
 - (ii) the Commissioner of Police is of the opinion that a serious traffic hazard has resulted or will result,
- the Local Authority or, as the case may be, the Commissioner of Police may request the Chief Inspector to cancel the concessional permit. Any such request shall be made in writing and shall contain full details of the reasons therefor.

Upon receipt of such a request the Chief Inspector shall make such inquiries as he considers necessary and may for that purpose interview or cause to be interviewed the person to whom the concessional permit was issued.

If, as a result of these inquiries, the Chief Inspector is of the opinion that a serious detriment has been or will be caused to roads or footpaths in the Local Authority Area or that a serious traffic hazard has resulted or will result he may cancel the concessional permit in question.

2B. A Local Authority, which desires from time to time to travel straying stock found in or upon any land under its control to a pound, may apply to the nearest inspector or person authorized by the Minister in that behalf for a special permit.

The inspector or authorized person to whom such an application is made may, in his discretion, issue to the Local Authority a special permit which shall be subject to the provisions of subsection (1) of this section so far as those provisions are not inconsistent with the provisions of this subsection.

A special permit, while it subsists, shall authorize the Local Authority concerned to travel any straying stock found in or upon any land under its control to a pound.”;

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

(a) in subsection (1)—

(i) omitting subparagraph (a) of the third paragraph and substituting the following subparagraph:—

“(a) gives notice to an inspector or a person authorized pursuant to section 18 of the intended journey, satisfies the inspector or authorized person that it would be unreasonable to require him to have such a permit in possession and obtains from the inspector or authorized person approval for the issue of a permit as prescribed;”;

(ii) in subparagraph (b) of the third paragraph inserting after the word “journey” the words “the name and address of the inspector or authorized person, the date of the approval and”;

(b) in subsection (3) omitting the words “Any justice, member of the Police Force or inspector duly authorized in that behalf” and substituting the words “Any inspector, police officer or occupier of any holding through or along which such stock are or have been travelling”;

(c) in subsection (4)—

(i) in subparagraph (b) inserting after the word “inspector” the words “or person authorized by the Minister in that behalf”;

(ii) in subparagraph (c) omitting the words “or justice,”;

(iii) in subparagraph (d) omitting the words “, member of the Police Force, or justice” and substituting the words “or police officer”.

24. Amendment of s. 20. Section 20 of the Principal Act is amended by omitting the words “Any justice, police officer or inspector” and substituting the words “Any inspector or police officer”.

25. Amendment of s. 23. Section 23 of the Principal Act is amended by in subsection (2)—

(a) omitting the expression ““*The Veterinary Surgeons Acts, 1936 to 1964,*”” and substituting the expression “the *Veterinary Surgeons Act 1936-1973*”;

(b) inserting after the words “Approved Veterinary Surgeon” wherever they occur the words “, or an Authorized Veterinary Surgeon”.

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

(a) in subsection (1)—

(i) omitting paragraphs (i) and (ia) and substituting the following paragraphs:—

“(i) Enter into or upon any premises or holding;

(ia) count the stock in or upon any premises or holding and inspect any stock, flock or herd book;

(ib) Search any premises or holding if he suspects on reasonable grounds that an offence against this Act has been or is being committed and there is likely to be therein or thereon any stock, animal product, carcass, biological preparation or fodder or any article or thing of any kind with respect to which that offence was or is being committed or that will afford evidence as to the commission of that offence, and may break open and search every box, receptacle or package of any kind in or upon those premises or that holding;

(ic) May seize and detain any stock, animal product, carcass, biological preparation or fodder or any article or thing of any kind in respect of which an offence against this Act has been or is being committed or in respect of which he suspects on reasonable grounds that such an offence has been or is being committed, or that he believes will afford evidence as to the commission of that offence;

(id) Inspect, test for disease and treat for disease any stock, animal product, carcass or fodder;

(ie) Inspect and test any soil or biological preparation;

(if) Where stock are to be sent out of the State, inspect, test for disease and treat for disease such stock for the purpose of ensuring that such stock meet the health requirements of any other State or territory of the Commonwealth or of any country;

(ig) Provide husbandry services to any owner and advise any owner on and where necessary assist him in the carrying out of measures for the prevention of disease;

(ih) Destroy any stock which are or which he suspects on reasonable grounds to be infected with rabies;”;

(ii) omitting from subparagraph (v) the words “quarantine any carcass” and substituting the words “detain any animal product, carcass, biological preparation or fodder”;

(iii) omitting the final paragraph and substituting the following paragraph—

“For the purpose of testing any stock, animal product, carcass, biological preparation, fodder or soil pursuant to this Act an inspector may take specimens of any part of the stock, animal product, carcass, biological preparation, fodder or soil or of internal or external parasites in or on the stock or carcass as he requires.”.

(b) omitting subsection (2) and substituting the following subsection—

“(2) When any stock so impounded or quarantined are, or when any animal product, carcass, biological preparation or fodder so impounded or detained is found to be diseased, the Minister or an officer of his Department to whom the Minister has by writing delegated such power either generally or in respect

of the stock, animal product, carcass, biological preparation or fodder in question (which delegation is hereby authorized) may cause such stock, animal product, carcass, biological preparation or fodder to be destroyed.

In that event the Minister or such delegate shall forthwith give notice of the fact to the owner of the stock, animal product, carcass, biological preparation or fodder as the case may be if that owner is known to him.”;

Specimens of soil taken pursuant to subsection (1) shall be disposed of as directed by the Chief Inspector”;

(c) in subsection (3),

(i) omitting the first paragraph and substituting the following paragraph—

“Any stock so impounded which are not, or any animal product, carcass, biological preparation or fodder so impounded which is not diseased shall, after the expiration of 21 days from the day of impounding, if not sooner claimed and duly released, be sold, destroyed or otherwise disposed of as the Minister directs.”.

(ii) in the second paragraph—

(A) omitting the words “ or carcasses ” and substituting the words “, animal product, carcass, biological preparation or fodder as the case may be ”;

(B) omitting the words “ to the credit of the fund ” and substituting the words “ into Consolidated Revenue ”.

(d) in subsection (4) omitting the words “ stock or any carcass ” and substituting the words “ any stock or impounds or detains any animal product, carcass, biological preparation or fodder ” and omitting the words “ subsection 1A of this section ” and substituting the words “ subsection (1) (ih) or subsection (1A) ”.

27. Repeal of and new s. 25A. The Principal Act is amended by repealing section 25A and substituting the following section:—

“ **25A. Disease eradication programmes.** (1) The Governor in Council may by Order in Council institute a disease eradication programme for the purpose of eradicating from the State or any part or parts thereof any disease named therein.

(2) Where a disease eradication programme has been instituted pursuant to subsection (1) any inspector, Approved Veterinary Surgeon or Authorized Veterinary Surgeon may at any time, with or without assistants and with such vehicle or vehicles and equipment, plant and instruments as he considers necessary for the proper discharge of his duties enter upon any holding or premises and there inspect, test and treat all or any stock found by him for the purpose of eradicating any disease in respect of which a disease eradication programme has been instituted.

(3) The occupier or, if there is no occupier, the owner or, if neither the owner nor the occupier is present at the holding or premises, the person apparently in charge of the holding or premises shall aid in such entry, inspection, testing and treatment and for that purpose shall, if so ordered by the inspector, Approved Veterinary Surgeon or Authorized Veterinary Surgeon, muster all or any stock upon the holding or premises and shall do and execute all such acts, matters and things as may be reasonably required by the inspector, Approved Veterinary Surgeon or Authorized Veterinary Surgeon.

(4) The power conferred upon an inspector, Approved Veterinary Surgeon or Authorized Veterinary Surgeon under this section to inspect, test and treat stock in or upon any holding or premises shall include the power to identify by the insertion of an ear tag or by some other means approved by the Chief Inspector any such head of stock.

(5) (a) Where an inspector finds in or upon any holding or premises any stock affected by a disease in respect of which a disease eradication programme has been instituted he—

- (i) may mark or brand such stock in the prescribed manner with the prescribed mark or brand;
- (ii) shall immediately upon completion of the test report his findings to the Chief Inspector or, if such test has been made in a district where a Government Veterinary Officer is stationed, to such Government Veterinary Officer.

The Chief Inspector or Government Veterinary Officer may thereupon by an order in writing under his hand order the destruction or disposal of such stock.

(b) Where an Approved Veterinary Surgeon finds in or upon any holding or premises any stock affected by a disease in respect of which a disease eradication programme has been instituted he—

- (i) may or, if thereunto required by his agreement with the Minister, shall mark or brand such stock in the prescribed manner with the prescribed mark or brand;
- (ii) shall, immediately upon completion of any test, forward a certificate of such finding and of such other particulars as are required by his agreement with the Minister to be certified to therein to the Chief Inspector or, if such test has been made in a district where a Government Veterinary Officer is stationed, to such Government Veterinary Officer.

The Chief Inspector or Government Veterinary Officer may thereupon by an order in writing under his hand order the destruction or disposal of such stock.

(c) Where an Authorized Veterinary Surgeon finds in or upon any holding or premises any stock affected by a disease in respect of which a disease eradication programme has been instituted he shall—

- (i) mark or brand such stock in the prescribed manner with the prescribed brand or mark;
- (ii) immediately upon completion of the test forward a certificate of such finding and of such other particulars as may be prescribed to the Chief Inspector or, if such test has been made in a district where a Government Veterinary Officer is stationed, to such Government Veterinary Officer.

The Chief Inspector or Government Veterinary Officer may thereupon by an order in writing under his hand order the destruction or disposal of such stock.

(d) For the purposes of this section, a positive reaction by any stock to a test for a disease (being such a test as is prescribed) shall be evidence that the stock so reacting are affected by the disease and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter.

(6) For the purpose of eradicating a disease in respect of which a disease eradication programme has been set up the Chief Inspector may issue an order for the destruction or disposal of all or any stock in or upon any holding or premises without such stock having been previously tested by an inspector, Approved Veterinary Surgeon or Authorized Veterinary Surgeon where the Chief Inspector is of the opinion that this would constitute a more efficient or economical method for eradicating the disease from that holding or premises.

(7) The order directing the destruction of any stock pursuant to this section may prescribe the manner in which, the time within which, and the person by whom such 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 therein at the holding or premises in question or that such stock be delivered at such time and place as are specified therein to a person named therein for destruction.

(8) (a) The power to make an order under subsection (5) of this section shall include the power to make such one or more orders as the Chief Inspector or Government Veterinary Officer deems necessary in the circumstances.

(b) The power to make an order under subsection (6) of this section shall include the power to make such one or more orders as the Chief Inspector deems necessary in the circumstances.

(9) An order made under subsection (5) or subsection (6) of this section shall be given to the occupier or, if there is no occupier to the owner or, if neither the occupier nor the owner is present at the holding or premises, to the person apparently in charge thereof.

Any occupier, owner or person apparently in charge of any holding or premises who contravenes or fails in any respect to comply with the requirements of such an order shall be guilty of an offence against this Act.

Penalty: \$500.

Upon a failure in any respect to comply with the requirements of such an order and without prejudice to any proceedings which may be taken upon such failure, the Minister may, after the expiration of 7 days from the date of such failure, direct in writing an inspector to enter the holding or premises to which the order relates and destroy or cause to be destroyed the stock specified in the order and any inspector so directed may enter such holding or premises and destroy or cause to be destroyed such stock.

For the purposes of such destruction the inspector may, if he thinks fit, remove or cause to be removed any such stock to any other place.

(10) Any person who, except in compliance with the terms of an order made under this section, removes or procures the removal of any stock from the holding or premises in or upon which such stock were found by an inspector, Approved Veterinary Surgeon or Authorized Veterinary Surgeon to be affected by a disease in respect of which a disease eradication programme exists shall be guilty of an offence against this Act.

Penalty: \$500.

(11) Any person who removes, alters, defaces, renders illegible or blotches any ear tag, brand or mark tagged, branded or marked upon any stock by an inspector, Approved Veterinary Surgeon or Authorized Veterinary Surgeon under the authority of this section shall be guilty of an offence against this Act.

Penalty: \$500.

(12) Where an inspector, Approved Veterinary Surgeon or Authorized Veterinary Surgeon is exercising a power conferred by this section then any person who obstructs him in his entry of any holding or premises or in his inspection, testing or treatment of any stock found therein or thereon and any person who, being thereunto required by this section so to do, fails to help him in such entry, inspection, testing or treatment as aforesaid shall be guilty of an offence against this Act.

Penalty: \$500.

Daily penalty: \$50.

For the purpose of this section the terms inspector, Approved Veterinary Surgeon and Authorized Veterinary Surgeon include every assistant whom such a person has with him.

(13) The right of entry conferred upon an inspector, Approved Veterinary Surgeon and Authorized Veterinary Surgeon under this section shall include all such right of ingress, egress or regress into, upon or from any holding or premises, and either for himself or his assistants, as he shall think necessary for the purposes of the proper inspection, testing or treatment of all stock found in or upon such holding or premises.

(14) In this section—

“disposal”—includes disposal at an abattoir or a slaughterhouse licensed as such under the *Meat Industry Act 1965–1977*.”

28. New s. 25B. The Principal Act is amended by inserting after section 25A the following section:—

“**25B. Compensation.** Notwithstanding the provisions of section 15, where stock are destroyed or disposed of pursuant to an order or direction made under section 25A the owner of such stock shall be entitled to such compensation, if any, as may be prescribed, provided that the rate of compensation in respect of stock shall not exceed the average market value for that class of stock. Compensation payable pursuant to this section may include the cost of destroying and disposing of such stock.

Where an owner receives compensation under this section, he shall not be entitled to receive compensation, in respect of stock, under section 15 of the Act.”

29. Amendment of s. 26A. Section 26A of the Principal Act is amended by, in subsection (1)—

(a) omitting the words “Governor in Council” and substituting the word “Minister”;

(b) omitting the words “Order in Council” where they first appear and substituting the words “notification published in the Gazette”;

(c) omitting the words “firstmentioned Order in Council” and substituting the word “notification”.

30. Amendment of s. 26B. Section 26B of the Principal Act is amended by—

(a) in subparagraph (iii) of paragraph (b) of subsection (4) omitting the expression “ “*The Veterinary Surgeons Acts, 1936 to 1946* ” ” and substituting the expression “ the *Veterinary Surgeons Act 1936–1973* ”;

(b) in subsection (9) omitting the expression “ “*The Veterinary Surgeons Acts, 1936 to 1946* ” ” and substituting the expression “ the *Veterinary Surgeons Act 1936–1973* ”.

31. Amendment of s. 26C. Section 26C of the Principal Act is amended by—

(a) in subsection (5) omitting all words and numerals from and including the words “ a person who is a veterinary surgeon ” to and including the words “ Department of Agriculture and Stock ” and substituting the words “ a Government Veterinary Officer ”;

(b) in paragraph (b) (ii) of subsection (8) omitting the expression “ “*The Veterinary Surgeons Acts, 1936 to 1946*,” ” and substituting the expression “ the *Veterinary Surgeons Act 1936–1973* ”;

(c) in subsection (10)—

(i) omitting from paragraph (iv) the words “ ship,” and “ aeroplane,”;

(ii) omitting from paragraph (v) the words “ ship,” and “ aeroplane ”;

(d) in subsection (11) omitting the words “ ship,” and “ aeroplane,”;

(e) in subsection (12) (a) (ii) (A) omitting the words “ ship,” and “ aeroplane,”.

32. Amendment of s. 26D. Section 26D of the Principal Act is amended by in the definition “ “ Pet shop ” ”—

(a) inserting after the word “ dog ” the word “ , bird ”;

(b) inserting after the word “ dogs ” wherever it occurs the word “ , birds ”.

33. New s. 26E. The Principal Act is amended by inserting after section 26D the following section:—

“ **26E. Laboratories.** A person shall not, without the consent in writing of the Minister, establish or maintain a laboratory.”.

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

(a) in subsection (1)—

(i) in paragraph (i) omitting the words “ or endorsement on ”;

(ii) inserting after paragraph (i) the following paragraph:—

“ (ia) Not being an inspector or person authorized by the Minister so to do, purports to issue or makes any endorsement on a permit to travel stock; ”;

(iii) omitting paragraph (j) and substituting the following paragraph:—

“ (j) Travels, or attempts to travel, or is in any way concerned in travelling, stock under the authority of a permit containing—

(i) any alteration which has not been made by an inspector; or

(ii) any endorsement which has not been made by an inspector or person authorized by the Minister in that behalf,

unless in any such case, such person proves that he had no knowledge of the fact that the permit concerned contained any such alteration or endorsement;”;

(b) in subsection (3) omitting the words “placed to the credit of the fund” and substituting the words “paid into Consolidated Revenue”.

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

(a) in paragraph (a) of subsection (1) omitting the expression “*The Justices Acts 1886 to 1968 on complaint by an inspector or other person thereunto authorised in writing by the Minister*” and substituting the expression

“the *Justices Act 1886–1977 on complaint by—*

(i) an inspector; or

(ii) other person thereunto authorized in writing by the Minister”;

(b) inserting after subsection (4) the following subsection:—

“(5) In a proceeding for the purposes of this Act it shall not be necessary to prove the appointment of an inspector.”.

36. New ss. 30B and 30C. The Principal Act is amended by inserting after section 30A the following sections:—

“**30B. Liability for offences by corporations.** (1) Where a corporation offends against this Act each and every one of the following persons shall be deemed to have committed the offence, and shall be liable to be proceeded against and punished accordingly, namely—

(a) the managing director, manager, or other governing officer, by whatever name called, and every member of the governing body, by whatever name called, thereof; and

(b) every person who in Queensland manages or acts or takes part in the management, administration or government of the business in Queensland of the corporation.

This section applies so as not to limit or affect howsoever the liability of a corporation to be proceeded against and punished for an offence against this Act committed by it.

(2) No person who is proceeded against pursuant to this section shall be convicted if he satisfies the court that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to all the circumstances.

30C. Service of orders etc. (1) Any notice, order or other document authorized or required by this Act to be given to or served on any person shall be duly given or served if—

(a) it is served personally on the person to whom it is directed;

(b) it is left at the place of residence or business of the person to whom it is directed last known to the person who gives it;

- (c) it is sent by post to the place of residence or business of the person to whom it is directed last known to the person who gives it.

(2) Any such notice, order or other document if addressed to the owner or occupier of any premises or holding may be given or served by delivering the same, or a true copy thereof, to some person on the premises or holding or if there is no such person, by fixing the same on some conspicuous part of the premises or holding.”.

37. Amendment of s. 31. Section 31 of the Principal Act is amended by—

(a) in the third paragraph omitting the words “ be published in the Gazette, and shall thereupon ”;

(b) omitting the fourth and fifth paragraphs and substituting the following paragraph:—

“ The regulations may provide for the approval of the Chief Inspector to be the standard to be applicable in respect of a particular matter.”.

38. Amendment of Schedule II. The Second Schedule to the Principal Act is amended by—

(a) in clause 1 omitting the words “, a protected area, free area or restricted area ” and substituting the words “ or a declared area ”;

(b) in clause 2—

(i) omitting the words “, a protected area, free area or restricted area ” where they twice occur and substituting in each case the words “ or a declared area ”;

(ii) omitting the words “, protected area, free area or restricted, area ” and substituting the words “ or a declared area ”;

(c) in clause 3 inserting after the word “ fittings,” the words “ animal products, biological preparations ”;

(d) in clause 4 inserting after the word “ fittings ” the words “ animal products, biological preparations ”;

(e) in clause 6 omitting the words “ protected areas, free areas or restricted areas ” and substituting the words “ declared areas ”;

(f) in clause 10—

(i) omitting the words “ semen of stock ” and substituting the words “ animal products and biological preparations ”;

(ii) omitting the words “ hides, skins ” and substituting the words “ biological preparations ”;

(iii) omitting the word “ manure ”;

(g) in clause 17 omitting the word “ semen ” and substituting the words “ animal product ”;

(h) inserting after clause 17D the following clause:—

“ **17E. Laboratories.** Prescribing and regulating the standards of appurtenances, equipment, plant, instruments, appliances and procedures used in laboratories; regulating or prohibiting the testing for disease; regulating or prohibiting the manufacture, testing and use of biological preparations; prohibiting and controlling the storage and processing of animal pathogens.”;

(i) omitting clause 21A.

PART III—AMENDMENT OF BRANDS ACT 1915–1975

39. Citation. (1) In this Part the *Brands Act 1915–1975* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be referred to as the *Brands Act 1915–1978*.

40. Amendment of s. 27. Section 27 of the Principal Act is amended by—

(a) omitting from the first paragraph the words “the Stock Fund constituted under “*The Diseases in Stock Acts, 1915 to 1941.*”” and substituting the words “Consolidated Revenue which is hereby to the necessary extent appropriated accordingly.”;

(b) omitting from the second paragraph the words “and form part of the Stock Fund” and substituting the words “Consolidated Revenue”.