



ANNO VICESIMO OCTAVO

ELIZABETHAE SECUNDAE REGINAE

No. 59 of 1979

An Act to amend the Stock Act 1915–1978 in certain particulars

[ASSENTED TO 21ST DECEMBER, 1979]

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. Short title and citation. (1) This Act may be cited as the *Stock Act Amendment Act 1979*.

(2) In this Act the *Stock Act 1915–1978* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Stock Act 1915–1979*.

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

(a) in the definition “Animal”, inserting after the word “bird” the words “or insect”;

(b) inserting after the definition "Animal" the following definition:—

" "Animal pathogen"—Bacteria, virus, protozoa or any other agent or organism capable of causing disease of animals;" ;

(c) in the definition "Animal product", inserting after the word "stock" the words " , honey, bees wax, combs, pollen, royal jelly and propolis and any other substance which the Governor in Council, by Order in Council, declares to be an animal product for the purposes of this Act " ;

(d) in the definition "Biological preparation", inserting after provision (ii) the following provision:—

" (iii) any other substance which the Governor in Council, by Order in Council, declares to be a biological preparation for the purposes of this Act;" ;

(e) in the definition "Chief Inspector", inserting after the words "this Act" the words " : The term includes any person who performs the duties of the Chief Inspector " ;

(f) in the definition "Disease"—

(i) inserting after the word "babesiosis;" the following words:—
"black disease;" ;

(ii) omitting the words "(catarrhal fever of sheep)" ;

(iii) inserting after the word "bluetongue;" the following words:—
"Borna disease;" ;

(iv) inserting after the words "enterohepatitis (black-head);" the following words:—

"enterotoxaemia;
enzootic pneumonia of swine;" ;

(v) inserting after the words "epizootic lymphangitis;" the following words:—

"equine coital exanthema;" ;

(vi) inserting after the word "favus;" the following words:—

"feline calcivirus infection;
feline infectious enteritis;
feline rhinotracheitis;" ;

(vii) inserting after the words "Glasser's disease;" the following words:—

"goat pox;
haemagglutinating encephalomyelitis virus;" ;

(viii) inserting after the word "hexamitiasis;" the following words:—
"horse pox;" ;

(ix) inserting after the words "hydatid (*Echinococcus granulosus*);" the following words:—

"Ibaraki disease;" ;

(x) inserting after the words "infectious bronchitis (fowls);" the following words:—

"infectious canine hepatitis;" ;

(xi) inserting after the word "influenza;" the following words:—
"Jembrana disease;" ;

(xii) inserting after the word "listeriosis;" the following words:—
"louping ill;" ;

(xiii) inserting after the words "lung worm infestation;" the following words:—

"Maedi-Visna;"

(xiv) inserting after the words "malignant oedema;" the following words:—

"Marek's disease;"

(xv) inserting after the word "rabies;" the following word:—

"rickettsiasis;"

(xvi) inserting after the words "swine fever;" the following words:—

"swine pox;

swine vesicular disease;"

(g) in the definition "Inoculate", inserting after the words "insertion into" the words "or the application to";

(h) in the definition "Laboratory", inserting after the words "animal products" the words "or for the examination for internal or external parasites or analysis of toxic substances";

(i) in the definition "Notifiable disease"—

(i) inserting after the word "babesiosis;" the following words:—

"black disease;"

(ii) omitting the words "(catarrhal fever of sheep)";

(iii) inserting after the word "bluetongue;" the following words:—

"Borna disease;"

(iv) inserting after the word "glanders;" the following words:—

"goat pox;

haemagglutinating encephalomyelitis virus;

horse pox;

Ibaraki disease;"

(v) inserting after the words "infectious laryngotracheitis;" the following words:—

"Jembrana disease;"

(vi) inserting after the words "lice infestation (sheep);" the following words:—

"louping ill;"

(vii) inserting after the words "lumpy skin disease;" the following words:—

"Maedi-Visna;"

(viii) inserting after the words "swine fever;" the following words:—

"swine vesicular disease;"

(ix) inserting after the words "Teshen disease (swine);" the following word:—

"trichinosis;"

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

(a) in subsection (1), inserting in paragraph (i) after the words "animal product" wherever they occur the words "animal pathogen" in each case;

(b) in subsection (2), omitting the words "or animal product" wherever they occur and substituting the words "animal product or animal pathogen" in each case.

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

(a) in subsection (2), omitting from paragraph (b) the words “ or animal product ” and substituting the words “ , animal product or animal pathogen ”;

(b) in subsection (4), omitting from paragraphs (b) and (c) the words “ or animal product ” and substituting the words “ , animal product or animal pathogen ”.

5. Amendment of s. 13. Section 13 of the Principal Act is amended by in subsection (1)—

(a) omitting from the first paragraph the words “ any area ” and substituting the words “ in any area stock ”;

(b) omitting from the fourth paragraph all words from and including the word “ removes ” to and including the words “ such area ” and substituting the words “ removes or introduces, causes to be removed or introduced or assists or in any way is concerned in removing or introducing stock beyond or into such area ”.

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

(a) in subsection (1)—

(i) inserting in the first paragraph after the words “ or fodder,” the words “ or the removal and destruction of animal pathogen,”;

(ii) adding at the end of the subsection the following paragraph:—

“ Animal pathogen ordered to be removed and destroyed shall be removed and destroyed in the manner prescribed.”;

(b) in subsection (2), inserting after the words “ animal product,” wherever they occur the words “ animal pathogen,” in each case.

7. Amendment of s. 15A. Section 15A of the Principal Act is amended by adding at the end of the section the following paragraph:—

“ No compensation shall be payable under this Act to the owner in respect of the destruction of animal pathogen by order, pursuant to this Act, of the Minister or his delegate or an inspector or a Government Veterinary Officer.”.

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

(a) in subsection (1)—

(i) inserting in the first paragraph after the words “ may be ” the words “ contained therein or ”;

(ii) omitting from the fourth paragraph, provision (c) and substituting the following provisions:—

“ (c) the name of the owner, being a person within that term as defined by this Act;

(ci) the name and address of the actual owner, being the person who is the true owner in law;

(cii) the name and address of the consignee (where he is other than the actual owner);”;

(iii) inserting in the seventh paragraph after the words “ endorsement on ” the words “ or vary any condition of ”;

(iv) inserting in the last paragraph after the words "to conditions" the words "contained therein or";

(b) in subsection (2)—

(i) omitting from the first paragraph the words "or race or training tracks for the purpose of feeding, watering, dipping, spraying, milking, training, racing" and substituting the words "or to and from other places for the purpose of feeding, watering, treating, milking, training, racing, competing";

(ii) inserting in the fourth paragraph after the words "neighbouring holdings" the words "or to and from other places".

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

(a) in subsection (1), adding at the end of the subsection the following paragraph:—

"In this subsection the expression "be in possession" or any like expression means, in relation to a permit or waybill, to have the document on or about one's person or so close to hand that it may be produced immediately upon demand of any person authorized by this section to inspect the same.";

(b) in subsection (3) inserting in the second paragraph after the words "preceding paragraph," the word "forthwith";

(c) in subsection (4)—

(i) omitting from provision (b) the words "endorsed on the permit by an inspector or person authorized by the Minister in that behalf" and substituting the words "of the permit";

(ii) inserting in provision (c) after the words "to produce" the words "in accordance with this Act".

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

(a) in subsection (1)—

(i) inserting in paragraphs (ib) and (ic) after the words "animal product," the words "animal pathogen," in each case;

(ii) inserting in paragraph (ie) after the word "soil" the words "animal pathogen";

(iii) adding at the end of paragraph (if) the words "and issue certificates of compliance with those health requirements as a result of such inspection, testing or treatment or upon any other evidence to his satisfaction of such compliance";

(iv) in paragraph (iva)—

(A) omitting provision (a) and substituting the following provision:—

"(a) order the owner of a holding or saleyard to erect and maintain in proper condition in the holding or saleyard the facilities specified in the order (which may include a crush or race) such as will enable the effective and safe examination, testing or treatment, by an inspector, of stock specified by him;"

(B) adding at the end of provision (d) the words "testing or treatment";

(C) inserting in provision (e) after the word "treat" the words "or test";

(v) inserting in paragraph (ivb) after the words "under this Act," the words "any person who is or was or who he suspects to be or to have been";

(vi) inserting in the last paragraph after the words "animal product," wherever they occur the words "animal pathogen," in each case;

(vii) adding at the end of the subsection the following paragraph:—

"The power conferred on an inspector by subparagraph (a) of paragraph (iva) shall not be exercised unless the Minister is satisfied that it is not practicable to conduct an efficient and safe examination, test or treatment of the stock in question without resorting to such an order."

(b) inserting in the last paragraph of subsection (2) after the word "soil" the words "or animal pathogen";

(c) in subsection (4), inserting after the words "animal product," the words "animal pathogen,".

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

(a) omitting the words ", Approved Veterinary Surgeon" wherever they occur;

(b) in subsection (2), inserting after the words "and there" the words "or at some other place suitable therefor";

(c) in subsection (3), inserting after the words "premises and" the words ", if so required by the inspector or Authorized Veterinary Surgeon, shall remove such stock therefrom to a place suitable for such inspection, testing or treatment and";

(d) in subsection (5), omitting paragraph (b);

(e) in subsection (10), inserting after the word "affected" the words "or suspected of being affected";

(f) adding at the end of the section the following subsections:—

"(15) Subject to this Act, an Authorized Veterinary Surgeon shall not incur any liability at law on account of anything done or omitted or ordered by him to be done or omitted for the purposes of this section or done or omitted in good faith and purporting to be done or omitted for those purposes.

(16) Any Authorized Veterinary Surgeon who contravenes or fails to comply with any provision of this section or who wilfully furnishes false or misleading particulars in any certificate issued by him pursuant to this section commits an offence against this Act."

12. Amendment of s. 26. Section 26 of the Principal Act is amended by inserting after subsection (1) the following subsection:—

"(2) The Minister may from time to time by notification in the Gazette declare any biological preparation to be a restricted preparation in respect of any class or classes of stock within the State or such part of the State as is specified in the notification.

A person shall not use a restricted preparation for the inoculation of stock of a class specified in the notification declaring such preparation to be a restricted preparation unless the Chief Inspector, or any Government Veterinary Officer authorized by the Chief Inspector so to do, has first given his approval in writing in respect of that stock.

Such approval may be in respect of particular stock or stock within a particular area defined therein.”.

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

(a) in subsection (1)—

(i) omitting from paragraph (j) provision (ii) and substituting the following provision:—

“(ii) any condition endorsed thereon or any other endorsement which condition or endorsement has not been endorsed or made by an inspector or person authorized by the Minister in that behalf;”;

(ii) inserting at the end of provision (m) the following expression and words:—

“ ;

(n) gives false information to an inspector in connexion with the obtaining or attempting to obtain any certificate that an inspector may issue under this Act ”;

(b) in subsection (2), inserting in the second paragraph after the word “ treatment ” and after the word “ treated ” the words “ or testing ” and the words “ or tested ” respectively.

14. Amendment of s. 30. Section 30 of the Principal Act is amended by in subsection (1) omitting provision (ii) of paragraph (a) and substituting the following provisions:—

“(ii) a police officer; or

(iii) any other person thereunto authorized in writing by the Minister.”.

15. Amendment of s. 31. Section 31 of the Principal Act is amended by adding at the end of the section the following paragraph:—

“ The power of the Governor in Council to make regulations includes power to adopt, wholly or in part, in relation to any matter provided for in the regulations any of the standard rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institute, the the National Biological Standards Laboratory, the Standing Committee on Agriculture or any like body identified in the regulations.”.

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

(a) in clause 3, inserting after the words “ animal products,” the words “ animal pathogen,”;

(b) in clause 4, inserting after the words “ animal products,” the words “ animal pathogen,”;

(c) inserting after clause 9 the following clause:—

“9A. Providing for the implementation of any disease eradication programme, the powers, functions and duties of inspectors, Authorized Veterinary Surgeons, owners of stock and other persons (including the furnishing of information and returns) and the inspection, testing and treatment of stock thereunder.”;

(d) in clause 10, inserting after the words “animal products,” wherever they occur the words “animal pathogen,” in each case;

(e) in clause 11, omitting the words “virus or contagium of disease” and substituting the words “animal pathogen”;

(f) omitting clauses 17, 17A, 17B, 17C, 17D and 17E and substituting the following clauses:—

“17. **Seizure of stock etc.** Prescribing and regulating the seizure, detention, destruction and disposal of infected or suspected stock or stock or any carcass, exposed, carried, travelled, moved, kept, fed food refuse or other material or substance, or otherwise dealt with, contrary to this Act and any biological preparation, animal product, animal pathogen or other thing in relation to which a contravention of this Act has occurred, and imposing on the owner thereof liability for the expenses incurred in connexion with the seizure, detention, destruction or disposal.

17A. **Feeding of stock.** Prohibiting or regulating the feeding to stock at premises generally or at prescribed premises, throughout the State or in any part of the State, of food refuse or other material or substance.

17B. **Piggeries.** Prescribing and regulating the registration and control of piggeries generally or of prescribed piggeries, throughout the State or in any part of the State and prohibiting or regulating the movement of swine, for the purpose of slaughter, from piggeries registered under this Act.

17C. **Laboratories.** Prescribing and regulating the standards of appurtenances, equipment, plant, instruments, appliances and procedures to be used in laboratories; prohibiting or regulating testing for prescribed diseases, the manufacture, testing and use of biological preparations, the examination for internal or external parasites, the analysis of toxic substances and storage and processing of animal pathogens.”.