

Queensland



ANNO TRICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE

No. 4 of 1986

An Act to amend the Stock Act 1915-1985 in certain particulars

[ASSENTED TO 6TH MARCH, 1986]

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 1986*.

(2) In this Act the *Stock Act 1915-1985* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Stock Act 1915-1986*.

2. Commencement. (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

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

(a) in the definition "Animal Product"—

(i) inserting after the word "Includes" the words "blood,";

(ii) inserting after the words "feathers," the words "wool, hair or other animal fibres,";

(iii) omitting the words ", honey, bees wax, combs, pollen, royal jelly and propolis";

(b) in the definition "Carcass"—

(i) inserting after the words "skin," the words "feathers,";

(ii) inserting after the words "wool," the words "hair or other animal fibres,";

(iii) inserting after the words "offal," the words "blood,";

(c) in the definition "Dipped"—

(i) omitting the words "(used in relation to ticks)";

(ii) omitting the words "tick-destroying" and substituting the words "external parasite destroying";

(d) in the definition "Disease"—

(i) inserting after the words "avian encephalomyelitis (epidemic tremor);" the words "avian influenza;";

(ii) omitting the words "avian pneumoencephalitis (Newcastle disease);";

(iii) inserting after the words "contagious ecthyma (scabby mouth);" the words "contagious equine metritis;";

(iv) inserting after the words "encephalitis;" the words "encephalomyocarditis (swine);";

(v) inserting after the words "enterotoxaemia;" the words "enzootic bovine leucosis;";

(vi) inserting after the words "foot and mouth disease;" the words "footrot;";

(vii) omitting the words "fowl plague (fowl pest);";

(viii) inserting after the words "Ibaraki disease;" the words—

"inclusion body rhinitis;
infectious atrophic rhinitis;";

(ix) inserting after the words "lung worm infestation;" the words "lymphosarcoma;";

(x) inserting after the words "myiasis;" the words "Newcastle disease;";

(xi) inserting after the words "tetanus;" the words—

"tick (*Haemaphysalis bancrofti*);
tick (*Haemaphysalis longicornis*);";

(e) in the definition "Holding", omitting the words "or pastured" and substituting the words ", pastured or grazed";

(f) in the definition "Laboratory", inserting after the words "toxic substances" the words "or for the testing or use of animal pathogens or biological preparations or for the examination or testing of specimens from stock or products thereof or for the storage or processing of such specimens";

(g) in the definition "Notifiable disease"—

(i) omitting the words "actinomycosis;"

(ii) omitting the words "avian pneumoencephalitis (Newcastle disease)" and substituting the words "avian influenza";

(iii) inserting after the words "Borna disease;" the words "brucellosis;"

(iv) inserting after the words "cattle tick (*Boophilus microplus*);" the words "contagious equine metritis;"

(v) inserting after the words "dourine;" the words "enzootic bovine leucosis;"

(vi) omitting the words "epithelioma or cancer of the eye;"

(vii) inserting after the words "equine rhinopneumonitis" the words "(abortion form)";

(viii) inserting after the words "foot and mouth disease;" the words "footrot of sheep;"

(ix) omitting the words "fowl plague (fowl pest);"

(x) inserting after the words "Ibaraki disease;" the words—

"infectious atrophic rhinitis;
infectious equine anaemia;"

(xi) omitting the words "lice infestation (sheep);"

(xii) inserting after the words "mucosal disease;" the words "Newcastle disease;"

(xiii) omitting the words "trichomoniasis (bovine);"

(h) in the definition "Owner"—

(i) inserting after the word "The" the word "actual";

(ii) inserting after the words "Local Authority" the words "or other person apparently";

(i) inserting after the definition "Owner" the following definition:—

" "Permit"—when used as a noun includes a concessional or special permit issued under section 18;"

(j) in the definition "Poultry"—

(i) inserting after the words "pheasants," the words "japanese quail (*Coturnix coturnix japonica*), partridges";

(ii) inserting after the word "thereof" the words ", and any bird in captivity whether wild by nature or bred in captivity and whether native to Queensland or migratory or introduced";

(k) inserting after the definition "Saleyard" the following definition:—

“ “Sell” —includes auction, barter, exchange or supply, or cause, permit or attempt any of those acts, offer or attempt to sell, supply or receive for sale, have in possession for sale, expose for sale, send forward or deliver for or on sale, cause, suffer or allow to be sold or offered for sale, dispose or offer for disposal under a lease or hire purchase agreement;”;

(l) in the definition "Sprayed", omitting the words "(used in relation to ticks)";

(m) omitting the definition "Stock" and substituting the following definition:—

“ “Stock” includes—

(a) cattle, deer, sheep, goats, swine, poultry;

(b) horses, camels, buffaloes, dogs, cats;

(c) all bonded animals upon premises or in a travelling circus the subject of registration under the provisions of the *Quarantine Act 1908* of the Commonwealth, as amended from time to time; and

(d) any other animals declared by Order in Council to be stock for the purposes of this Act;”;

(n) in the definition "Travelling Stock", omitting the word "carried" and substituting the word "conveyed";

(o) in the definition "Treated"—

(i) inserting after the words "spotted," the words "applied,";

(ii) inserting after the words "vaccinated," the words "implanted, dewormed,";

(p) inserting after the definition "Treated" the following definition:—

“ “Vehicle” —includes a conveyance of any kind whether or not at the material time capable of being operated or moved in any manner and includes a caravan or trailer;”.

4. Amendment of s. 7A. Assessments on milk and cream. Section 7A of the Principal Act is amended in subsection (1) by—

(a) omitting from paragraph (a) the words "one half of one cent on every gallon" and substituting the words "0.15 of one cent on every litre";

(b) omitting from paragraph (b) the words "one cent per pound" and substituting the words "2.5 cents for each kilogram".

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

(a) in subsection (1), inserting after the word “origin” in subparagraph (a) (iii), the following words and subparagraphs:—

“ ; or

(iv) have been confined in the manner and for the period prescribed for that species of stock; or

(v) have been identified as prescribed”;

(b) in subsection (3C), omitting the words “a place of entry” and substituting the words “the Brisbane, Rockhampton, Mount Isa, Cairns or Townsville airports, the Toowoomba aerodrome, or the ports of Brisbane, Rockhampton, Cairns or Townsville or such other place of entry”;

(c) at the end of subsection (5), omitting the expression “,” and substituting the expression “.”;

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

“(7) A person shall not introduce into this State from any other State or Territory of the Commonwealth any animal pathogen or biological preparation of a prescribed class except under the authority of or in compliance with the requirements of a permit in writing granted by the Chief Inspector.”.

6. Amendment of s. 9A. Destruction of stock from other States where prescribed certificates not produced. Section 9A of the Principal Act is amended by omitting subsections (4) and (5) and substituting the following subsections:—

“(4) A notice given under subsection (1) and an order made or given under subsection (2) may be served on the owner of the holding or premises in or upon which the stock are found and service of the notice or order pursuant to this subsection upon that owner shall be deemed to be sufficient service upon the owner of the stock.

(5) An owner of stock who fails to comply in any respect with the requirements of an order of the Chief Inspector under subsection (2) commits an offence against this Act.”.

7. Amendment of s. 11. Suspension of preceding sections. Section 11 of the Principal Act is amended by omitting the words “any one or more of the three last preceding sections” and substituting the words “sections 9 and 9A, or either of them”.

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

“**12. Minister may prohibit or restrict introduction or removal of stock.** (1) Whenever he deems it necessary for the purpose of

preventing or checking the spread of disease the Minister may, by notification—

- (a) prohibit or put restrictions on the introduction of infected or suspected stock or any animal product, animal pathogen, biological preparation or carcass of any infected or suspected stock from any other State or Territory of the Commonwealth, part of any other State or Territory of the Commonwealth, or on the removal of stock or any animal product, animal pathogen, biological preparation or any carcass of stock from one part to another part of Queensland; and
- (b) prescribe the route and manner by which infected or suspected stock or any animal product, animal pathogen, biological preparation or carcass of any infected or suspected stock shall be taken to its destination.

A notification given under this subsection shall be published in the Gazette and in a newspaper that circulates throughout Queensland or, as the case may be, that part of Queensland to which the notification relates.

A notification under this subsection shall cease to have effect at the expiration of fourteen days after it has been given by the Minister, unless it is ratified by Order in Council before that expiration.

(2) The Governor in Council may at any time, by Order in Council—

- (a) prohibit for any period the travelling of healthy stock by any route by or over which infected or suspected stock have been travelled;
- (b) declare any road to be a stock route for the use of travelling stock;
- (c) appoint places to be places of entry, ports of introduction or crossing-places for introduced stock.

(3) Where pursuant to a notification or Order in Council made under this section the introduction into Queensland from another State or Territory of the Commonwealth or part of any other State or Territory of the Commonwealth of any carcass, animal product, animal pathogen or biological preparation is—

- (a) prohibited unless the carcass, animal product, animal pathogen or biological preparation is accompanied by; or
- (b) restricted by requiring the carcass, animal product, animal pathogen or biological preparation to be accompanied by,

a prescribed document, an inspector may seize any carcass, animal product, animal pathogen or biological preparation introduced into Queensland in contravention of the notification

or Order in Council by reason of its not being accompanied by the prescribed document and, if he does seize any such carcass, animal product, animal pathogen or biological preparation, shall destroy that carcass, animal product, animal pathogen or biological preparation or cause it to be destroyed unless within forty-eight hours after the seizure the prescribed document is produced to him.”.

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

(a) in subsection (1)—

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

“The notice shall specify the species and the class or category of stock to which the notice shall apply and may specify the conditions for isolation or confinement of infected or suspected stock on the holding.”;

(ii) omitting all words from and including “shall be liable” to and including “six months.” and substituting “commits an offence against this Act.”;

(b) inserting after subsection (3) the following subsection:—

“(3A) Where an area has been placed in quarantine by an inspector, or the Minister has accepted, pursuant to subsection (2), an undertaking by an owner of a holding, an inspector may declare as much of the land surrounding the quarantine area or holding subject to an undertaking as he considers necessary for disease control purposes to be a buffer area.”.

10. Amendment of s. 14. Stock may be destroyed in certain cases. Section 14 of the Principal Act is amended in subsection (1) by—

(a) inserting after the words “animal pathogen” where they twice occur, the words “or biological preparation”;

(b) inserting after the word “disease” at the end of the first paragraph, the words “or assist in the diagnosis of the disease”.

11. Amendment of s. 15. Owner to be compensated. Section 15 of the Principal Act is amended by—

(a) inserting after the words “stock,” where they firstly appear the words “carcasses,”;

(b) omitting from provision (a) the words “unless the animal destroyed is” and substituting the words “or carcasses unless the stock destroyed or carcasses are”;

(c) inserting after the word “stock” in provision (b), the words “, carcasses”.

12. Amendment of s. 15A. When no compensation payable. Section 15A of the Principal Act is amended by—

(a) numbering the first paragraph as subsection (1) and therein inserting after the word “stock” wherever it occurs, the words “, carcass”;

(b) numbering the second paragraph as subsection (2) and therein inserting after the words “animal pathogen” the words “or biological preparations”.

13. Amendment of s. 17. Warranty implied on sale of stock. Section 17 of the Principal Act is amended by—

(a) renumbering subsection (5) as subsection (11);

(b) omitting subsections (2), (3) and (4) and substituting the following subsections:—

“(2) A provision in an agreement or a condition of sale, whether in writing or not, which excludes, modifies or restricts the operation of subsection (1), is void.

(3) (a) Without limiting the effect of subsection (1), if there is, in relation to a sale or agreement for sale referred to in subsection (1), conclusive evidence of a breach of the warranty expressed by this section, then—

(i) if the sale price has not been paid for an animal suffering from or affected by a disease referred to in subsection (4) or (9), there shall be no legal obligation on the purchaser to pay the sale price for that animal and the vendor shall be entitled, at his expense, to remove the animal;

(ii) if the sale price has been paid for an animal suffering from or affected by a disease referred to in subsection (4) or (9), the vendor shall, forthwith upon notice in writing being given to him that there is conclusive evidence of a breach of the warranty expressed by this section and describing that evidence, refund the sale price for the animal to the person who paid the sale price and the vendor shall then be entitled, at his expense, to remove the animal.

(b) Where a court convicts a person of a failure to comply with the provisions of subparagraph (ii) of paragraph (a) it may, in addition to any penalty it imposes, order that the sale price for the animal be refunded to the person who paid the sale price.

(c) For the purposes of paragraph (a), where an animal suffering from or affected by a disease, the subject of an Order in Council under section 25A, is part of a consignment of travelling stock, then all stock forming part of that consignment shall be deemed to be suffering from or affected by that disease.

(4) Proof that cattle suffered with or were affected by tuberculosis, brucellosis, enzootic bovine leucosis, or lymphosarcoma within—

(a) in the case of tuberculosis, thirty days; or

(b) in the case of brucellosis, enzootic bovine leucosis and lymphosarcoma, fourteen days,

of the date of 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.

(5) Proof that cattle have reacted positively to a prescribed test for tuberculosis, brucellosis or enzootic bovine leucosis shall, in the absence of evidence to the contrary, be conclusive evidence that those cattle are suffering from or are affected by tuberculosis, brucellosis or enzootic bovine leucosis as the case may be.

(6) Where the sale of cattle or agreement for the sale of cattle is for the purpose of slaughter of the cattle, the issue, in accordance with the provisions of the Meat Industry Regulations 1973 as amended from time to time, of an order of condemnation for the disease lymphosarcoma by an inspector appointed under the provisions of the *Meat Industry Act 1965-1984* shall, in the absence of evidence to the contrary, be conclusive proof that the cattle described in that order suffered with or were affected by lymphosarcoma at the time of sale.

(7) Proof that swine suffered with or were affected by tuberculosis or brucellosis within—

(a) in the case of tuberculosis, thirty days; or

(b) in the case of brucellosis, fourteen days,

of the date of sale or agreement for sale of those swine, 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.

(8) Proof that swine have reacted positively to a prescribed test for tuberculosis or brucellosis shall, in the absence of evidence to the contrary, be conclusive evidence that those swine are suffering from or are affected by tuberculosis or brucellosis as the case may be.

(9) Proof that poultry suffered with or were affected by pullorum disease within fourteen days of the date of sale or agreement for sale of those poultry, 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.

(10) Proof that poultry have reacted positively to a prescribed test for pullorum disease shall, in the absence of evidence to the contrary, be conclusive evidence that those poultry are suffering from or are affected by pullorum disease.”.

14. Amendment of s. 18. Owner of travelling stock to notify inspector. Section 18 of the Principal Act is amended in subsection (2) by—

(a) omitting subparagraph (b) from the first paragraph and substituting the following subparagraph:—

“(b) of stock who desires to travel stock repeatedly to, or to and from holdings within the same ownership or to, or to and from such other holdings or places as are approved by an inspector for purposes incidental to animal husbandry practices or for treatment;”;

(b) omitting the word “or” where it occurs between subparagraphs (c) (i) and (c) (ii);

(c) inserting after subparagraph (c) (ii) the word “or” and the following subparagraph:—

“(iii) from an appointed crossing-place for introduced stock to an abattoir or slaughter house licensed as such under the *Meat Industry Act 1965-1984*,”;

(d) in subparagraph (b) of the second paragraph, inserting after the word “located” the words “or appointed crossing-place”;

(e) adding after the final paragraph, the following paragraph “Upon the expiration of the concessional permit, the expiry date may be extended for a further period not exceeding five years.”.

15. Amendment of s. 19. Drovers to be provided with waybill or travelling stock declaration. Section 19 of the Principal Act is amended by—

(a) in subsection (4)—

(i) omitting at the end of paragraph (h) the expression “,” and substituting the words “; or”;

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

“(i) Fails to give the required notice of escape of stock from his custody,”;

(iii) omitting the words “shall be liable to a penalty not exceeding \$500.” and substituting the words “commits an offence against this Act.”;

(b) in subsections (5) and (6), omitting the words “shall be liable to a penalty not exceeding \$500.” and substituting the words “commits an offence against this Act.” in each case;

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

“(10) When stock escape from the custody of a drover he shall, within twenty-four hours of becoming aware of the escape, notify—

(a) the nearest inspector; and

(b) the owner of the premises onto which the stock have escaped.”.

16. Amendment of s. 19A, ss. 18 and 19 inapplicable in certain circumstances. Section 19A of the Principal Act is amended by—

(a) inserting after the words “therein prescribed” where they firstly occur, the words “or a particular category of stock under conditions therein prescribed for that category”;

(b) inserting after the words “respect of such stock” the words “or particular category of stock”.

17. Amendment of s. 20. Endorsement of waybill or travelling stock declaration. Section 20 of the Principal Act is amended by omitting the word “shall” where it firstly appears and substituting the word “may”.

18. Amendment of s. 21. Drover to give notice before entering a holding. Section 21 of the Principal Act is amended in subsection (1) by—

(a) omitting the word “occupier” where it twice appears and substituting the word “owner”;

(b) omitting the second paragraph and substituting the following paragraph:—

“A drover who fails to give notice under this subsection commits an offence against this Act.”.

19. Amendment of s. 22. Branding of travelling sheep. Section 22 of the Principal Act is amended in the first paragraph by omitting the words “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”.

20. Amendment of s. 23. Notifiable diseases. Section 23 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:—

“(1) When a notifiable disease or a disease not previously recognised exists or is suspected to exist in stock on any holding or premises or in travelling stock, the prescribed person shall—

(a) immediately upon becoming aware of the existence or suspected existence of the disease draft out and, as far as practicable, keep separate all affected or suspected stock from stock not so affected or suspected; and

(b) within twenty-four hours after becoming aware of the existence or suspected existence of the disease give notice to the nearest inspector of the existence or suspected existence of the disease.

In this subsection the expression “prescribed person” means whichever of the persons in this paragraph specified first becomes aware

of the existence or suspected existence of the notifiable disease in the stock concerned, the persons being—

- (i) the owner of the stock concerned; and
- (ii) the owner of the holding or premises on which the stock concerned are at the time located.

(2) When a veterinary surgeon registered as such under the *Veterinary Surgeons Act 1936-1973* or other scientist, diagnoses a notifiable disease or has reason to suspect the existence of a notifiable disease in stock on any holding or premises or in travelling stock, he shall, within twenty-four hours after making that diagnosis or forming that suspicion, give notice to the nearest Government Veterinary Officer of the existence or suspected existence of the disease.

When the veterinary surgeon is an Authorized Veterinary Surgeon the duty imposed upon him by this subsection is in addition to the duties imposed upon him by section 25A.”.

21. Amendment of s. 25. Powers of inspector. Section 25 of the Principal Act is amended by—

(a) in subsection (1)—

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

“(ia) Count the stock in or upon any premises, holding, vehicle or vessel and inspect or examine any stock, flock, or herd book or any other records kept in relation to the stock concerned;”;

(ii) in paragraph (ib)—

(A) inserting after the word “holding” where it firstly appears, the words “, or stop, detain, enter and search any vehicle or vessel”;

(B) inserting after the words “that holding” the words “, vehicle or vessel”;

(iii) inserting after the words “biological preparation” in paragraph (ic), the words “, permit, waybill, travelling stock declaration”;

(iv) omitting from paragraph (ivb) the words “or occupier of any premises or holding, the owner or person apparently in charge of any stock” and substituting the words “of any premises, holding or stock”;

(v) omitting the expression “.” where it occurs at the end of both paragraphs (v) and (vi) and substituting the expression “;” in each case;

(vi) inserting after paragraph (vi) the following paragraphs:—

“(vii) Call to his aid—

- (a) any police officer where he has reasonable cause to apprehend any obstruction in the exercise of his powers

or authorities or in the execution of his functions or duties;

(b) any person who he thinks is competent to assist him in the exercise of his powers and authorities or the discharge of his functions and duties;

(viii) Require a person being questioned by him pursuant to this Act to state his name and usual place of residence.”;

(b) in subsection (1A)—

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

“An inspector may at any time order the immediate destruction and disposal by an owner thereof of any travelling stock which in his opinion are in a moribund state.

If in the opinion of an inspector, travelling stock are so seriously injured as to be incapable of being travelled or travelled without cruelty or likelihood of further injury, he may order their destruction and disposal, refuse to permit further movement, or if he thinks fit, permit their movement to the nearest practicable place available for veterinary treatment.”;

(ii) inserting before the last paragraph the following paragraph:—

“For the purposes of this subsection, the order directing the destruction or disposal of any stock, may direct the manner in which, the time within which, and the person by whom the stock shall be destroyed or disposed of and may direct that the stock shall be delivered at the time and place specified in the order, to a person named in the order for destruction or disposal.”;

(c) in subsection (2)—

(i) omitting the word “soil” and substituting the words “any soil, biological preparation”;

(ii) inserting after the words “Chief Inspector” the expression “. ”.

22. Amendment of s. 25A. Disease eradication programmes. Section 25A of the Principal Act is amended by—

(a) inserting after subsection (1) the following subsection:—

“(1A) The Minister may enter into an agreement in writing with an owner of any holding or premises or the owner of any stock on terms and conditions subject to which a disease eradication programme shall be carried out on the holding or premises or in relation to any stock on the holding or premises

and may at any time and in like manner vary, renew or extend that agreement.

If the owner fails to comply with the agreed terms and conditions, the Minister may revoke the agreement.”;

(b) in subsection (3), omitting the words from and including “The occupier” to and including the words “in charge of the holding or premises” and substituting the words “The owner”;

(c) in subsection (7)—

(i) inserting after the word “destruction” where it twice occurs, the words “or disposal”;

(ii) inserting after the word “destroyed” where it twice occurs, the words “or disposed of”;

(d) in subsection (8), inserting after the words “or more orders” where they twice occur the words “or to vary or revoke such orders”;

(e) in subsection (9)—

(i) omitting the first two paragraphs and substituting the following paragraphs:—

“An order made under subsection (5) or (6) shall be given to the person who, in the opinion of the inspector or Chief Inspector as the case may be, is, in the circumstances, the most appropriate of the following persons to receive the order:—

(a) the owner of the premises or holding;

(b) the owner of the stock.

A person who contravenes or fails to comply with any requirement of an order given under this subsection commits an offence against this Act.”;

(ii) in the third paragraph—

(A) inserting after the words “and destroy” where they twice occur the words “or dispose of”;

(B) inserting after the words “be destroyed” where they twice occur the words “or disposed of”;

(iii) in the fourth paragraph, inserting after the word “destruction” the words “or disposal”;

(f) inserting after subsection (9) the following subsections:—

“(9A) Notwithstanding the provisions of subsection (9), when an owner of a holding or premises or the owner of stock advises in writing prior to the expiration of an order issued under subsection (5) or (6), of his inability to comply with the order, the Chief Inspector may, in writing, direct an inspector to destroy or dispose of or cause to be destroyed or disposed of the stock specified in the order and an inspector may enter that holding

or premises and destroy or dispose of or cause to be destroyed or disposed of that stock.

(9B) Where stock stray from or onto a holding quarantined for the purposes of a disease eradication programme or stock originating from a holding quarantined for the purpose of a disease eradication programme escape whilst being travelled, an order issued under subsection (5) or (6) shall be given to the owner of the stock.

Notice of that action shall immediately be given by an inspector to the owner of the holding onto or from which the stock have strayed or escaped as the case may be.”;

(g) omitting from subsection (14) the expression “1977” and substituting the words “1984 or such other place approved by the Chief Inspector”;

(h) inserting after subsection (16) the following subsection:—

“(17) When the Minister is satisfied that for the purposes of a disease eradication programme stock should be isolated, kept or retained by stock proof fences within a quarantined holding, he may in writing require the owner of that holding to repair, replace or erect fencing to a standard that will render the fencing stock proof.

In the requisition, the Minister may specify the time within which the person to whom the requisition is directed is to comply.

If within the specified time, the person to whom the requisition is directed fails to comply to the satisfaction of the Minister, the Minister may authorise an inspector to cause the work required by the requisition to be done and the costs and expenses of that work shall be recoverable in any court of competent jurisdiction from the owner as a debt due and owing to the Crown.”.

23. Amendment of s. 25B. Compensation. Section 25B of the Principal Act is amended by—

(a) numbering the first sentence of the first paragraph as subsection (1) and inserting therein after the words “disposed of”, the words “by the owner”;

(b) numbering the second sentence of the first paragraph as subsection (2) and inserting therein after the words “cost of”, the words “transporting, holding,”;

(c) numbering the second paragraph as subsection (3) and omitting therefrom the words “of the Act”.

24. Amendment of s. 26. Testing, treatment and isolation of stock and treatment of vehicles. Section 26 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:—

“(1) An inspector may order that stock that is—

- (a) infected or suspected;
- (b) in his opinion, in danger of becoming infected by the spread of disease from other stock;
- (c) within an infected or declared area,

be tested, treated or isolated to his satisfaction in such manner (whether prescribed or not) as is desirable and adequate to prevent or avoid the spread of disease.

(1A) An inspector may order that a vehicle or vessel that is or has been used for conveying, or a holding, laboratory or other premises upon or in which there are or have been—

- (a) infected or suspected stock;
- (b) carcasses or animal products thereof;
- (c) infected or suspected fodder, turf or other things associated with infected or suspected stock;
- (d) animal pathogens;
- (e) biological preparations,

together with any of the things mentioned in paragraphs (b), (c), (d) and (e), and any object in which they are or have been contained, be tested, treated, disinfected or isolated to his satisfaction in such manner (whether prescribed or not) as is desirable and adequate to prevent or avoid the spread of disease.”.

25. Repeal of s. 26B. Boarding kennels. The Principal Act is amending by repealing section 26B.

26. Repeal of s. 26D. Pet shops. The Principal Act is amended by repealing section 26D.

27. Amendment of s. 26E. Laboratories. Section 26E of the Principal Act is amended by inserting the words “, operate” after the word “establish”.

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

(a) in subsection (1)—

(i) omitting from paragraph (ea) the words “approved veterinary surgeon” and substituting the words “Authorized Veterinary Surgeon”;

(ii) omitting paragraph (f) and substituting the following paragraph:—

“(f) Fails to comply in all respects with the lawful order or requisition of the Minister or the lawful order of an inspector;”;

(iii) in paragraph (h)—

(A) omitting the words “false information to an inspector” and substituting the expression “,”;

(B) inserting after the words “any stock” the words “, false information to an inspector or person authorized by the Minister to issue or make an endorsement on a permit to travel stock”;

(iv) omitting at the end of paragraph (n) the expression “,” and substituting the expression “,”;

(v) inserting after paragraph (n) the following paragraphs:—

“(o) obliterates, destroys, defaces or damages in any way a permit, waybill or travelling stock declaration during the period in which such document is required to be retained, preserved or produced under the provisions of this Act;

(p) forges or counterfeits a licence, certificate, permit, waybill, travelling stock declaration, order, notice, authority or approval under this Act;

(q) knowingly utters or makes use of a forged or counterfeited licence, certificate, permit, waybill, travelling stock declaration, order, notice, authority or approval;

(r) impersonates a person named in a licence, certificate, permit, waybill, travelling stock declaration, order, notice, authority or approval granted or issued under this Act,”;

(vi) omitting all the words from and including “shall be liable” to and including “six months.” and substituting the words “commits an offence against this Act.”;

(b) in subsection (2)—

(i) omitting the words “or testing” and substituting the words “, testing, destruction or disposal”;

(ii) omitting the words “or tested” and substituting the words “, tested, destroyed or disposed of”.

29. Amendment of s. 29. Destroying notices, etc. Section 29 of the Principal Act is amended by omitting the words “shall be liable to a penalty not exceeding \$500.” and substituting the words “commits an offence against this Act.”.

30. New s. 29C. The Principal Act is amended by inserting after section 29B the following section:—

“**29C. Offences generally and penalty.** (1) A person who contravenes or fails to comply with a provision of this Act commits an offence against this Act.

(2) A person who fails to comply with a term, condition or restriction imposed under this Act commits an offence against this Act.

(3) A person who—

(a) fails to do that which he is directed, ordered or required to do;

(b) does that which he is forbidden to do,

by a person acting under the authority of this Act, commits an offence against this Act.

(4) Where no penalty is expressly provided, a person who commits an offence against this Act is liable to a penalty of \$1 000 or imprisonment for six months.”.

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

(a) in subsection (1), adding at the end thereof the following subparagraph:—

“A prosecution in respect of an offence against this Act may be commenced within one year after the commission of the offence or within six months after the offence comes to the knowledge of the complainant, whichever period is the later to expire.”;

(b) repealing subsection (2);

(c) omitting subsections (4) and (5) and substituting the following subsections:—

“(4) Where in respect of a proceeding for an offence against this Act a copy of a laboratory report—

(a) if obtained on behalf of the prosecution, is served with the summons; or

(b) if obtained on behalf of the defendant, is given to the complainant at least three clear days before the return date of the summons,

then, subject to subsection (5), the laboratory report, a copy of which has been so served or given, purporting to be under the hand of a scientist shall, upon its production in the proceeding, be prima facie evidence of the matters contained therein unless an order is made under subsection (5) that the scientist be called as a witness.

(5) Where a laboratory report is or is proposed to be produced pursuant to subsection (4), the court may, if it is satisfied (whether or not upon application made in that behalf) that in the circumstances of the case the scientist who issued the report should be called as a witness, order that the scientist be called as a witness by the party producing or proposing to produce the report and may grant an adjournment for that purpose.”.

32. Amendment of s. 30C. Service of orders etc. Section 30C of the Principal Act is amended in subsection (2) by omitting the words “or occupier”.

33. New s. 30D. The Principal Act is amended by inserting after section 30C the following section:—

“30D. Evidentiary provisions. In a proceeding for the purposes of this Act—

- (a) it shall not be necessary to prove the appointment of the Chief Inspector, any inspector, Government Veterinary Officer, Authorized Veterinary Surgeon or other officer or his authority to do any act, take any proceeding, or give any direction or order;
- (b) a signature purporting to be that of the Minister, Chief Inspector, an inspector, Government Veterinary Officer, Authorized Veterinary Surgeon or other officer shall be taken to be the signature it purports to be until the contrary is proved;
- (c) a document purporting to be a copy of a licence, certificate, permit, waybill, travelling stock declaration, authority, approval, order or notice under this Act shall upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of that licence, certificate, permit, waybill, travelling stock declaration, authority, approval, order or notice;
- (d) a document purporting to be signed by the Chief Inspector stating that at a specified time or during a specified period there was or was not in force a licence, certificate, permit, order, notice, approval or authority under this Act as described in the document granted or issued to a specified person or in respect of a specified thing and that such licence, certificate, permit, order, notice, approval or authority was or was not subject to the terms, conditions or restrictions set out in the document shall upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that document;
- (e) proof that stock kept pastured on any land have been diseased for a period of seven days shall be evidence that, at the expiration of that period, the owner of that land knew that the stock were diseased, and in the absence of evidence to the contrary, shall be conclusive evidence of that knowledge;
- (f) proof that travelling stock have been diseased for a period of two days shall be evidence that, at the expiration of that period, the owner of the stock knew that the stock were diseased, and in the absence of evidence to the contrary, shall be conclusive evidence of that knowledge;

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- (g) proof that stock have been diseased for a period of seven days shall be evidence that, at the expiration of that period, the person who during that period was the owner of the stock, knew that the stock were diseased, and in the absence of evidence to the contrary, shall be conclusive evidence of that knowledge;
 - (h) proof that at any time a carcass or animal product was infected or biological preparation contained contaminating micro-organisms shall be evidence, and in the absence of evidence to the contrary, conclusive evidence that a person who had that carcass, animal product or biological preparation in his possession or charge was aware at that time that the carcass or animal product was infected or biological preparation was contaminated;
 - (i) an allegation or averment in a complaint—
 - (i) that any place is or that any act, matter or thing was done or omitted within a specified area;
 - (ii) that any licence, certificate, permit, notice, approval or authority required by or under this Act to be obtained was not duly obtained by the person required to obtain it;
 - (iii) of the date on which the commission of an offence against this Act came to the knowledge of the complainant,shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of that allegation or averment.”.

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

- (a) in clause 9A, omitting the words “of stock” where they firstly appear;
- (b) in clause 12, omitting the words “trucks or other” and inserting after the word “vehicles” the words “or vessels”;
- (c) in clause 17C, inserting after the word “pathogens” the words “; providing for the approval and registration of laboratories and the terms, conditions and fees relating to their approval and registration”.

35. Amendment relating to penalties. The provisions of the Principal Act specified in the first column of the following Table are amended as indicated in the second column of that Table:—

TABLE

Provision Amended	Amendment
Section 4 (1)	Omit Penalty: \$500 or imprisonment for six months.
Section 9 (3E)	Omit \$2000 Substitute \$4000
Section 9 (4)	Omit \$2000 Substitute \$4000
Section 12A (4)	Omit Penalty: \$500.
Section 18 (1)	Omit Penalty: \$500 or imprisonment for six months or both.
Section 18 (3)	Omit Penalty: \$500 or imprisonment for six months or both such fine and imprisonment.
Section 19 (7)	Omit Penalty: \$500.
Section 19 (8)	Omit Penalty: \$500.
Section 19 (8A)	Omit Penalty: \$500.
Section 19 (9)	Omit Penalty: \$500.
Section 25A (9)	Omit Penalty: \$500.
Section 25A (10)	Omit Penalty: \$500.
Section 25A (11)	Omit Penalty: \$500.
Section 25A (12)	Omit \$500 Substitute \$1000
Section 25A (12)	Omit Daily Penalty: \$50.00 Substitute Daily Penalty: \$100