

STOCK ACT AND LOCAL GOVERNMENT ACT AMENDMENT ACT

No. 107 of 1989

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Queensland



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ELIZABETHAE SECUNDAE REGINAE

No. 107 of 1989

An Act to amend the Stock Act 1915-1989 and the Local Government Act 1936-1989 each in certain particulars

[ASSENTED TO 25TH OCTOBER, 1989]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Stock Act and Local Government Act Amendment Act 1989*.

2. Commencement. (1) Section 1 and this section shall commence on the day 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 to be appointed by Proclamation.

PART II—AMENDMENT OF STOCK ACT 1915-1989

3. Citation. (1) In this Part the *Stock Act 1915-1989* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Stock Act 1915-1989*.

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

(a) inserting after the definition “Cattle” the following definition:—

“Cattle feedlot”—Any premises on which at least 50 cattle are or are to be sustained at the same time, wholly or substantially, on prepared or manufactured fodder; in calculating the number of cattle for the purpose of this definition, cattle so sustained for weaning, dipping, or veterinary purposes or similar husbandry purposes, or for drought or other emergency feeding shall be disregarded; the expression does not include a slaughtering place within the meaning of the *Meat Industry Act 1965-1988* or a saleyard;”;

(b) inserting in the definition “Destination”, after “saleyard”, the words “cattle feedlot,”;

(c) inserting in the definition “Holding”, after “leasehold,” the words “cattle feedlot,”.

5. New ss. 28A-28J. The Principal Act is amended by inserting after section 28 the following sections:—

“**28A. Cattle feedlots to be licensed.** (1) A person shall not use premises as a cattle feedlot unless he is acting under and in accordance with a licence issued under section 28C.

Penalty: 20 penalty units.

Daily penalty: 3 penalty units.

(2) A person who, immediately before the commencement of this section, was using premises as a cattle feedlot shall not

be proceeded against for an offence against subsection (1) for using the premises as a cattle feedlot during the period of 3 months after that commencement or, if within that period he makes application for a licence to use the premises as a cattle feedlot, at any time after that period expires until the application is determined.

28B. Application for cattle feedlot licence or renewal. (1)

The owner of premises may make application under this section for a licence, or the renewal of a licence, to use the premises as a cattle feedlot.

(2) An application for a licence or the renewal of a licence—

(a) shall be made in the prescribed form to the Chief Inspector;

(b) shall contain such particulars as are prescribed;
and

(c) shall be accompanied by the prescribed fee.

(3) The Chief Inspector may require an applicant to provide such additional information as the Chief Inspector considers relevant to his determination of the application.

(4) The Chief Inspector shall advise the Local Authority (in whose Area the premises are situated) of the receipt of the application and shall consult with the Local Authority in respect of any matter relevant to the use of the premises as a cattle feedlot which the Local Authority places before him, before he grants a licence or the renewal of a licence pursuant to section 28C (1).

28c. Licences. (1) The Chief Inspector may grant an application for a licence, or the renewal of a licence, to use premises as a cattle feedlot if satisfied—

(a) of the requirements prescribed in respect of granting licences;

and

(b) that such use of the premises is consented to by the Local Authority (in whose Area the premises are situated) or does not require the consent of the Local Authority.

(2) Where the Chief Inspector makes a determination that an application for a licence will be granted if the Local Authority, in whose Area the relevant premises are located, consents to the use of the premises as a cattle feedlot, he shall notify the applicant in writing of his determination and provide the applicant with a report of the matters considered by him in making the determination.

(3) A licence, or the renewal of a licence, shall be in the prescribed form and contain the prescribed particulars.

(4) A licence shall be subject to—

(a) such conditions as are prescribed;
and

(b) such conditions (not inconsistent with conditions prescribed by regulation) as are imposed by the Chief Inspector and specified in the licence.

(5) To the extent of any inconsistency between a condition imposed by the Chief Inspector and specified in a licence and a condition prescribed in guidelines issued under section 28H, the condition specified in the licence prevails.

(6) Where an owner of premises, who immediately before the commencement of this section was using the premises as a cattle feedlot, applies for a licence within 3 months after that commencement to so use the premises and the Chief Inspector is not satisfied that the application complies with the requirements referred to in subsection (1) (a), he shall—

(a) grant the application;
and

(b) if satisfied that it is unreasonable to expect the owner to comply at that time with any prescribed condition to which licences are subject, endorse on the licence that the condition shall not apply to that licence for the period for which the licence is issued or such lesser period as the Chief Inspector determines, and the endorsement shall have effect accordingly.

(7) The Chief Inspector, of his own motion or at the request of the holder of a licence, may—

(a) amend or revoke any condition of a licence imposed by the Chief Inspector or impose any new condition;
or

(b) amend or revoke an endorsement made pursuant to subsection (6) (b) (but no amendment extending the period for which the endorsement has effect shall extend that period beyond the date on which the licence would, but for renewal, expire),

and the holder shall, in accordance with the direction of the Chief Inspector, furnish the licence to the Chief Inspector to be amended accordingly.

(8) The holder of a licence may, with the prior written approval of the Chief Inspector and upon payment of the prescribed fee, transfer or assign the licence to another person and where approval is granted, the holder shall, in accordance with the direction of the Chief Inspector, furnish the licence to the Chief Inspector to be endorsed with particulars of the transfer or assignment.

(9) In this section, unless a contrary intention appears, “prescribed” means prescribed by regulation or by the Chief Inspector in guidelines published under section 28H.

28D. Non-compliance with licence. The holder of a licence who fails to comply with any condition to which the licence is subject commits an offence against this Act.

Penalty: 20 penalty units.

28E. Duration of licence. Unless sooner cancelled, suspended or surrendered, a licence shall remain in force for a period of 5 years from the date of issue or, as the case may be, from the date on which it is from time to time renewed.

28F. Chief Inspector may require information. (1) The Chief Inspector may, by notice in writing, require the holder of a licence to use premises as a cattle feedlot to provide to the Chief Inspector, within the time specified in the notice, information relating to the operation of those premises as a cattle feedlot.

(2) A notice given under subsection (1) may require that information be provided from time to time—

(a) at intervals specified in the notice;

or

(b) upon the occurrence of a specified event.

28G. Cancellation or suspension of licence. (1) The Chief Inspector may by notice in writing call upon the holder of a licence to show cause why the licence should not be cancelled or suspended on the grounds that the licensee—

(a) is guilty of an offence against this Act;

or

(b) has failed to comply with any provision of guidelines made by the Chief Inspector under section 28H (1) (b).

(2) A licensee called upon to show cause shall do so in writing given to the Chief Inspector within the period specified in the notice to show cause.

(3) If a licensee fails to show cause to the satisfaction of the Chief Inspector within the period specified in the notice, the Chief Inspector may—

(a) cancel the licence;

or

(b) suspend the licence for a specified period or until the occurrence of a specified event.

(4) Where a licence is suspended or cancelled, the holder shall forthwith surrender it to the Chief Inspector.

28H. Chief Inspector may issue guidelines. (1) The Chief Inspector may issue guidelines, not inconsistent with this Act, in respect of all or any of the following matters:—

(a) the requirements to be met for the granting of applications for licences;

(b) the establishment, maintenance and operation of cattle feedlots.

(2) The Chief Inspector may at any time amend the guidelines or may revoke the guidelines and issue new ones.

(3) Any guidelines or amendment or revocation of guidelines shall be published in the *Gazette*.

(4) In any proceedings, evidence of the guidelines issued by the Chief Inspector or of any amendment or revocation of guidelines may be given by the production of the *Gazette* purporting to contain the guidelines or, as the case may be, the amendment or revocation.

28I. Register. (1) The Chief Inspector shall keep a register containing particulars of—

- (a) applications for licences;
- (b) licences issued;
- (c) any amendment, transfer, assignment, cancellation, suspension or surrender of a licence.

(2) A person may, by notice in writing to the Chief Inspector and upon payment of the prescribed fee, request that he be provided with details contained in or an extract from the register, as specified in the notice.

28J. Cattle Feedlot Advisory Committee. (1) The Minister may from time to time establish a committee called the Cattle Feedlot Advisory Committee.

(2) The number of members of the committee shall be determined by the Minister.

(3) The Chief Inspector shall, *ex officio*, be a member of the committee.

(4) The Minister shall by instrument—

- (a) appoint the members of the committee;
- (b) designate a member as chairman of the committee;
- (c) appoint persons to fill any casual vacancies arising on the committee.

(5) A member shall hold office for the period specified in the instrument of his appointment unless he sooner resigns or is removed from office.

(6) A member may resign his office by notice in writing to the Minister.

(7) The Minister may, for such cause as he considers appropriate, remove a member from office at any time.

(8) The committee—

- (a) shall advise the Minister in respect of the licensing and operation of cattle feedlots;
and
- (b) shall discharge such other functions as the Minister may direct.

(9) The committee may conduct its meetings and business in such manner as it thinks appropriate.

(10) No fees shall be payable to a member of the committee for discharging his functions but he shall be reimbursed for any reasonable expenses necessarily incurred by him in discharging his functions.”.

6. Amendment of s. 29. Powers of inspector. Section 29 of the Principal Act is amended in subsection (1) by—

(a) inserting in paragraph (vi), after “saleyards”, the words “, cattle feedlots”;

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

“(via) Order the owner of any premises or holding to remove stock from any specified portion of the premises or holding and to keep such portion free of stock for the period specified in the order;

(vib) Order the owner of any premises or holding to take, within a specified period, such measures as the inspector specifies to ensure a reasonable standard of hygiene on the premises or holding at all times;”.

7. Amendment of s. 47. Evidentiary provisions. Section 47 of the Principal Act is amended by omitting from paragraph (e) the word “pastured”.

8. Amendment of Second Schedule. The Second Schedule to the Principal Act is amended by inserting after clause 6A the following clause:—

“6B. Prescribing methods and standards for the accommodation of cattle on cattle feedlots and, otherwise prescribing for or in respect of the operation of cattle feedlots.”

PART III—AMENDMENT OF THE LOCAL GOVERNMENT ACT 1936-1989

9. Citation. (1) In this Part, the *Local Government Act 1936-1989* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Local Government Act 1936-1989*.

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

“33C. **Cattle feedlots.** (1) In this section—

“by-law”, in its application to Brisbane City Council, means an Ordinance of that Council;

“cattle feedlot” means a cattle feedlot within the meaning of the *Stock Act 1915-1989*;

“Chief Inspector of Stock” means the Chief Inspector within the meaning of the *Stock Act 1915-1989*;

“Local Authority” includes Brisbane City Council;
“town planning scheme”, in its application to Brisbane City Council, means the Town Plan for the City of Brisbane.

(2) Notwithstanding the provisions of any by-law or town planning scheme, a person shall not use land within the Area of a Local Authority for the purpose of a cattle feedlot unless the Local Authority, upon application made by the person pursuant to this section, has first given its consent to the use.

(3) An application to a Local Authority for consent to use land for the purpose of a cattle feedlot shall be deemed to be an application for consent (required to be obtained under a town planning scheme) to use land for a purpose, as mentioned in section 33 (18) (a) (ii), and, subject to subsections (4) and (5) of this section, the provisions of sections 32A and 33 apply in respect of the application and the use of the land as a cattle feedlot, to the extent that those provisions can sensibly apply.

(4) Where an application for consent to use land for the purpose of a cattle feedlot is before a Local Authority for determination, the Local Authority—

(a) shall not consent to the use unless satisfied that the applicant has applied under the *Stock Act 1915-1989* for a licence to use the land as a cattle feedlot and that the Chief Inspector of Stock will grant the licence if the Local Authority consents to the use;

and

(b) in determining whether or not to consent to the use, shall have regard to the contents of the report furnished to the applicant by the Chief Inspector of Stock pursuant to section 28C (2) of the *Stock Act 1915-1989*.

(5) Where a Local Authority gives consent to land being used for the purpose of a cattle feedlot, it may subject that consent to reasonable and relevant conditions.

(6) Any by-law made by a Local Authority that relates to the establishment, management or operation of a cattle feedlot and subsisting at the commencement of Part III of the *Stock Act and Local Government Act Amendment Act 1989* shall, on and from that date, be of no further force and effect to the extent that it relates to cattle feedlots.

(7) It shall not be competent to a Local Authority to make a by-law relating to the establishment, management or operation of a cattle feedlot but this shall not prejudice the power of the Local Authority to make a by-law in respect of premises that would be a cattle feedlot but for the number of cattle on the premises at any time.

(8) Where an application made before the commencement of Part III of the *Stock Act and Local Government Act Amendment*

Act 1989 for the approval, consent or permission of a Local Authority to use land for the purpose of a cattle feedlot has not been determined on that commencement, the Local Authority, in dealing with that application, shall give such weight as it considers appropriate to the provisions of this section.”.