

Queensland



STOCK AMENDMENT ACT 1993

Act No. 52 of 1993

Queensland



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Queensland



Stock Amendment Act 1993

Act No. 52 of 1993

**An Act to amend the *Stock Act 1915* and the *Deer Farming Act 1985*
and to repeal the *Artificial Breeding of Stock Act 1979***

[Assented to 25 October 1993]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Stock Amendment Act 1993*.

Commencement

2. This Act commences on a day to be fixed by proclamation.

PART 2—AMENDMENT OF STOCK ACT 1915

Amended Act

3. The *Stock Act 1915* is amended as set out in this Part and Schedule 1.

Replacement of s.21 (Owner of travelling stock to notify inspector)

4. Section 21—

omit, insert—

‘Some stock movements require a travel permit

‘**21.(1)** A person must not travel stock on a movement mentioned in section 21A unless a travel permit has been issued for the movement of the stock.

‘**(2)** A person must not put stock into another person’s charge for the purpose of travelling the stock on a movement mentioned in section 21A unless a travel permit has been issued for the movement of the stock.

Maximum penalty—40 penalty units or imprisonment for 6 months.

‘Types of stock movement that require a travel permit

‘21A. Section 21 applies to the following stock movements—

- (a) the movement of stock into, within or out of an area that is an infected area or declared area because of a notification under section 13, if the notification—
 - (i) provides that the movement is not prohibited; but
 - (ii) requires that a travel permit be obtained for the movement;
- (b) the movement of stock to a quarantine facility where stock are staged before export from Australia;
- (c) the movement of suspected stock;
- (d) the movement of stock to a border crossing point or a sea or air loading point for the purpose of taking the stock to another State or a Territory if the other State or the Territory requires that a travel permit or similar authorisation must be obtained as a condition of entry;
- (e) the movement of stock into an area prescribed by regulation;
- (f) the movement of stock out of an area prescribed by regulation;
- (g) the movement of stock within an area prescribed by regulation.

‘Issue of a travel permit

‘21B.(1) A travel permit may be issued by an inspector on an application made to the inspector.

‘(2) The travel permit may be issued only if the inspector is satisfied that—

- (a) the movement of stock under the permit is not likely to lead to the spread of disease; and
- (b) the application for the permit has been made by or on behalf of the owner of the stock; and
- (c) the stock are intended to be taken to the place stated in the application for the permit.

‘(3) The travel permit is subject to the reasonable conditions that the

inspector specifies in the permit.

‘(4) Without limiting subsection (3), the conditions specified in the permit may relate to the way in which the stock may be dealt with after the completion of the movement of the stock under the permit.

‘Application for travel permit

‘21C.(1) An application to an inspector for a travel permit may be made orally or in writing, but must be made in writing if the inspector requires a written application.

‘(2) The applicant must give the inspector the following information—

- (a) the number and description of the stock;
- (b) the place at which the stock are located at the time the application is made;
- (c) the place where the movement of stock under the permit is to start;
- (d) if the place mentioned in paragraph (b) or (c) is a holding—the name of the person actually in charge of the holding (whether or not the person is the owner, lessee or licensee of the holding);
- (e) the name and address of the person having charge of the stock at the time the application is made;
- (f) the name and address of the actual owner of the stock;
- (g) if a person is to take delivery of the stock at the completion of the movement under the permit—the name and address of the person;
- (h) the route by which the stock are to travel;
- (i) the name of the person who will be the drover of the stock;
- (j) the date by which the movement of the stock is to start;
- (k) the place to which the stock are to be moved under the permit;
- (l) if the movement under the permit is part of a longer journey—
 - (i) the intended destination of the stock; and
 - (ii) if a person is to take delivery of the stock at the

destination—the name and address of the person;

(m) the way in which the stock are to be moved;

(n) other information that may be prescribed by regulation.

‘(3) Before issuing the travel permit, the inspector may require the applicant to produce the waybill for the movement.

‘Change of route under a travel permit

‘21D.(1) An application may be made to an inspector by or on behalf of the owner of stock for a change of the route by which stock are to travel under a travel permit.

‘(2) The application may be made orally or in writing, but must be made in writing if the inspector requires a written application.

‘(3) The inspector may approve the change of route only if the inspector is satisfied that the movement of stock by the changed route is not likely to lead to the spread of disease.

‘(4) If the inspector approves the change of route, the details of the change are, if practicable, to be endorsed on the travel permit.

‘(5) The conditions to which the travel permit is subject are varied in accordance with the change of route, even if the change is not endorsed on the permit.

‘Travel permit for multiple movements

‘21E. The chief inspector, or an inspector acting under guidelines issued by the chief inspector, may issue a travel permit for multiple movements of stock.

‘Cancellation of travel permit to prevent disease

‘21F.(1) An inspector may cancel a travel permit if the inspector believes on reasonable grounds that the travel or further travel of stock under the permit is reasonably likely to lead to the spread of disease.

‘(2) An inspector may cancel a travel permit if the inspector believes on reasonable grounds that—

- (a) the conditions of the permit are not being, or have not been, complied with; and
- (b) the noncompliance may lead to the spread of disease.

‘(3) Notice of the cancellation may be given orally to the person who has charge of the stock at the time of the cancellation, but written notice must be given as soon as practicable to—

- (a) the person who applied for the travel permit; and
- (b) the drover named in the application for the permit.

‘Travel permit taken to be cancelled

‘21G.(1) A travel permit is taken to be cancelled if the stock movement permitted by the permit does not start by the date specified in the permit.

‘(2) A travel permit is taken to be cancelled if—

- (a) an infected zone, control zone or standstill zone (the “**zone**”) is notified under the *Exotic Diseases in Animals Act 1981*; and
- (b) the permit was issued before the notification and authorised the movement of stock within, into or out of the zone.

‘(3) Subsections (1) and (2) do not prevent a further application being made for the issue of a new travel permit for the same movement.

‘Cancelled travel permit must be returned on request

‘21H. A person holding a cancelled travel permit must return it to an inspector if the inspector asks the person to return it.

Maximum penalty—40 penalty units.

‘Duties concerning travel permit arising during stock movement

‘21I.(1) The following persons must not, without reasonable excuse, contravene a condition of a travel permit issued for a stock movement—

- (a) the drover of the stock;
- (b) a person in charge of the stock;

- (c) the owner of the stock;
- (d) an agent of a person mentioned in paragraphs (a) to (c) in relation to any movement of, or dealing with, the stock.

‘(2) The drover must—

- (a) have the travel permit for the movement (or a copy of it that shows the signature of the inspector who issued it) available for immediate inspection; and
- (b) produce it to an inspector for inspection if the inspector asks for it to be produced for inspection.

Maximum penalty—40 penalty units.

‘Requirement to have travel permit relaxed in some cases

‘21J.(1) Section 21I(2) does not apply to a stock movement if, before the stock are moved, the person who applies to an inspector for a travel permit for the movement—

- (a) satisfies the inspector that it would not be reasonably practicable for the drover to obtain possession of the permit before the movement starts; and
- (b) is advised by the inspector that the permit has been issued; and
- (c) endorses on the relevant waybill—
 - (i) the name and address of the inspector; and
 - (ii) the date of issue of the permit; and
 - (iii) the number of the permit.

‘(2) Section 21I(2) does not apply to a stock movement if—

- (a) stock are being moved under a travel permit mentioned in section 21E; and
- (b) the waybill relating to the stock states the number of the permit.

‘Only an inspector to issue, alter or endorse a travel permit

‘21K. A person who is not an inspector must not—

- (a) issue a travel permit; or
- (b) alter or endorse a travel permit.

Maximum penalty—40 penalty units or imprisonment for 6 months.’.

Replacement of s.22 (Drovers to be provided with waybill or travelling stock declaration)

5. Section 22—

omit, insert—

‘Waybill to be completed and given to drover before stock movement

‘22.(1) In this section and section 22A—

“occupier” of a holding means the person actually in charge of the holding (whether or not the person is the owner, lessee or licensee of the holding).

‘(2) Before stock are moved from a holding, the occupier of the holding must—

- (a) either—
 - (i) complete an approved waybill for the stock; or
 - (ii) ensure that the actual owner of the stock or an authorised agent of the owner completes an approved waybill for the stock; and
- (b) ensure that the drover is given the waybill.

Maximum penalty—40 penalty units.

‘(3) Before stock are moved from a saleyard at which they have been offered for sale, the person in charge of selling the stock at the saleyard must—

- (a) either—
 - (i) complete an approved waybill for the stock; or
 - (ii) ensure that the person having responsibility for sending stock on from the saleyard completes an approved waybill; and

(b) ensure that the drover is given the waybill.

Maximum penalty—40 penalty units.

‘(4) If stock are starting a journey other than by leaving either a holding or a saleyard at which they have been offered for sale, the actual owner of the stock or, if the stock are in the charge of an authorised agent of the owner, the authorised agent must—

- (a) complete an approved waybill for the stock; and
- (b) ensure that the drover is given the waybill.

Maximum penalty—40 penalty units.

‘(5) This section applies subject to the following sections—

- (a) section 22F (Waybill sometimes not required);
- (b) section 22G (Multiple conveyances permitted under single waybill).

‘Retention of copy of waybill given to drover

‘22A.(1) If a waybill is completed under section 22(2), the occupier must, for 2 years after the waybill is completed—

- (a) retain a copy of the waybill at the holding or at a place approved by an inspector; and
- (b) produce it to an inspector for inspection if the inspector asks for it to be produced for inspection.

‘(2) If a waybill is completed under section 22(3), the person in charge of selling the stock at the saleyard must, for 2 years after the waybill is completed—

- (a) retain either—
 - (i) a copy of the waybill; or
 - (ii) a record of the information contained in the waybill; and
- (b) produce the copy or information to an inspector for inspection if the inspector asks for it to be produced for inspection.

‘(3) If a waybill is completed under section 22(4), the person who completed the waybill must, for 2 years after the waybill is completed—

- (a) retain a copy of the waybill; and
- (b) produce it to an inspector for inspection if the inspector asks for it to be produced for inspection.

Maximum penalty—40 penalty units.

‘Duties of drovers

‘22B.(1) A drover must not travel stock unless a waybill has been completed for the stock under section 22.

Maximum penalty—40 penalty units.

‘(2) The drover must while travelling the stock—

- (a) have the waybill mentioned in subsection (1) available for immediate inspection; and
- (b) produce it to an inspector for inspection if the inspector asks for it to be produced for inspection.

Maximum penalty—40 penalty units.

‘(3) If the stock under the drover’s charge are not to be delivered to another person, the drover must, for 2 years after it is completed—

- (a) retain the waybill mentioned in subsection (1); and
- (b) produce it to an inspector for inspection if the inspector asks for it to be produced for inspection.

Maximum penalty—40 penalty units.

Example—

Subsection (3) applies to a drover travelling the drover’s own stock to the drover’s own holding.

‘(4) If a drover loses a waybill, it is a defence to a prosecution for an offence against subsection (2) or (3) if the drover—

- (a) obtains a copy of the waybill, or a replacement of it, as quickly as reasonably possible; and
- (b) produces it to an inspector for inspection when the inspector asks for the waybill to be produced for inspection.

‘(5) Subsections (1) to (3) apply subject to the following sections—

- (a) section 22F (Waybill sometimes not required);
- (b) section 22G (Multiple conveyances permitted under single waybill).

‘(6) A drover must not have possession of a waybill or a copy of a waybill that, to the drover’s knowledge, is false or misleading in a material particular.

Maximum penalty—40 penalty units.

‘Duties relating to waybill when stock delivered

‘22C.(1) A person must not, without reasonable excuse, accept delivery of stock from a drover unless the person at the same time receives an approved waybill for the stock.

Maximum penalty—40 penalty units.

‘(2) A drover must not, without reasonable excuse, deliver stock to a person unless at the same time the drover also delivers an approved waybill for the stock.

Maximum penalty—40 penalty units.

‘(3) This section applies subject to the following sections—

- (a) section 22F (Waybill sometimes not required);
- (b) section 22G (Multiple conveyances permitted under single waybill).

‘Retention of waybill received from drover

‘22D. A person who takes delivery of stock, or on whose behalf delivery of stock is taken, from a drover must, for 2 years after the delivery—

- (a) retain the waybill for the stock received from the drover; and
- (b) produce it to an inspector for inspection if the inspector asks for it to be produced for inspection.

Maximum penalty—40 penalty units.

‘Entering of false or misleading information

‘22E. A person must not knowingly enter false or misleading information on a waybill made for the purposes of this Act.

Maximum penalty—40 penalty units or imprisonment for 6 months.

‘Waybill sometimes not required

‘22F. Sections 22, 22B(1) to (3) and 22C do not apply to—

- (a) cattle, sheep or goats being driven to or from a neighbouring holding for ordinary stock management purposes (other than for the purpose of collecting or returning stock that has strayed) on a movement that does not require a travel permit; or
- (b) horses on a movement that does not require a travel permit, other than horses being moved—
 - (i) in connection with their sale or slaughter or intended sale or slaughter; or
 - (ii) on a journey intended to take them out of a cattle tick infected area.

‘Multiple conveyances permitted under single waybill

‘22G.(1) Subject to subsections (2) to (4), a drover may convey stock on a single waybill by 2 or more vehicles or journeys.

‘(2) All stock must leave the same starting point within a period of 24 hours.

‘(3) The driver of a vehicle carrying the stock must carry a certificate signed by the drover that—

- (a) states the number of stock on the vehicle; and
- (b) identifies the waybill relating to the movement of the stock; and
- (c) states the starting point and the destination that appears or will appear on the waybill.

‘(4) The waybill must be completed before the last of the stock leave the starting point.

‘Examination of stock by owners of holdings

‘22H.(1) This section applies to the owner of a holding through which, or along the boundary of which, stock in the charge of a drover are driven.

‘(2) If the owner is of the opinion, formed on reasonable grounds, that it is necessary or desirable for the owner to examine the stock for the purpose of preventing the spread of disease, the owner may—

- (a) advise the drover of the opinion; and
- (b) request the drover to—
 - (i) allow the owner to examine the stock; or
 - (ii) produce for inspection by the owner any waybill completed, and travel permit issued, for the movement of the stock; or
 - (iii) assist the owner by mustering and controlling the stock to enable the stock to be examined.

‘(3) The drover must not, without reasonable excuse, fail to comply with a request made by the owner under subsection (2).

Maximum penalty for subsection (3)—20 penalty units.

‘Escape of travelling stock

‘22I. If stock escape from the custody of a drover while the drover is travelling the stock, the drover must, at the earliest reasonable opportunity after becoming aware of the escape, notify—

- (a) if a travel permit has been issued for the movement of the stock—an inspector; and
- (b) if the movement of the stock is a movement for which a waybill is required—the person in charge of any holding (whether or not the person is the owner, lessee or licensee of the holding) onto which the stock have escaped or are likely to have escaped.

Maximum penalty—40 penalty units.’.

Insertion of new s.35A

- 6.** After section 35—

insert—

‘Certification relating to artificial breeding

‘35A.(1) A regulation may make provision with respect to the examination, certification and inspection of premises, or stock at premises, at which procedures relating to the artificial breeding of stock take place.

‘(2) In subsection (1)—

“procedures relating to the artificial breeding of stock” include—

- (a) procedures for collecting semen or embryos from stock; and
- (b) stock embryo transfer procedures.’.

Replacement of s.36 (Appeal to Minister)

7. Section 36—

omit, insert—

‘Appeals to Magistrates Courts

‘36.(1) In this section—

“decision” means—

- (a) a direction, order or other decision given or made under this Act by a public official (other than by way of an instrument that is subordinate legislation); or
- (b) a failure by a public official to make or give under this Act (other than by way of an instrument that is subordinate legislation) a direction, order or other decision that the official is required to make or give;

“public official” includes—

- (a) the Minister; and
- (b) the chief executive; and
- (c) an inspector; and
- (d) an authorised veterinary surgeon.

‘(2) A person who is aggrieved by a decision may appeal to a Magistrates Court against the decision.

‘(3) The appeal may be instituted at any time.

‘(4) However, a person who wishes to appeal against a decision of which written notice of the decision and the reasons for the decision have been given to the person must institute the appeal within 30 days of receiving the notice.

‘(5) The Magistrates Court exercising jurisdiction at or nearest the place of the activity to which the decision relates has jurisdiction to hear the appeal.

‘(6) Subsection (5) does not limit the jurisdiction of another Magistrates Court to hear the appeal.

‘(7) An appeal under this section is started by—

- (a) filing with the clerk of the court written notice of the appeal; and
- (b) serving a copy of the notice on the chief executive.

‘(8) The notice of appeal must specify fully the grounds of appeal and the facts relied on.

‘(9) An appeal is to be by way of rehearing.

‘(10) The Magistrate hearing the appeal may give directions in relation to the hearing of the appeal.

‘(11) For the purposes of the appeal, the Magistrates Court has all the powers and functions of the person whose decision is the subject of appeal.

‘(12) If, on appeal, the Magistrates Court reverses or varies the decision, the Magistrates Court’s decision is taken, for the purposes of this Act, to be that of the person whose decision was the subject of the appeal.’.

PART 3—AMENDMENT OF DEER FARMING ACT 1985

Amended Act

8. The *Deer Farming Act 1985* is amended as set out in this Part and Schedule 2.

Amendment of s.7 (Displaced farm deer definition)

9. Section 7(b)—

omit, insert—

‘(b) that is not travelling stock within the meaning of the *Stock Act 1915*.’.

PART 4—REPEAL OF ARTIFICIAL BREEDING OF STOCK ACT 1979**Repeal of Artificial Breeding of Stock Act 1979**

10. The *Artificial Breeding of Stock Act 1979* is repealed.

SCHEDULE 1

CONSEQUENTIAL AND MINOR AMENDMENTS OF STOCK ACT 1915

section 3

1. Sections 1, 2 and 3—

omit, insert—

‘Short title

‘1. This Act may be cited as the *Stock Act 1915.*’.

2. Section 4(1) (definitions “Authorised agent”, “Chief Inspector”, “Convey”, “Dip”, “Dipped”, “Disease”, “Drive”, “Government Veterinary Officer”, “Inspector”, “Local Authority”, “Minister”, “Neighbouring holding”, “Notifiable disease”, “Permit”, “Police officer” and “Officer of police”, “Prescribed”, “Residue disease”, “Sprayed”, “Stock”, “Stock route”, “Tested”, “This Act” and “Travelling Stock”)—

omit.

3. Section 4(1)—

insert—

“approved form” means a form approved by the chief executive under section 47A;

“approved waybill” means a waybill in the approved form;

“authorised agent” of the owner of stock means a person authorised by the owner to act on the owner’s behalf in relation to the purchase, sale or movement of the stock;

“cattle tick infected area” means an area that is notified under section 13 as an infected area for cattle tick;

SCHEDULE 1 (continued)

“**chief executive**” means the chief executive of the department;

“**chief inspector**” means the Chief Inspector of Stock;

“**convey**”, in relation to stock, means carry or transport the stock in or on a vehicle, train or vessel;

“**dip**” means, in relation to stock, completely immerse the stock in an effective external parasite destroying preparation, and includes (when used as a noun) a vat, bath or apparatus of any kind used in connection with the dipping of stock;

“**disease**” means a disease prescribed by regulation;

“**drive**”, in relation to stock, means cause or allow the stock to travel on the hoof, but does not include conveying the stock;

“**government veterinary officer**” means an officer of the department who is a registered veterinary surgeon;

“**inspector**” means an inspector of stock, and includes—

- (a) the chief inspector; and
- (b) an honorary inspector of stock;

“**neighbouring holding**”, in relation to a holding on which stock are ordinarily pastured, means another holding within 20 km of the holding;

“**notifiable disease**” means a disease prescribed by regulation as a notifiable disease;

“**registered veterinary surgeon**” means a person who is registered as a veterinary surgeon under the *Veterinary Surgeons Act 1936*;

“**residue disease**” means a disease of the type described in subsection (4);

“**spray**”, in relation to an animal, means thoroughly saturate the hair and skin of the animal with an effective preparation approved by an inspector;

“**stock**” means—

- (a) buffalo, camels, cattle, deer, goats, horse, llamas, poultry, sheep or swine; or

SCHEDULE 1 (continued)

(b) animals prescribed by regulation;

“stock route” means a road declared by regulation to be a stock route;

“test” means test in the way, or by the method, (if any) prescribed by regulation;

“travelling stock” means—

(a) stock being travelled outside the holding where they are ordinarily pastured; or

(b) stock that have been travelled to a saleyard, showground, recreation ground or racecourse (the **“place”**) while they are at the place;

“travel permit” means a travel permit issued under section 21B;’.

4. Section 4(1) (definition “Animal Product”)—

omit ‘which the Governor in Council, by Order in Council, declares to be an animal product for the purposes of this Act’,

insert ‘declared by regulation to be an animal product’.

5. Section 4(1) (definition “Biological preparation”, paragraph (iii))—

omit, insert—

‘(iii) another substance declared by regulation to be a biological preparation;’.

6. Section 4(1) (definition “Poultry”)—

omit ‘which the Governor in Council by Order in Council from time to time declares to be poultry under and for the purposes of this Act’,

insert ‘declared by regulation to be poultry’.

7. Section 4(4)—

omit, insert—

‘(4) A condition consisting of the presence of a chemical or antibiotic

SCHEDULE 1 (continued)

residue in the tissues of stock in excess of a particular concentration or level may be prescribed for the purposes of the definition “disease” in subsection (1), even if the presence of the residue would not be a disease apart from this Act.’.

8. Section 5(1) to (2A)—

omit, insert—

‘Chief inspector and other inspectors

‘5.(1) There is to be a Chief Inspector of Stock.

‘(2) There are to be the number of inspectors of stock that are appointed from time to time.

‘(3) The chief inspector and inspectors of stock are to be appointed and hold office under the *Public Service Management and Employment Act 1988*.

‘(4) The chief executive may appoint other officers of the department to be inspectors of stock under this Act.

‘(5) The appointment of an inspector of stock may be limited to particular stock.

‘(6) An inspector of stock must not, without the chief executive’s approval—

- (a) directly or indirectly deal in stock; or
- (b) act as the agent of an owner or a dealer in stock.

Maximum penalty for subsection (6)—20 penalty units.

‘Honorary inspectors

‘5A.(1) The chief executive may appoint a person to be an honorary inspector of stock.

‘(2) An honorary inspector—

- (a) holds office for the period, and on the terms, specified in the instrument of appointment; and

SCHEDULE 1 (continued)

(b) may resign by signed notice given to the chief executive.

‘(3) All police officers are, without further appointment, honorary inspectors.’.

9. Sections 5(3) and (6)—

omit ‘any veterinary surgeon registered as such under the *Veterinary Surgeons Act 1936–1973*’,

insert ‘a registered veterinary surgeon’.

10. Section 5(3)—

renumber as section 5B.

11. Section 5(4) and (5)—

renumber as section 5C(1) and (2).

12. Section 5(6) (heading)—

omit, insert—

‘**Authorised Veterinary Surgeons**’.

13. Section 5(6)—

renumber as section 5D.

14. Section 6—

omit, insert—

‘Delegations

‘**6.(1)** The Minister may delegate the Minister’s powers under this Act to an officer of the department.

‘**(2)** Subsection (1) does not apply to the Minister’s powers under

SCHEDULE 1 (continued)

section 12.

‘(3) The chief inspector may delegate the chief inspector’s powers under this Act to an officer of the department.’.

15. Section 7 (1st sentence)—

omit ‘The Governor in Council may from time to time, by Order in Council—’,

insert ‘A regulation may—’.

16. Section 7 (2nd and 3rd sentences)—

omit.

17. Section 9(3) and (4)—

omit ‘Under Secretary Department of Primary Industries’,

insert ‘chief executive’.

18. Section 9(7)—

omit, insert—

‘(7) In this section—

“**cream**” means cream produced from milk;

“**factory**” means premises where the business of processing milk or cream is carried on;

“**milk**” means the milk of—

- (a) the bovine animal; or
- (b) a prescribed animal;

“**owner**” of a factory means the person who carries on the business of processing milk or cream at the factory;

“**process**”, in relation to milk or cream, means a treatment or

SCHEDULE 1 (continued)

manufacturing process (other than a treatment or process of a kind excluded by regulation from the ambit of this definition).’.

19. Section 11(1)—

omit ‘The Governor in Council’, *insert* ‘A regulation’.

20. Section 11(1)—

omit ‘make regulations’, *insert* ‘make provision’.

21. Section 11(1)(b)—

omit ‘regulations’.

22. Section 11(2) (1st sentence)—

omit ‘The Governor in Council may make regulations that’,
insert ‘A regulation may’.

23. Section 11(2) (2nd sentence)—

omit.

24. Section 11(3)—

omit, insert—

‘(3) A person must not introduce, or attempt to introduce, stock or a matter or thing into the State in contravention of the regulations.

Maximum penalty for subsection (3)—80 penalty units or imprisonment for 6 months.’.

SCHEDULE 1 (continued)

25. Section 12(1) (2nd and 3rd sentences)—

omit.

26. Section 12(2)—

omit ‘The Governor in Council may at any time, by Order in Council—’,
insert ‘A regulation may—’.

27. Section 12(3)—

omit ‘Order in Council’, *insert* ‘regulation’.

28. Section 12 (at the end)—

insert—

‘(4) A notification under this section is subordinate legislation.’.

29. Section 13(1)—

omit ‘published in the Gazette’.

30. Section 13(2)—

omit ‘by the same or a like notification’, *insert* ‘by notification’.

31. Section 13(3)—

omit.

32. Section 13 (at the end)—

insert—

‘(6) A notification under this section is subordinate legislation.’.

SCHEDULE 1 (continued)

33. Section 14(1) (4th and 5th sentences)—

omit, insert—

‘(1C) The quarantine continues until the area is released from quarantine by the chief executive.

‘(1D) A person must not remove or introduce, cause to be removed or introduced, or assist or be in any way concerned in removing or introducing, stock into or out of the area without the chief executive’s written authority.

Maximum penalty—40 penalty units or imprisonment for 6 months.’.

34. Section 14(2) (1st sentence)—

omit ‘Minister’, insert ‘chief executive’.

35. Section 14(2) (1st sentence)—

omit ‘(and in the prescribed form, if any)’.

36. Sections 14(3A) and 15(1) (1st sentence)—

omit ‘Minister’, insert ‘chief executive’.

37. Section 15(1) (5th sentence)—

omit.

38. Section 15(2)—

omit ‘Minister’, insert ‘chief executive’.

39. Section 16—

omit ‘Minister’, insert ‘chief executive’.

SCHEDULE 1 (continued)

40. Section 17—

omit ‘Minister or his delegate’, *insert* ‘chief executive’.

41. Section 17 (proviso, paragraph (a))—

omit ‘State’.

42. Section 18—

omit ‘Minister or his delegate’, *insert* ‘chief executive’.

43. Section 20(1)—

omit ‘an Order in Council made under this section in relation to the stock specified in the Order in Council.’,

insert ‘a regulation made for the purposes of this section in relation to the stock specified in the regulation.’.

44. Section 20(3)(c)—

omit ‘an Order in Council under’,

insert ‘a regulation made for the purpose of’.

45. Section 20(6)—

omit ‘as amended from time to time’.

46. Section 20(11)—

omit ‘The Governor in Council may from time to time by Order in Council—’,

insert ‘A regulation may—’.

SCHEDULE 1 (continued)

47. Section 20(11)(b)—

omit ‘such matters specified therein as he thinks fit.’,

insert ‘matters specified in the regulation.’.

48. Section 23—

omit, insert—

‘Regulation may provide for the non-application of travel permit and waybill requirements

‘23. A regulation may provide that sections 21 to 22I—

(a) do not apply to specified stock; or

(b) do not apply to specified stock if specified conditions are complied with.’.

49. Section 24 (section heading)—

omit ‘or travelling stock declaration’, *insert* ‘on inspection etc.’.

50. Section 24 (1st sentence)—

omit ‘or travelling stock declaration’.

51. Section 24 (2nd sentence, heading)—

omit.

52. Section 24 (2nd sentence)—

omit ‘prescribed waybill or travelling stock declaration’,

insert ‘waybill’.

SCHEDULE 1 (continued)

53. Section 27(2)—

omit ‘veterinary surgeon registered as such under the *Veterinary Surgeons Act 1936–1973*’,

insert ‘registered veterinary surgeon’.

54. Section 27(3)—

omit, insert—

‘(3) A regulation may provide that this section does not apply to a specified notifiable disease.’.

55. Section 28B(2)—

omit, insert—

‘(2) The application must be—

- (a) made to the chief inspector in the approved form; and
- (b) accompanied by the fee prescribed by regulation.’.

56. Section 28C(3)—

omit, insert—

‘(3) A licence is to be in the approved form.’.

57. Section 28C(5)—

omit.

58. Section 28C(9)—

omit.

SCHEDULE 1 (continued)

59. Section 28G(1)—

omit, insert—

‘28G.(1) If the chief inspector believes on reasonable grounds that the holder of a licence may have committed an offence against this Act (whether or not the holder has been convicted of, or prosecuted for, the offence), the chief inspector may, by written notice, require the holder to show cause why the licence should not be cancelled or suspended.’.

60. Section 28H—

omit.

61. Section 29(1)(ic)—

omit ‘permit, waybill, travelling stock declaration’,
insert ‘travel permit, waybill’.

62. Section 29(1)(ii) and (iii)—

omit ‘and’.

63. Section 29(1)(iva)—

omit ‘Minister’, *insert* ‘chief executive’.

64. Section 29(1) (last sentence)—

omit ‘Minister’, *insert* ‘chief executive’.

65. Section 29(2) (1st sentence)—

omit all words from ‘Minister’ to ‘authorized)’, *insert* ‘chief executive’.

SCHEDULE 1 (continued)

66. Section 29(2) (2nd sentence)—

omit ‘Minister or such delegate’, *insert* ‘chief executive’.

67. Section 29(3) (1st sentence)—

omit ‘Minister’, *insert* ‘chief executive’.

68. Section 30(1) (1st sentence)—

omit ‘The Governor in Council may by Order in Council’,
insert ‘A regulation may’.

69. Section 30(1) (2nd sentence)—

omit, insert—

‘(1AA) A regulation may make provision with respect to the way in which the program is to be carried out.’.

70. Section 30(1A)—

omit ‘Minister’, *insert* ‘chief executive’.

71. Section 30(9) (3rd sentence)—

omit ‘Minister’, *insert* ‘chief executive’.

72. Section 30(15)—

omit.

73. Section 30(17)—

omit ‘Minister’, *insert* ‘chief executive’.

SCHEDULE 1 (continued)

74. Section 31(5)(b)—

omit ‘Minister’, *insert* ‘chief executive’.

75. Section 32(2)—

omit, insert—

‘(2) A regulation may provide that a biological preparation must not be used for the inoculation of stock without the prior written approval of the chief inspector.’.

76. Section 33(5) and (6)—

omit ‘Minister’, *insert* ‘chief executive’.

77. Sections 34(6), 35 and 37(1)(f)—

omit ‘Minister’, *insert* ‘chief executive’.

78. Section 37(1)(h)—

omit, insert—

‘(h) knowingly gives false or misleading information in connection with the issue, endorsement or alteration of a travel permit or waybill;’.

79. Section 37(1)(i) and (ia)—

omit.

80. Section 37(1)(j)—

omit ‘permit’, *insert* ‘travel permit’.

SCHEDULE 1 (continued)

81. Section 37(1)(j)(ii)—

omit ‘or person authorized by the Minister in that behalf’.

82. Section 37(1)(o)—

omit ‘permit, waybill or travelling stock declaration’,
insert ‘travel permit or waybill’.

83. Section 37(1)(p) to (r)—

omit ‘permit, waybill, travelling stock declaration’,
insert ‘travel permit, waybill,’.

84. Section 37(2) and (3)—

omit ‘Minister’, *insert* ‘chief executive’.

85. Section 38—

omit.

86. Section 39—

omit ‘Minister’, *insert* ‘chief executive’.

87. Section 41—

omit, insert—

‘Protection from liability

‘41.(1) This section applies to—

- (a) the Minister; and
- (b) the chief executive; and
- (c) an inspector; and

SCHEDULE 1 (continued)

- (d) an authorised veterinary surgeon or government veterinary officer; and
- (e) a person acting with the authority or under the direction of a person mentioned in paragraphs (a) to (d).

‘(2) A person to whom this section applies does not incur civil liability for an act or omission done honestly and without negligence under, or for the purposes of, this Act.

‘(3) A liability that would, apart from this section, attach to the person attaches instead to the State.’.

88. Section 42(4)—

omit ‘liable to a penalty’, *insert* ‘liable to a maximum penalty’.

89. Section 46—

omit.

90. Section 47(b) (after ‘Minister,’)—

insert ‘chief executive,’.

91. Section 47(c)—

omit ‘permit, waybill, travelling stock declaration,’,
insert ‘travel permit, waybill,’.

92. Section 47(c) and (d)—

omit ‘and, in the absence of evidence to the contrary, conclusive evidence’.

SCHEDULE 1 (continued)

93. Section 47(d)—

omit ‘Chief Inspector’, *insert* ‘chief executive’.

94. Section 47(d)—

omit ‘permit’, *insert* ‘travel permit’.

95. Section 47(e) to (g)—

omit ‘, and in the absence of evidence to the contrary, shall be conclusive evidence of that knowledge’.

96. Section 47(h)—

omit ‘, and in the absence of evidence to the contrary, conclusive evidence’.

97. Section 47(i)(ii)—

omit ‘permit’, *insert* ‘travel permit’.

98. Section 47(i)—

omit ‘and, in the absence of evidence to the contrary, conclusive evidence’.

99. After section 47—

insert—

‘Chief executive may approve forms

‘47A. The chief executive may, by Gazette notice, approve a form for use for the purposes of this Act.’.

SCHEDULE 1 (continued)

100. Section 48 (1st to 3rd sentences)—

omit, insert—

‘48.(1) The Governor in Council may make regulations for the purposes of this Act.

‘(2) A regulation may make provision with respect to the matters specified in the Schedule.’.

101. Section 48 (4th sentence)—

renumber as subsection (3).

102. Section 48 (5th sentence)—

omit.

103. After section 48—

insert—

‘Existing permits and waybills

‘49.(1) A permit (other than a concessional permit) issued under section 21 before the commencement of this section, and in force immediately before the commencement, continues to have effect after the commencement as if it were a travel permit.

‘(2) A waybill completed before the commencement of this section may continue to be used after the commencement for the stock movement to which it relates.

‘Previous actions of Minister

‘50.(1) This section applies to a decision, order or other decision (the **“decision”**) given or made by the Minister before the commencement of this section if, had the decision been given or made after the commencement, the decision would be required to have been given or made by the chief executive.

SCHEDULE 1 (continued)

‘(2) The decision continues to have effect, according to its terms, after the commencement as if it were a decision given or made by the chief executive.’.

104. Schedule 1—

omit.

105. Schedule 2 (clause 6B)—

omit, insert—

‘**6B.** Prescribing the requirements to be met for the granting of an application for a licence to use premises as a cattle feedlot.

‘**6C.** Regulating the establishment, maintenance and operation of cattle feedlots.’.

106. Schedule 2 (after clause 7C)—

insert—

‘**7D.** Regulating the testing and inoculation of stock and the use of vaccines, sera and diagnostic agents.’.

107. Schedule 2 (Clause 21)—

omit.

108. Schedule 2 (Clause 22)—

omit ‘the Chief Inspector, inspector’,

insert ‘the chief executive, the chief inspector, an inspector’.

109. Schedule 2 (Clause 24)—

omit.

SCHEDULE 1 (continued)

110. Schedule 2 (heading)—*omit '2'.*

SCHEDULE 2**MINOR AMENDMENTS OF DEER FARMING ACT
1985**

section 8

1. Section 5 (definitions “inspector” and “Minister”)—*omit.***2. Section 5—***insert—*

‘**“inspector”** means an inspector (other than an honorary inspector) within the meaning of the *Stock Act 1915*, and includes an honorary inspector appointed under this Act;’.

3. Section 8(2)—*omit, insert—*

‘(2) A regulation may prescribe deer of another description as species for the purpose of this Act.’.

4. Section 9 (heading)—*omit, insert—*

‘**Honorary inspectors**’.

5. Section 9(1), (2) and (3)—*omit.*

SCHEDULE 2 (continued)

6. Section 11—

omit, insert—

‘Delegation

‘**11.** The Minister may delegate the Minister’s powers under this Act to an officer of the department.’.

7. Section 44—

omit, insert—

‘Regulations

‘**44.(1)** The Governor in Council may make regulations for the purposes of this Act.

‘**(2)** A regulation may make provision with respect to the matters specified in Schedule 1.

‘**(3)** A regulation may provide for the approval of the chief inspector to be the standard applicable in respect of a particular matter.’.