

# Queensland



## Subordinate Legislation 1991 No. 205

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### *Stock Act 1915*

# STOCK AMENDMENT REGULATION 1991

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**Short title**

1. This regulation may be cited as the *Stock Amendment Regulation 1991*.

**Amended regulation**

2. The *Stock Regulations 1988* are amended as set out in this regulation.

**Name of provision units**

3.(1) A provision of the *Stock Regulations 1988* that was, immediately before the commencement of this section, called a regulation may be called a section.

(2) A provision of the *Stock Regulations 1988* that was, immediately before the commencement of this section, called a subregulation may be called a subsection.

(3) A reference in the *Stock Regulations 1988* to a regulation or subregulation of the regulations designated by a number is a reference to a section or subsection of the regulations designated by that number.

**Replacement of s.1 (Short title)**

4. Section 1—

*omit, insert—*

**‘Short title**

‘1. This regulation may be cited as the *Stock Regulation 1988*.’.

**Amendment of s.6 (Interpretation)**

5. Section 6 (definition “spayed female”)

*omit, insert—*

‘ “spayed female” means a female bovine that—

(a) is aged less than 24 months; and

- (b) has been weaned for at least 7 days; and
- (c) has been desexed for at least 6 months by the removal of both ovaries; and
- (d) has been identified by a spay mark as defined in the *Brands Act 1915*, or another approved way;’.

### **Amendment of s.19 (Introduction of cattle—brucellosis)**

6. At the beginning of section 19—

*insert—*

‘(1) In this section—

“**infected**” means infected with brucellosis.

‘(2) In this section, a reference to an “**NA herd**”, “**IN herd**”, “**RD herd**”, “**SU herd**”, “**PC herd**”, “**CF herd**”, “**MN herd**” or “**TN herd**” is a reference to a herd that may be classified as such with respect to brucellosis.’.

### **Replacement of s.20 (Introduction of cattle—tuberculosis)**

7. Section 20—

*omit, insert—*

#### **‘Introduction of cattle—tuberculosis**

‘**20.(1)** In this section —

“**approved feedlot**” means a cattle feedlot approved by the Chief Inspector under subsection (20);

“**approved saleyard**” means a saleyard approved by the Chief Inspector under subsection (22);

“**approved yards**”, in relation to Cloncurry, means—

- (a) the railway trucking yards; or
- (b) if the use of these yards by cattle in a particular case is not practicable—other yards approved by the Chief Inspector under subsection (23);

**“herd confirmatory test”** means a test conducted by or under the supervision of the Chief Inspector or a Chief Veterinary Officer, to confirm that a herd is free from infection;

**“infected”** means infected with tuberculosis.

**“(2)** In this section, a reference to an **“NA herd”**, **“IN herd”**, **“RD herd”**, **“SU herd”**, **“PC herd”**, **“CF herd”**, **“MN herd”** or **“TN herd”** is a reference to a herd that may be classified as such with respect to tuberculosis.

**“(3)** A person must not introduce cattle unless permitted under this section.

**“(4)** A person must not introduce cattle from an NA herd.

**“(5)** A person must not introduce cattle under subsections (6), (7) or (14) without first obtaining the written approval of the Chief Inspector under subsection (18).

**“(6)** Subject to subsection (5), a person may introduce slaughter cattle from an IN herd, RD herd, SU herd or PC herd, that originate from a holding with an approved eradication program in the Northern Territory or the part of Western Australia north of the Tropic of Capricorn, if the cattle are transported to a nominated abattoir for immediate slaughter as follows—

- (a) the cattle must enter Queensland at the Camooweal Crossing Place;
- (b) the cattle must be transported directly from the Camooweal Crossing Place to approved yards at Cloncurry;
- (c) any spelling must be in the approved yards at Cloncurry;
- (d) the cattle must be transported by rail directly from the approved yards at Cloncurry to a nominated abattoir;
- (e) without limiting any other requirements in relation to the identification of stock, each of the cattle must be identified by means of—
  - (i) an approved tail tag relating to its property of origin; and
  - (ii) a paint stripe, consisting of yellow cattle marking paint, down the midline of its back, no less than 8 cm wide and 60 cm long; and

(iii) a fire brand relating to its property of origin.

‘(7) Subject to subsection (5), a person may introduce slaughter cattle from an IN herd, RD herd, SU herd or PC herd, that originate from a place other than a place specified in subsection (6), if—

- (a) the cattle originate from a holding with an approved eradication program; and
- (b) the cattle are transported directly to—
  - (i) an approved abattoir for immediate slaughter; or
  - (ii) a holding for temporary spelling prior to slaughter, if the Chief Inspector has notified the person that the Chief Inspector is satisfied that the temporary holding is suitable for this purpose, having regard to any matter relevant to preventing the spread of tuberculosis.

‘(8) A person may introduce slaughter cattle from an MN herd, TN herd or CF herd, that originate from an eradication area, if the cattle are transported directly to a nominated abattoir for immediate slaughter in the way specified in subsection (6).

‘(9) A person may introduce slaughter cattle from an MN herd, TN herd or CF herd, that originate from a provisionally free area, if the cattle are transported directly to—

- (a) an approved abattoir for immediate slaughter; or
- (b) an approved saleyard for sale only for immediate slaughter.

‘(10) A person may introduce slaughter cattle from an MN herd or TN herd, that originate from an impending free area.

‘(11) Subject to subsection (12), a person may introduce slaughter cattle from a CF herd that originate from an impending free area.

‘(12) If the cattle mentioned in subsection (11) originate from a herd that—

- (a) has been previously infected; and
- (b) has not undergone a herd confirmatory test at least 18 months after attaining CF herd status;

the cattle must be transported directly to—

- (c) an approved abattoir for immediate slaughter; or
- (d) an approved saleyard for sale only for immediate slaughter.

**‘(13)** A person must not introduce non-slaughter cattle from—

- (a) an IN herd, RD herd, SU herd or PC herd; or
- (b) a herd originating from an eradication area.

**‘(14)** Subject to subsection (5), a person may introduce non-slaughter cattle from a CF herd that has previously been infected if—

- (a) in the case of a herd that originates from a provisionally free area and has undergone a herd confirmatory test at least 18 months after attaining CF herd status—

- (i) the cattle have been resident in the herd for not less than 18 months; and

- (ii) either—

- (A) at least 1 clean test of the cattle has been undertaken within 30 days before introduction; or

- (B) the cattle are transported directly to an approved feedlot; or

- (b) in the case of a herd that originates from an impending free area or a provisionally free area that has not undergone a herd confirmatory test at least 18 months after attaining CF herd status—

- (i) the cattle have been resident in the herd for not less than 18 months; and

- (ii) at least 1 clean test of the cattle has been undertaken within 30 days before introduction; and

- (iii) the cattle are transported directly to an approved feedlot or other holding.

**‘(14A)** If the cattle are transported under subsection (14)(b)(iii) to a holding that is not an approved feedlot, the holding must be placed in quarantine and the owner must immediately undertake to undergo an approved eradication program in relation to the holding.

**‘(15)** A person may introduce non-slaughter cattle from a CF herd that has previously been infected if—

- (a) the herd originates from an impending free area; and
- (b) has undergone a herd confirmatory test at least 18 months after attaining herd status; and
- (c) the cattle have been resident in the herd for not less than 18 months.

**‘(16)** A person may introduce non-slaughter cattle from a CF herd that has never been infected, or a TN herd or an MN herd, that originate from an impending free area.

**‘(17)** A person may introduce non-slaughter cattle from a CF herd that has never been infected, or an MN herd or a TN herd, that originate from a provisionally free area, if—

- (a) at least 1 clean test of the cattle has been undertaken not less than 30 days before introduction; or
- (b) the cattle are travelled directly to an approved feedlot; and
- (c) in the case of an MN herd that originates from a holding wholly or partly situated in the Northern Territory or the part of Western Australia north of the Tropic of Capricorn—the approval of the Chief Inspector has been obtained.

**‘(18)** A person must not introduce non-slaughter cattle that originate from a holding on which there are any other cattle—

- (a) from an NA herd, IN herd, RD herd, SU herd or PC herd; or
- (b) if the holding is wholly or partly situated in the Northern Territory or that part of Western Australia north of the Tropic of Capricorn — from an MN herd;

without first obtaining the written approval of the Chief Inspector.

**‘(19)** The Chief Inspector must give written approval to introduce cattle to a person who requests it under subsections (5) or (18) only if the Chief Inspector is satisfied that there is no reasonable danger of the cattle infecting other cattle in Queensland with tuberculosis, having regard to—

- (a) the intended destination of the cattle; and
- (b) the origin of the cattle; and

- (c) evidence as to the class of the cattle; and
- (d) any other relevant matter.

‘(20) The Chief Inspector must approve a feedlot for the purposes of this section only if the Chief Inspector is satisfied that the feedlot is—

- (a) adequately fenced; and
- (b) licensed under the Act; and
- (c) otherwise safe, having regard to the prevention of the spread of tuberculosis.

‘(21) It is a condition of every approval given under subsection (20) that the owner of the feedlot must ensure all requirements relating to the identification of cattle are complied with in relation to the cattle taken onto the feedlot.

‘(22) The Chief Inspector must approve a saleyard for the purposes of this section only if the Chief Inspector is satisfied that the saleyard is adequately fenced and otherwise suitable for holding cattle, having regard to any matter relevant to preventing the spread of tuberculosis.

‘(23) The Chief Inspector must approve a yard in Cloncurry for the purposes of holding cattle under this section only if the Chief Inspector is satisfied that the yard is suitable to hold the cattle, having regard to any matter relevant to preventing the spread of tuberculosis.

‘(24) When required to name an abattoir to which cattle must be transported under this section, the Chief Inspector must have regard to—

- (a) whether the distance to the abattoir from the location of the cattle is such that the cattle can be transported there without spelling; and
- (b) any other matter relevant to preventing the spread of tuberculosis.’.

### **Replacement of s.24 (Introduction of cattle, sheep, goats and deer—Johne’s Disease)**

**8.** Section 24—

*omit, insert—*



**‘Introduction of cattle, sheep, goats and deer—Johne’s Disease****‘24.(1)** Cattle, sheep, goats and deer must not be introduced unless—

- (a) the Chief Inspector is satisfied that the introduction does not present the risk of spread of Johne’s Disease into Queensland and has approved the introduction; or
- (b) they are consigned for immediate slaughter at an approved abattoir; or
- (c) they are from a property or herd in which Johne’s Disease has not been known or suspected to exist during the 5 year period prior to introduction.

**(2)** In the case of goats and cattle (other than steers or spayed females) originating from Victoria, Tasmania and the New South Wales Rural Lands Protection Board districts of Tweed—Lismore, Casino, Grafton, Kempsey, Gloucester, Scone, Denman/Singleton, Maitland, Mossvale, Braidwood, Bega, Moulamein, Deniliquin, Jerilderie, Corowa, Albury and Holbrook—the stock must comply with subsection (1) and have been subjected to an absorbed ELISA test resulting in a clean test within 30 days prior to introduction.’.

**Replacement of s.51 (Compensation)****9.** Section 51—*omit, insert—***‘Compensation****‘51.(1)** An application for compensation under section 31 of the Act—

- (a) must be in Form 17, 18 or 19; and
- (b) must be made
  - (i) to the inspector responsible for the area in which the property of origin is located; and
  - (ii) within 2 months after the date of destruction or disposal of the stock.

**‘(2)** The owner of any stock affected by tuberculosis or brucellosis that

are destroyed or disposed of under an order made under section 30(5) of the Act is entitled to the compensation specified in Part A of the Table.

‘(3) If any stock, the subject of compensation under subsection (2), have reacted to the prescribed test, but—

- (a) on the basis of autopsy or other evidence the Chief Inspector is of the opinion that they are not infected with tuberculosis or brucellosis; and
- (b) the status of the herd in which the stock were resident at the time the order or direction was made was not infected (IN) or restricted (RD);

the owner is entitled to the compensation specified in Part A of the Table and, if the market value of the stock exceeds that rate, the owner is entitled to further compensation up to the estimated market value of the stock.

‘(4) The owner of any cattle suspected of being infected with tuberculosis or brucellosis that are destroyed or disposed of after delivery to the Minister under an order under section 30(6) of the Act is entitled to compensation equivalent to the estimated market value of the cattle.

‘(5) If, during mustering, the owner under an order issued under section 30(6) of the Act, destroys cows or heifers with 1 or more permanent teeth, and the cattle are—

- (a) suspected of being infected with tuberculosis; and
- (b) identified by means of a brand in accordance with the *Brands Act 1915* or an ear tag that indicates that the cattle were tested for tuberculosis or brucellosis;

the owner is entitled to the compensation specified in Part B of the Table.

‘(6) If the owner destroys, under an order issued under section 30(6) of the Act, any cattle to which subsection (5) does not apply that are—

- (a) suspected of being infected with tuberculosis or brucellosis; and
- (b) are unmustered in the field;

the owner is entitled to compensation for the cattle at the rate of \$62.50 per head.

‘(7) If the owner of stock is entitled to compensation under subsections (2), (3), (4), (5) or (6) the owner is entitled to additional compensation for

any charges incurred by the owner with the prior written approval of an inspector in relation to the disposal of the carcasses of the stock.

**‘(8)** Payment of compensation in accordance with subsection (2), (3), (4), (5) or (6) is conditional upon the destruction or disposal of the stock being carried out—

- (a) in accordance with the order or direction made under section 30 of the Act ; and
- (b) either—
  - (i) under the supervision of an inspector; or
  - (ii) with the prior written approval of an inspector specifying the maximum number of stock to be destroyed or disposed of.

**‘(9)** If stock are destroyed or disposed of under subsection (8)(b)(ii), evidence is to be delivered to an inspector that the destruction or disposal for which compensation is claimed was carried out.

**‘(10)** If costs have been incurred by the Minister in the recapture, destruction or disposal of straying or escaped stock, the amount of the costs are to be deducted from any compensation payable to the owner.

**‘(11)** The owner of stock the subject of a claim for compensation must provide the Chief Inspector with such information or particulars of the testing, identification and destruction or disposal of the stock concerned as the Chief Inspector considers necessary to determine the amount of compensation payable.

**‘(12)** For the purposes of this section, the estimated market value of the stock for which compensation is to be paid is to be calculated—

- (a) as if the stock were to be sold and delivered on the holding; and
- (b) as if the stock were free of disease.

**TABLE****PART A**

Class of Stock	Compensation
	per Head
	\$ c
Bulls .....	525.00
Dairy cows .....	550.00
Dairy heifers .....	500.00
Registered stud beef cows and heifers (1 or more permanent teeth) .....	500.00
Other cows and heifers (1 or more permanent teeth) .....	350.00
Other cattle (1 or more permanent teeth) .....	300.00
Weaners or yearlings .....	200.00
Calves .....	100.00
Entire horses and breeding mares free of clinical signs of infection .....	200.00
Other horses .....	50.00

**PART B**

Class of Stock	Compensation
	per Head
	\$ c
Cows and heifers (1 or more permanent teeth) .....	175.00*

**Amendment of s.58 (Fees for the treatment or supervision of treatment of vehicles)****10.** Section 58 (proviso)—*omit*

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## ENDNOTES

1. Made by the Governor in Council on 19 December 1991.
2. Published in the Gazette on 21 December 1991.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries.