



# Stock Act 1915

Current as at 22 October 2015

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- The list of annotations endnote gives historical information at section level.

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## Queensland

# Stock Act 1915

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# Stock Act 1915

[as amended by all amendments that commenced on or before 22 October 2015]

## **An Act to consolidate and amend the law relating to diseases in stock**

### **1 Short title**

This Act may be cited as the *Stock Act 1915*.

### **4 Definitions**

The dictionary in schedule 2 defines particular words used in this Act.

### **4A When a person is in possession of something**

A person is in possession of a matter or thing for the purposes of this Act, if the person has it under control in any place whether for the person's own or another's use or benefit and although another person has the actual custody of the matter or thing.

### **4B References to diseased or infected matter or thing**

In this Act, a reference to a diseased or infected matter or thing shall be taken to be a reference to a matter or thing that contains disease or is likely to cause disease in stock that come into contact with it.

**4C Chemical or antibiotic residue may be prescribed as a disease**

A condition consisting of the presence of a chemical or antibiotic 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 schedule 2, even if the presence of the residue would not be a disease apart from this Act.

**4D Appointment and qualifications of inspectors**

- (1) The chief executive may appoint any of the following persons as an inspector—
  - (a) a public service officer or employee;
  - (b) an employee of the Commonwealth or another State;
  - (c) an employee of a local government;
  - (d) a veterinary surgeon under the *Veterinary Surgeons Act 1936*;
  - (e) an individual included in a class of persons declared under a regulation to be an approved class of persons for this section.
- (2) However, the chief executive may appoint a person as an inspector only if the chief executive is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.

**4E Appointment conditions and limit on powers of inspectors**

- (1) An inspector holds office on any conditions stated in—
  - (a) the inspector's instrument of appointment; or
  - (b) a signed notice given to the inspector; or
  - (c) a regulation.

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- (2) The instrument of appointment, a signed notice given to the inspector or a regulation may limit the inspector's powers under this Act.
  - (3) In this section—  
*signed notice* means a notice signed by the chief executive.

#### **4F Issue of inspector's identity card**

- (1) The chief executive must issue an identity card to each inspector.
- (2) The identity card must—
  - (a) contain a recent photo of the inspector; and
  - (b) contain a copy of the inspector's signature; and
  - (c) identify the person as an inspector under this Act; and
  - (d) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

#### **4G Production or display of inspector's identity card**

- (1) In exercising a power under this Act in relation to a person, an inspector must—
  - (a) produce the inspector's identity card for the person's inspection before exercising the power; or
  - (b) have the identity card displayed so it is clearly visible to the person when exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the inspector must produce the identity card for the person's inspection at the first reasonable opportunity.
- (3) For subsection (1), an inspector does not exercise a power in relation to a person only because the inspector—
  - (a) has entered a place that is a public place and entry is made when it is open to the public; or

- (b) for the purpose of asking the occupier of a place for consent to enter—
  - (i) enters land around premises at the place to an extent that is reasonable to contact the occupier; or
  - (ii) enters part of the place the inspector reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.

#### **4H When inspector ceases to hold office**

- (1) An inspector ceases to hold office if any of the following happens—
  - (a) the term of office stated in a condition of office ends;
  - (b) under another condition of office, the inspector ceases to hold office;
  - (c) the inspector's resignation under section 4I takes effect.
- (2) Subsection (1) does not limit the ways an inspector may cease to hold office.
- (3) In this section—

*condition of office* means a condition on which the inspector holds office.

#### **4I Resignation**

- (1) An inspector may resign by signed notice given to the chief executive.
- (2) However, if holding office as an inspector is a condition of the inspector holding another office, the inspector may not resign as an inspector without resigning from the other office.

#### **4J Return of inspector's identity card**

A person who ceases to be an inspector must return the person's identity card to the chief executive within 21 days

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after ceasing to be an inspector unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

## **5 Chief inspector and other inspectors**

- (1) There is to be a chief inspector of stock.
- (2) The chief inspector is to be employed under the *Public Service Act 2008*.
- (3) 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—20 penalty units.

## **5B Appointment of approved veterinary surgeons**

- (1) The Minister may enter into an agreement in writing with a registered veterinary surgeon upon the terms, provisions and conditions upon and subject to which such veterinary surgeon will carry out the powers, functions and duties of an approved veterinary surgeon and may, from time to time, enter into a like agreement varying, renewing or extending such an agreement.
- (2) The Minister may appoint a veterinary surgeon with whom the Minister has entered into such an agreement an approved veterinary surgeon by notification published in the gazette.
- (3) Without prejudice to any right or remedy which the Minister may have against a party to such an agreement in respect of a breach thereof the Minister may, by notification published in the gazette, terminate the appointment of an approved veterinary surgeon if such veterinary surgeon contravenes or fails to comply with any term, provision or condition of the veterinary surgeon's agreement with the Minister.

**5C Agreements between the Minister and approved veterinary surgeons**

- (1) The Minister may (and shall be deemed always to have had power to) enter into an agreement in writing with an approved veterinary surgeon upon the terms, provisions and conditions upon and subject to which such veterinary surgeon will provide veterinary services (either generally or of a particular type or types) for the producers of milk or cream defined in such agreement upon whose produce an assessment made and levied under section 9 subsists and may (and shall be deemed always to have had power to), from time to time, enter into a like agreement varying, renewing or extending such an agreement.
- (2) Without prejudice to any right or remedy which either party to an agreement entered into pursuant to any provision of this section may have against the other in respect of a breach thereof, either such party may, subject to the terms of the agreement in question, by notice to the other such party, terminate such an agreement whether or not there has been a breach thereof and, thereupon, neither party shall be further obliged by the terms thereof.

**5D Authorised veterinary surgeons**

- (1) For the purpose of the effectual execution of this Act the Minister may from time to time appoint, with power of revocation, a registered veterinary surgeon to be an authorised veterinary surgeon and any veterinary surgeon so appointed shall, during the period of that appointment have and exercise such powers, functions and duties as may be prescribed.
- (2) Every such appointment shall be subject to such terms and conditions as may be prescribed.

**6 Delegations**

- (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 section 12.

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

## **7 Governor in Council may appoint districts**

A regulation may—

- (a) constitute any part of the State a district for the purposes of this Act;
- (b) alter the boundaries of any district;
- (c) abolish any such district.

## **8 Stock Diseases Compensation and Stock Improvement Fund**

- (1) There shall be established at the Treasury a fund to be called 'The Stock Diseases Compensation and Stock Improvement Fund' (the *compensation fund*).
- (2) Into the compensation fund shall be paid—
  - (a) all assessments made, levied and collected under section 9; and
  - (b) subject to appropriation by Parliament, payments from the consolidated fund equal in amount to one-half of the payments made into the compensation fund under paragraph (a).
- (3) Payments may be made from the compensation fund pursuant to an agreement made by an approved veterinary surgeon with the Minister for the rendering of veterinary services.

## **9 Assessments on milk and cream**

- (1) The Minister may make and levy the following assessments in respect of milk and cream supplied to factories—
  - (a) in respect of milk—an amount not exceeding 0.15 of 1c on every litre, based on the volume of milk supplied;

- (b) in respect of cream—an amount not exceeding 2.5c for each kilogram of butterfat based on the weight of butterfat contained in cream supplied.
- (2) Different assessments may be made and levied under this section in respect of different factories.
- (3) Every owner of a factory shall, in the first instance, pay the amount of any assessment made and levied under this section to the chief executive not later than 15 days after the last day of the month in which the milk or cream the subject of the assessment was supplied to the factory.
- (4) All moneys received by the chief executive under this section shall be paid into and form part of the compensation fund.
- (5) Notice of an assessment made under this section shall upon the making thereof be published in the gazette and thereupon the assessment shall be deemed to be duly made and levied and shall be payable as prescribed.
- (5A) The Minister may from time to time by notice published in the gazette revoke or vary any assessment made and levied by the Minister under this section.
- (6) The owner of a factory with respect to any assessment payable under this section—
- (a) may deduct the amount thereof from any moneys due by the owner to the producer of the milk or cream in respect of which the assessment is made and levied, and that entitlement shall continue notwithstanding any change in the ownership of those moneys;
- (b) may recover the amount thereof from the producer by action in any court of competent jurisdiction.
- (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 manufacturing process (other than a treatment or process of a kind excluded by regulation from the ambit of this definition).

## 10 Dips etc.

For the effectual execution of this Act the Minister may establish, maintain, and manage dips and experimental stations and quarantine stations at all necessary places.

## 11 Disease controls over introduction of stock and other matters and things

- (1) A regulation, for the purpose of preventing, controlling or eradicating disease in stock generally may, in relation to the introduction of stock into the State from another State or a Territory of the Commonwealth, make provision with respect to—
- (a) prohibiting the introduction of stock if they are in a prescribed condition of disease or if they have not been tested or treated for disease or quarantined or maintained away from disease as prescribed or in any such case authorising the introduction of the stock subject to conditions that minimise the danger of spreading disease including a condition that the stock should be slaughtered within a time specified as prescribed;
  - (b) facilitating the matters referred to in paragraph (a) including—
    - (i) requiring notice to be given of the proposed introduction of stock;
    - (ii) requiring the obtaining, holding and delivery to an inspector of certificates of health relating to stock

from an officer of the State or Territory from which the stock are introduced;

- (iii) requiring that stock should be examined by an inspector before or upon introduction or before being travelled within the State and empowering an inspector to require further tests, treatment or quarantining of stock if necessary;
  - (iv) restricting entry into the State to times and to crossing-places, ports and points of entry appointed as prescribed and varying procedures to take into account the means of entry;
  - (v) regulating the means of conveying stock into the State;
  - (vi) requiring identification procedures to be undertaken in respect of stock;
  - (vii) regulating the travelling, handling and disposal of introduced stock whilst in the State to the extent necessary to prevent, control or eradicate disease;
  - (viii) providing for all such alternative procedures, restricted applications and exemptions as may be necessary or desirable to facilitate the introduction of stock into the State.
- (2) A regulation may regulate the introduction into the State from any other State or a Territory of the Commonwealth of any carcass, fodder, fittings, animal product, animal pathogen, biological preparation or any other matter or thing to the extent necessary to prevent, control or eradicate disease in stock.
- (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—1000 penalty units or 1 year's imprisonment.

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**12 Minister may prohibit or restrict introduction or removal of stock**

- (1) Whenever the Minister 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.
- (2) A regulation may—
  - (a) prohibit for any period the travelling of healthy stock by any route by or over which infected or suspected stock have been travelled;
  - (c) appoint places to be places of entry, ports of introduction or crossing-places for introduced stock.
- (3) Where pursuant to a notification or regulation 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 the inspector 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 48 hours after the seizure the prescribed document is produced to the inspector.

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

## **12A Emergency disease notice**

- (1) The chief executive may make an emergency disease notice declaring a disease, disorder, condition or other thing (a *declared disease*) to be a disease for this Act.
- (2) The chief executive may make the notice only if satisfied urgent action is needed to meet a significant threat to the economy of the State or to public health because of the presence, or suspected presence, of the declared disease.
- (3) The notice must—
  - (a) state it is an emergency disease notice; and
  - (b) outline the nature of the emergency; and
  - (c) include details of the declared disease, including, for example, any known symptoms of the declared disease.
- (4) The notice is subordinate legislation.
- (5) The chief executive must repeal the notice as soon as practicable after the chief executive is satisfied the emergency no longer exists.
- (6) Unless it is earlier repealed, the notice remains in force until the earlier of the following—
  - (a) the day the declared disease is prescribed as a disease under a regulation;
  - (b) the end of 3 months.

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**13 Infected and declared areas**

- (1) The Minister may, by notification, notify any area therein described to be—
  - (a) an infected area; or
  - (b) a declared area of such other category as is specified therein;in respect of any disease specified in such notice.
- (2) The Minister may by notification—
  - (a) require any stock within an infected area to be removed out of that area;
  - (b) prohibit the introduction into, the movement within or the removal out of any infected area or declared area of any stock, carcass, fodder, fittings, animal product, animal pathogen or biological preparation or any thing likely to spread disease or permit such introduction, movement or removal subject only to such terms and conditions as are specified in the notification;
  - (c) require any stock, carcass, fodder, fittings, animal product, animal pathogen, biological preparation, soil or anything likely to spread disease that is within any infected area or declared area to be subjected at any time and from time to time to the test or treatment specified in the notification.
- (4) Any person who—
  - (a) fails to remove any stock out of an infected area the removal of which is required pursuant to subsection (2);
  - (b) introduces into, moves within or removes out of any infected area or declared area any stock, carcass, fodder, fittings, animal product, animal pathogen or biological preparation or any thing the introduction, movement or removal of which is prohibited pursuant to subsection (2);
  - (c) contravenes or fails to comply with any condition imposed pursuant to subsection (2) with respect to the introduction into, the movement within or the removal

out of any infected area or declared area of any stock, carcass, fodder, fittings, animal product, animal pathogen or biological preparation or any thing;

- (d) obstructs or prevents the testing or treatment required by the Minister pursuant to subsection (2);

is guilty of an offence against this Act.

Maximum penalty—1000 penalty units or 1 year's imprisonment.

- (5) The Minister may exercise the power conferred on the Minister by this section in respect of an infected area notwithstanding that at the time of the exercise it is not known that disease is present within that area if, in the opinion of the chief inspector, there is a real possibility that disease has been or may be introduced into the area from elsewhere.
- (6) A notification under this section is subordinate legislation.

## 14 Quarantine

- (1) An inspector, on being satisfied that in any area stock is or is suspected to be infected, may define the boundaries of the area in question, and (save with respect to holdings from the owners of which undertakings are accepted pursuant to subsection (2)) place it in quarantine by giving written notice to the owner either personally or by registered letter.
- (1A) 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.
- (1B) On placing any area in quarantine the inspector may, in cases where the inspector considers it necessary or desirable so to do, affix in such place or places as the inspector deems fit a notice that such area is placed in quarantine.
- (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

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removing or introducing, stock into or out of the area without the chief executive's written authority.

Maximum penalty—1000 penalty units or 1 year's imprisonment.

- (1E) Where necessary for the purpose of pasturing or watering quarantined stock, an inspector may extend the boundaries of such area and bring other stock within such boundaries.
- (2) The chief executive may accept from the owner of a holding the owner's undertaking in writing that the owner will in respect of the holding and the stock thereon comply in all respects with the provisions of this Act applicable thereto or that would be applicable thereto were the holding placed in quarantine under subsection (1).
- (2A) For so long as it continues in force such an undertaking shall be deemed to have been entered into from time to time by and to oblige the owner for the time being of the holding and the owner for the time being shall be subject to and shall comply in all respects with such provisions and with all orders and directions made or given under this Act in respect of the owner's holding or the stock thereon.
- (2B) Such an undertaking may be expressed to be limited to a period specified therein or may be of indefinite duration and shall continue in force until—
- (a) the expiration of the period (if any) specified therein; or
  - (b) the chief inspector notifies the obligor for the time being in writing that the obligor is released from further obligation thereunder;
- whichever event is the first to occur.
- (3) Where under this Act the Governor in Council, the Minister or any other person is required or empowered to do any thing or issue any process in respect of an area placed in quarantine or any part thereof or the owner thereof such thing may be done or process issued in respect of a holding the owner of which is for the time being obliged by an undertaking entered into under subsection (2) or, as the case may be, in respect of such owner.

- (3A) Where an area has been placed in quarantine by an inspector, or the chief executive 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 the inspector considers necessary for disease control purposes to be a buffer area.
- (4) The provisions of this section do not apply to any area in quarantine pursuant to the provisions of the *Exotic Diseases in Animals Act 1981*.

## **15 Stock may be destroyed in certain cases**

- (1) The chief executive may order the destruction of any infected or suspected stock or any animal product thereof, or any carcass, or any articles or things used in connection with such stock, animal product or carcass, or any infected or suspected pasture or fodder, or the removal and destruction of animal pathogen or biological preparation, or the removal and disposal of soil, whenever in the chief executive's opinion such destruction or removal and disposal would tend to prevent the spread of disease or assist in the diagnosis of the disease.
  - (1A) Stock ordered to be destroyed shall be destroyed, and the carcass disposed of in manner prescribed.
  - (1B) Every animal product, carcass, pasture, fodder, article, and thing ordered to be destroyed shall be destroyed in manner prescribed.
  - (1C) Soil ordered to be removed and disposed of shall be removed and disposed of in the manner prescribed.
  - (1D) Animal pathogen or biological preparation ordered to be removed and destroyed shall be removed and destroyed in the manner prescribed.
- (2) Upon a failure in any respect to comply with the requirements of an order made under subsection (1) and without prejudice to any proceedings which may be taken upon such a failure, the chief executive may, after the expiration of 7 days from the date of such failure, direct in writing an inspector to enter upon the premises or holding in or upon which the stock,



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animal product, animal pathogen, carcass, article or thing, pasture or fodder ordered to be destroyed is or are situated and destroy or cause to be destroyed such stock, animal product, animal pathogen, carcass, article or thing, pasture or fodder specified in the order.

- (3) For the purposes of such destruction the inspector may, if the inspector thinks fit, remove or cause to be removed any such stock, animal product, animal pathogen, carcass, article or thing or fodder to any other place.

## 16 Requirement as to stock-proof fences

- (1) If the chief executive is satisfied that it is necessary to do so in order to prevent, control or eradicate disease in stock, the chief executive may, by notice in writing, require the owner of a holding within an infected area or declared area to erect such stock fencing as is specified in the notice in accordance with directions therein, which, without limiting the directions the chief executive is hereby authorised to give, may include a time limit within which compliance with the notice is required.
- (1A) If within the time limited by the chief executive the owner to whom such a requisition is directed fails to comply therewith to the satisfaction of the chief executive, the chief executive may authorise an inspector to cause to be done the work required by the requisition and the costs and expenses of such work shall be recoverable in any court of competent jurisdiction from the owner concerned as a debt due and payable to the Crown but unpaid.
- (2) An owner of a holding who, pursuant to a requisition or a court proceeding under subsection (1) or (1A) incurs the costs and expenses of erecting fencing that forms a common boundary with an adjoining holding may demand and recover by way of action for debt in any court of competent jurisdiction from the owner of such adjoining holding a contribution of one-half of the amount of such costs and expenses, any provision of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* notwithstanding.
- (3) In this section—

*erect* includes construct, repair, replace.

## **17 Owner to be compensated**

- (1) Where stock, carcasses, animal products, or any articles or things used in connection with stock, have been destroyed by order under this Act of the chief executive or an inspector or a government veterinary officer, the owner shall, subject as next herein provided, receive compensation the amount of which shall be a charge upon and be paid out of the consolidated fund.
- (2) However—
  - (a) no compensation shall be payable in the case of stock or carcasses unless the stock destroyed or carcasses are, after examination by a government veterinary officer, found to be free from disease;
  - (b) the rate of compensation in each case shall be such as is prescribed but in no case shall it exceed, as the case may be, the market value of such stock, carcasses or animal products or the market value of articles or things of the same description as the articles or things destroyed;
  - (c) if any carcass is destroyed by boiling down—all the products of such destruction shall belong to the owner, and the value thereof shall be taken into consideration in estimating any compensation to be paid to the owner;
  - (d) no compensation shall be payable in respect of introduced stock destroyed under this Act which are declared infected within 3 months after their introduction unless the owner proves to the satisfaction of the chief executive that such stock became infected after being introduced;
  - (e) no compensation shall be payable in the case of stock which are, pursuant to section 29(1A) to (1E), destroyed by or under the authority or on the order of an inspector.

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**18 When no compensation payable**

- (1) Where—
- (a) any stock, carcass or animal product or article or thing used in connection with such stock, carcass or animal product is destroyed by order, pursuant to this Act, of the chief executive or an inspector or a government veterinary officer for the purpose of preventing the spread of disease; and
  - (b) the destruction by order as aforesaid arises out of the doing of any act or thing or the making of any omission by the owner of the stock, carcass or animal product or article or thing used in connection with such stock, carcass or animal product with respect to any part thereof, the doing of which act or thing or the making of which omission causes or contributes to or is such as is likely to cause or contribute to the spread of disease; and
  - (c) the owner is convicted of an offence against any law of the State or the Commonwealth relating to the control, eradication or prevention of disease and the act or thing as aforesaid is done or the omission as aforesaid is made in connection with the commission of the offence;

compensation is not payable under this Act to the owner in respect of the destruction of that stock, carcass or animal product or article or thing used in connection with such stock, carcass or animal product.

- (2) No compensation shall be payable under this Act to the owner in respect of the destruction of animal pathogen or biological preparations by order, pursuant to this Act, of the chief executive or an inspector or a government veterinary officer.

**19 Local governments may destroy stray diseased stock**

- (1) Any local government may, without making compensation to the owner, cause to be destroyed any diseased stock suffering from malignant growths (cancer), tuberculosis, or pleuropneumonia contagiosa, or any stock suspected of suffering from any of those diseases, found straying upon any road or land under its control.

- (2) However, the local government shall forthwith give notice of the fact to the nearest inspector, and to the owner of the stock if such owner is known to the local government.

## **20 Warranty implied on sale of stock**

- (1) On any sale or agreement for the sale of stock, there shall be implied a warranty that, subject to this section, shall be binding upon the seller namely that each head of such stock is not suffering from or affected by any disease specified in this section in relation to the species of stock specified in this section or specified in a regulation made for the purposes of this section in relation to the stock specified in the regulation.
- (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) 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—
  - (a) 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 the vendor's expense, to remove the animal;
  - (b) 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 the vendor 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 the vendor's expense, to remove the animal.
- (3A) Where a court convicts a person of a failure to comply with the provisions of subsection (3)(b) it may, in addition to any

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penalty it imposes, order that the sale price for the animal be refunded to the person who paid the sale price.

- (3B) For the purposes of subsection (3), where an animal suffering from or affected by a disease, the subject of a regulation made for the purpose of section 30, 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—30 days; or
  - (b) in the case of brucellosis, enzootic bovine leucosis and lymphosarcoma—14 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) A certificate purporting to be signed by an approved auditor under the *Food Production (Safety) Act 2000* stating that, at a particular time, an animal was suffering from lymphosarcoma is evidence of the matter.
- (7) Proof that swine suffered with or were affected by tuberculosis or brucellosis within—
- (a) in the case of tuberculosis—30 days; or
  - (b) in the case of brucellosis—14 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 14 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.
- (11) A regulation may—
  - (a) specify diseases to which the warranty expressed by this section shall apply and the species of stock in respect of which that warranty shall so apply;
  - (b) prescribe the evidentiary value of matters specified in the regulation.

## **21 Some stock movements require a travel permit**

- (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.

Maximum penalty—400 penalty units or 6 months imprisonment.
- (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—400 penalty units or 6 months imprisonment.

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**21A Types of stock movement that require a travel permit**

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.

**21B Issue of a travel permit**

- (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.

### **21C Application for travel permit**

- (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.

#### **21D Change of route under a travel permit**

- (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.

#### **21E Travel permit for multiple movements**

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

## **21F Cancellation of travel permit to prevent disease**

- (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.

## **21G Travel permit taken to be cancelled**

- (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.

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**21H Cancelled travel permit must be returned on request**

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

Maximum penalty—200 penalty units or 6 months imprisonment.

**21I Duties concerning travel permit arising during stock movement**

(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.

Maximum penalty—400 penalty units or 6 months imprisonment.

(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—100 penalty units.

**21J Requirement to have travel permit relaxed in some cases**

(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.

**21K Only an inspector to issue, alter or endorse a travel permit**

A person who is not an inspector must not—

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

Maximum penalty—1000 penalty units.

**22 Waybill to be completed and given to drover before stock movement**

- (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—200 penalty units or 6 months imprisonment.
- (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—200 penalty units or 6 months imprisonment.
- (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—200 penalty units or 6 months imprisonment.
- (5) This section applies subject to sections 22F and 22G.

## **22A Retention of copy of waybill given to drover**

- (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.

Maximum penalty—200 penalty units or 6 months imprisonment.

- (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.

Maximum penalty—200 penalty units or 6 months imprisonment.

- (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—200 penalty units or 6 months imprisonment.

## **22B Duties of drovers**

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

Maximum penalty—200 penalty units or 6 months imprisonment.

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

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- (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—200 penalty units or 6 months imprisonment.

- (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—200 penalty units or 1 year's imprisonment.

*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 sections 22F and 22G.
- (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—200 penalty units or 6 months imprisonment.

## **22C Duties relating to waybill when stock delivered**

- (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—200 penalty units or 6 months imprisonment.

- (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—200 penalty units or 6 months imprisonment.

- (3) This section applies subject to sections 22F and 22G.

## **22D Retention of waybill received from drover**

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—200 penalty units or 6 months imprisonment.

## **22E Entering of false or misleading information**

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

Maximum penalty—1000 penalty units or 1 year's imprisonment.

## **22F Waybill sometimes not required**

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



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- (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.

## **22G Multiple conveyances permitted under single waybill**

- (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.

## **22H Examination of stock by owners of holdings**

- (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—100 penalty units.

## **22I Escape of travelling stock**

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—100 penalty units.

## **23 Regulation may provide for the non-application of travel permit and waybill requirements**

A regulation may provide that sections 21 to 22I—

- (a) do not apply to specified stock; or

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

## **24 Endorsement of waybill on inspection etc.**

- (1) Any inspector who, on inspecting travelling stock, is satisfied with the correctness of the waybill, may endorse it with the inspector's name, designation, and address.
- (2) All such stock not fully and accurately described therein may be impounded in the nearest pound in the direction in which they are travelling (unless such pound is double the distance from the actually nearest pound, in which case they shall be impounded in the actually nearest pound), there to be kept at the expense of the owner until duly claimed by the owner or on the owner's behalf, and the requirements of this Act have been complied with, and the waybill has been produced and shown to the poundkeeper, and the proper poundage fees and all other charges and disbursements incurred have been paid.

## **25 Drover to give notice before entering a holding**

- (1) Every drover of travelling stock who intends to drive the same on or across any holding, or along any road which intersects or forms a boundary of any holding, unless such road is fenced on both sides, shall give the owner of the holding on or across which the drover intends to drive stock, or of the holding which is not fenced off from such road, not more than 48 nor less than 24 hours notice by letter to the head station or principal homestead, or by telephone, telegraph or personal notice to the owner of the holding.
  - (1A) A drover who fails to give notice under subsection (1) commits an offence against this Act.
  - (1B) However, notice shall not be necessary from any person in charge of horses in use at the time of travelling for the purposes of the person's calling.
- (2) A complaint of any contravention of this section must be made by the person or persons claiming to be aggrieved

within 21 days after the ground of complaint arose or was discovered by the complainant or complainants.

- (3) However, a complainant lodging a complaint more than 21 days after the ground of complaint arose must have discovered the ground of complaint within 3 months after it arose.

## **26 Branding of travelling sheep**

- (1) Every owner of travelling sheep that are not legibly branded on the body with the letter 'T' not less than 75mm in length (whether or not they are branded with the owner's station brand) commits an offence against this Act.
- (2) Notwithstanding this section—
  - (a) it shall not be necessary to brand travelling sheep in accordance therewith in cases where those sheep are legibly branded with the owner's registered sheep paint brand and—
    - (i) are intended to be driven from the time of their removal for not more than 65km to a destination; or
    - (ii) are conveyed by rail or motor vehicle to a destination;
  - (b) it shall not be necessary to brand in accordance therewith sheep that are intended to be driven to a pound;
  - (c) it shall not be necessary to brand in accordance therewith nor to legibly brand with the owner's registered paint brand—
    - (i) stud sheep travelling to a sale or show;
    - (ii) fat lambs travelling to a saleyard or licensed slaughterhouse.

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**27 Responsibilities about notifiable diseases and other diseases**

- (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 24 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.
- (1A) In subsection (1)—

*prescribed person* means whichever of the persons in this subsection specified first becomes aware of the existence or suspected existence of the notifiable disease in the stock concerned, the persons being—

  - (a) the owner of the stock concerned; and
  - (b) the owner of the holding or premises on which the stock concerned are at the time located.
- (2) When a registered veterinary surgeon 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, the veterinary surgeon or scientist shall, within 24 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.
- (2A) When the veterinary surgeon is an authorised veterinary surgeon the duty imposed upon the veterinary surgeon by subsection (2) is in addition to the duties imposed upon the veterinary surgeon by section 30.
- (3) A regulation may provide that this section does not apply to a specified notifiable disease.

- (4) A person who, pursuant to the provisions of the *Exotic Diseases in Animals Act 1981*, has duly given notice of an exotic disease shall not be required to give notice under this section in respect of the same instance of existence of that disease.
- (5) In this section—
- disease not previously recognised***, for stock, includes—
- (a) blisters on the mouths or feet of the stock; and
  - (b) unexplained or abnormally high mortality rate or morbidity in the stock; and
  - (c) a sudden and unexplained fall in production relating to the stock.

*Example for paragraph (c)—*

a sudden and unexplained drop in milk production in a herd of dairy cattle

## **28 Swine**

If swine are kept on any holding or premises in such a condition as to endanger the health of such animals, the inspector may order, in writing, such holding or premises to be forthwith placed and thereafter kept in a sanitary condition to the inspector's satisfaction.

## **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 chairperson of the committee;

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- (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 appointment unless the member sooner resigns or is removed from office.
  - (6) A member may resign office by notice in writing to the Minister.
  - (7) The Minister may, for such cause as the Minister considers appropriate, remove a member from office at any time.
  - (8) The committee—
    - (a) shall advise the Minister about the 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 the member's functions but the member shall be reimbursed for any reasonable expenses necessarily incurred by the member in discharging the functions.

## **29 Powers of inspector**

- (1) An inspector may at any time, with or without assistants and with such vehicle or vehicles and equipment, plant and instruments as the inspector may consider necessary for the proper discharge of the inspector's duties—
  - (a) enter into or upon any premises or holding;
  - (b) 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;
  - (c) search any premises or holding, or stop, detain, enter and search any vehicle or vessel if the inspector suspects on reasonable grounds that an offence against this Act

has been or is being committed and there is likely to be therein or thereon any stock, animal product, animal pathogen, carcass, biological preparation or fodder or any article or thing of any kind with respect to which that offence was or is being committed or that will afford evidence as to the commission of that offence, and may break open and search every box, receptacle or package of any kind in or upon those premises or that holding, vehicle or vessel;

- (d) may seize and detain any stock, animal product, animal pathogen, carcass, biological preparation, travel permit, waybill or fodder or any article or thing of any kind in respect of which an offence against this Act has been or is being committed or in respect of which the inspector suspects on reasonable grounds that such an offence has been or is being committed, or that the inspector believes will afford evidence as to the commission of that offence;
- (e) inspect, test for disease and treat for disease any stock, animal product, carcass or fodder;
- (f) inspect and test any soil, animal pathogen or biological preparation;
- (fa) inspect, and take a copy of, a document at the premises or holding;
- (g) where stock are to be sent out of the State, inspect, test for disease and treat for disease such stock for the purpose of ensuring that such stock meet the health requirements of any other State or Territory of the Commonwealth or of any country and issue certificates of compliance with those health requirements as a result of such inspection, testing or treatment or upon any other evidence to the inspector's satisfaction of such compliance;
- (h) provide husbandry services to any owner and advise any owner on and where necessary assist the owner in the carrying out of measures for the prevention of disease;



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- (i) stop and detain travelling stock for the purpose of examining or testing for disease such stock or stop and detain any carcass which is being conveyed by any means whatsoever for the purpose of examining same;
  - (j) examine or test for disease and detain travelling stock or any carcass which is being conveyed by any means whatsoever until this Act is complied with to the inspector's satisfaction;
  - (k) order travelling stock to be forthwith taken back to any place or district from which they have been or are being removed or order any carcass which is being conveyed by any means whatsoever to be forthwith taken back to any place or district from which it has been or is being removed;
  - (l) upon the authority of the chief executive—
    - (i) order the owner of a holding or saleyard to erect and maintain in proper condition in the holding or saleyard the facilities specified in the order (which may include a crush or race) such as will enable the effective and safe examination, testing or treatment, by an inspector, of stock specified by the inspector;
    - (ii) order the owner of a saleyard within a tick infested area to install and maintain in proper condition in that saleyard a cattle dip;
    - (iii) order an owner to cause stock on a holding to be mustered;
    - (iv) order an owner to hold stock on a holding for examination, testing or treatment;
    - (v) order an owner to treat or test stock on a holding to the inspector's satisfaction;
  - (m) question, with respect to matters under this Act, any person who is or was or who the inspector suspects to be or to have been the owner of any premises, holding or stock, every person whom the inspector finds in or on any premises or holding, and every person who has been within the preceding 6 months employed in or on any

premises or holding to ascertain whether this Act has been or is being complied with and require any such person to answer the questions put and to sign a declaration of the truth of the person's answer;

- (n) impound or quarantine any stock which, in the inspector's opinion, are or are suspected to be diseased, or where, in the inspector's opinion, there is a risk of the stock going or straying to or coming in contact with stock free from disease or impound or detain any animal product, carcass, biological preparation or fodder which, in the inspector's opinion, is or is suspected to be diseased;
  - (o) order the destruction and disposal of diseased stock at saleyards, cattle feedlots and licensed slaughterhouses;
  - (p) 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;
  - (q) 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;
  - (r) ask anyone the inspector considers can help, to help the inspector exercise the powers;
  - (s) require a person being questioned by the inspector pursuant to this Act to state the person's name and usual place of residence.
- (1AA) For the purpose of testing any stock, animal product, animal pathogen, carcass, biological preparation, fodder or soil pursuant to this Act an inspector may take specimens of any part of the stock, animal product, animal pathogen, carcass, biological preparation, fodder or soil or of internal or external parasites in or on the stock or carcass as the inspector requires.
- (1AB) The power conferred on an inspector by subsection (1)(l)(i) shall not be exercised unless the chief executive is satisfied that it is not practicable to conduct an efficient and safe

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examination, test or treatment of the stock in question without resorting to such an order.

- (1A) An inspector may at any time order the immediate destruction and disposal by an owner thereof of any travelling stock which in the inspector's opinion are in a moribund state.
- (1B) 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, the inspector may order their destruction and disposal, refuse to permit further movement, or if the inspector thinks fit, permit their movement to the nearest practicable place available for veterinary treatment.
- (1C) If an owner is not present or for any other reason the inspector considers it necessary so to do, the inspector may destroy and dispose of, or cause to be destroyed and disposed of, any stock so found, in which cases the owner thereof shall be liable to pay all expenses reasonably incurred in the destruction and disposal of such stock, and any such expenses unpaid by such owner may be recovered by an inspector from the owner by action as for a debt in any court of competent jurisdiction.
- (1D) For the purposes of subsections (1A) and (1B), 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.
- (1E) The provisions of section 36 shall not apply with respect to any order under subsection (1A) or (1B) of an inspector.
- (2) When any stock so impounded or quarantined are, or when any animal product, carcass, biological preparation or fodder so impounded or detained is found to be diseased, the chief executive may cause such stock, animal product, carcass, biological preparation or fodder to be destroyed.
- (2A) In that event the chief executive shall forthwith give notice of the fact to the owner of the stock, animal product, carcass,

biological preparation or fodder as the case may be if that owner is known to the chief executive.

- (2B) Specimens of any soil, biological preparation or animal pathogen taken pursuant to subsection (1) or (1AA) shall be disposed of as directed by the chief inspector.
- (3) Any stock so impounded which are not, or any animal product, carcass, biological preparation or fodder so impounded which is not diseased shall, after the expiration of 21 days from the day of impounding, if not sooner claimed and duly released, be sold, destroyed or otherwise disposed of as the chief executive directs.
- (3A) The proceeds (if any) arising from such sale, destruction, or disposal shall, after payment of the expenses of impounding and of sale, destruction, or disposal, be paid to the owner of the stock, animal product, carcass, biological preparation or fodder as the case may be if the owner is known, and if the owner is not known shall be paid into the consolidated fund.
- (3B) Save as aforesaid, all stock so impounded shall be dealt with in all respects as if they had been impounded by a proprietor under the laws in force relating to impounding of stock.
- (4) The inspector who impounds or quarantines any stock or impounds or detains any animal product, animal pathogen, carcass, biological preparation or fodder under this section or takes any action under subsections (1A) to (1E) shall forthwith give notice of the fact to the chief inspector.

## **29A Production of documents**

- (1) An inspector may require a person to make available for inspection by an inspector, or produce to the inspector for inspection, at a stated reasonable time and place a document required to be kept by the person under this Act.
- (2) The inspector may keep the document to copy it.
- (3) The inspector must return the document to the person as soon as practicable after copying it.

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- (4) A person required to make available, or produce, for inspection a document under subsection (1) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

- (5) A person has a reasonable excuse if complying with the requirement might tend to incriminate the person.

### **30 Disease eradication programs**

- (1) A regulation may institute a disease eradication program for the purposes of eradicating from the State or any part or parts thereof any disease named therein.
- (1AA) A regulation may make provision with respect to the way in which the program is to be carried out.
- (1A) The chief executive 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 program 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.
- (1B) If the owner fails to comply with the agreed terms and conditions, the chief executive may revoke the agreement.
- (2) Where a disease eradication program has been instituted pursuant to subsection (1) any inspector or authorised veterinary surgeon may at any time, with or without assistants and with such vehicle or vehicles and equipment, plant and instruments as the inspector or veterinary surgeon considers necessary for the proper discharge of duties enter upon any holding or premises and there or at some other place suitable therefor inspect, test and treat all or any stock found by the inspector or veterinary surgeon for the purpose of eradicating any disease in respect of which a disease eradication program has been instituted.
- (3) The owner shall aid in such entry, inspection, testing and treatment and for that purpose shall, if so ordered by the inspector or authorised veterinary surgeon, muster all or any

stock upon the holding or premises and, if so required by the inspector or authorised veterinary surgeon, shall remove such stock therefrom to a place suitable for such inspection, testing or treatment and shall do and execute all such acts, matters and things as may be reasonably required by the inspector or authorised veterinary surgeon.

- (4) The power conferred upon an inspector or authorised veterinary surgeon under this section to inspect, test and treat stock in or upon any holding or premises shall include the power to identify by the insertion of an ear tag or by some other means approved by the chief inspector any such head of stock.
- (5) Where an inspector finds in or upon any holding or premises any stock affected by a disease in respect of which a disease eradication program has been instituted the inspector—
  - (a) may mark or brand such stock in the prescribed manner with the prescribed mark or brand;
  - (b) shall immediately upon completion of the test report the inspector's findings to the chief inspector or, if such test has been made in a district where a government veterinary officer is stationed, to such government veterinary officer.
- (5A) The chief inspector or government veterinary officer may thereupon by an order in writing under his or her hand order the destruction or disposal of such stock.
- (5B) Where an authorised veterinary surgeon finds in or upon any holding or premises any stock affected by a disease in respect of which a disease eradication program has been instituted the veterinary surgeon shall—
  - (a) mark or brand such stock in the prescribed manner with the prescribed brand or mark;
  - (b) immediately upon completion of the test forward a certificate of such finding and of such other particulars as may be prescribed to the chief inspector or, if such test has been made in a district where a government veterinary officer is stationed, to such government veterinary officer.

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- (5C) The chief inspector or government veterinary officer may thereupon by an order in writing under his or her hand order the destruction or disposal of such stock.
- (5D) For the purposes of this section, a positive reaction by any stock to a test for a disease (being such a test as is prescribed) shall be evidence that the stock so reacting are affected by the disease and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter.
- (6) The chief inspector may issue an order for the destruction or disposal of all or any stock in or upon any holding or premises if the chief inspector is of the opinion that such destruction or disposal is necessary or desirable for the purpose of eradicating a disease in respect of which a disease eradication program is instituted under subsection (1).
- (6A) An order may be issued under subsection (6) whether or not the stock to which it relates have been tested by an inspector or authorised veterinary surgeon for the purpose of the disease eradication program.
- (7) The order directing the destruction or disposal of any stock pursuant to this section may prescribe the manner in which, the time within which, and the person by whom such stock shall be destroyed or disposed of and for that purpose may direct either that the stock be destroyed or disposed of by or under the supervision of the person named therein at the holding or premises in question or that such stock be delivered at such time and place as are specified therein to a person named therein for destruction or disposal.
- (7A) For the purpose of ensuring compliance with an order issued under subsection (6), an inspector may, from time to time, direct the person to whom the order is given to muster any stock (including stock to which the order does not relate) in the manner specified by the inspector.
- (8) The power to make an order under subsection (5A) or (5C) shall include the power to make such 1 or more orders or to vary or revoke such orders as the chief inspector or government veterinary officer deems necessary in the circumstances.

- (8A) The power to make an order under subsection (6) shall include the power to make such 1 or more orders or to vary or revoke such orders as the chief inspector deems necessary in the circumstances.
- (9) An order made under subsection (5A), (5C) 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.
- (9AA) A person who contravenes or fails to comply with any requirement of an order given under subsection (9) commits an offence against this Act.
- (9AB) Upon a failure in any respect to comply with the requirements of such an order and without prejudice to any proceedings which may be taken upon such failure, the chief executive may, after the expiration of 7 days from the date of such failure, direct in writing an inspector to enter the holding or premises to which the order relates and destroy or dispose of or cause to be destroyed or disposed of the stock specified in the order and any inspector so directed may enter such holding or premises and destroy or dispose of or cause to be destroyed or disposed of such stock.
- (9AC) For the purposes of such destruction or disposal the inspector may, if the inspector thinks fit, remove or cause to be removed any such stock to any other place.
- (9A) Notwithstanding the provisions of subsections (9) to (9AC), 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 (5A), (5C) or (6), of the owner's 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.



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- (9B) Where stock stray from or onto a holding quarantined for the purposes of a disease eradication program or stock originating from a holding quarantined for the purpose of a disease eradication program escape whilst being travelled, an order issued under subsection (5A), (5C) or (6) shall be given to the owner of the stock.
- (9C) 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.
- (10) Any person who, except in compliance with the terms of an order made under this section, removes or procures the removal of any stock from the holding or premises in or upon which such stock were found by an inspector or authorised veterinary surgeon to be affected or suspected of being affected by a disease in respect of which a disease eradication program exists shall be guilty of an offence against this Act.
- (11) Any person who removes, alters, defaces, renders illegible or blotches any ear tag, brand or mark tagged, branded or marked upon any stock by an inspector or authorised veterinary surgeon under the authority of this section shall be guilty of an offence against this Act.
- (12) Where an inspector or authorised veterinary surgeon is exercising a power conferred by this section then any person who obstructs the inspector or veterinary surgeon in his or her entry of any holding or premises or in his or her inspection, testing or treatment of any stock found therein or thereon and any person who, being thereunto required by this section so to do, fails to help the inspector or veterinary surgeon in such entry, inspection, testing or treatment as aforesaid shall be guilty of an offence against this Act.

Maximum penalty—600 penalty units.

- (12A) For the purpose of this section—  
*inspector* and *authorised veterinary surgeon* include every assistant whom such a person has with him or her.
- (13) The right of entry conferred upon an inspector and authorised veterinary surgeon under this section shall include all such right of ingress, egress or regress into, upon or from any

holding or premises, and either for himself or herself or his or her assistants, as the inspector or veterinary surgeon shall think necessary for the purposes of the proper inspection, testing or treatment of all stock found in or upon such holding or premises.

- (16) Any authorised veterinary surgeon who contravenes or fails to comply with any provision of this section or who wilfully furnishes false or misleading particulars in any certificate issued by the veterinary surgeon pursuant to this section commits an offence against this Act.
- (17) When the chief executive is satisfied that for the purposes of a disease eradication program stock should be isolated, kept or retained by stock proof fences within a quarantined holding, the chief executive 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.
- (18) In the requisition, the chief executive may specify the time within which the person to whom the requisition is directed is to comply.
- (19) If within the specified time, the person to whom the requisition is directed fails to comply to the satisfaction of the chief executive, the chief executive 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.

### **31 Compensation relating to disease eradication programs**

- (1) The owner of stock destroyed or disposed of pursuant to section 30 shall be entitled in respect thereof to compensation under, subject to and in accordance with this section, and the owner shall not be otherwise entitled to compensation.
- (2) The amount of compensation (if any) payable to a person under this section—
  - (a) shall be as prescribed by regulation;

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- (b) in respect of the stock—shall not exceed the average market value for that class of stock;
  - (c) in a case where the owner carries out the destruction or disposal of the stock—may include compensation as prescribed in respect of the costs and expenses incurred by the owner in carrying out the destruction or disposal.
- (2A) The regulations may provide for compensation in respect of destroyed or disposed of stock whether or not the stock are infected.
- (3) A person seeking compensation under this section shall make an application as prescribed.
  - (4) In a case where stock are destroyed or disposed of pursuant to section 30(9A) compensation otherwise payable to the owner of the stock shall be reduced by the costs and expenses incurred by the Crown in respect of the destruction or disposal.
  - (5) Compensation shall not be payable under this section—
    - (a) unless the person seeking compensation complies with subsection (3); or
    - (b) in a case where the stock are destroyed or disposed of pursuant to directions given to an inspector by the chief executive under section 30(9AB) in the event of a failure to comply with the requirements of an order made under section 30(5A), (5C) or (6); or
    - (c) in any case where stock are destroyed by the Crown when they are unmustered; or
    - (d) as prescribed by section 18.

## **32 Testing, treatment and isolation of stock and treatment of vehicles**

- (1) An inspector may order that stock that is—
  - (a) infected or suspected;
  - (b) in the inspector's 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 the inspector's 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) to (e), and any object in which they are or have been contained, be tested, treated, disinfected or isolated to the inspector's satisfaction in such manner (whether prescribed or not) as is desirable and adequate to prevent or avoid the spread of disease.

(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.

### **33 Control of residue disease**

(1) For the purpose of locating the cause of residue disease, or preventing, controlling or eradicating residue disease an inspector may—

(a) enter, remain in, and search any place in order to ascertain whether or not—

(i) there has been in that place anything that has been used as fodder and that may have caused residue disease;

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- (ii) there is anything being grown or produced in that place or is being held in that place that may be used as fodder and that may cause residue disease;
  - (iii) there is any soil or other matter or thing in that place that may have caused or may cause residue disease in stock kept, grazed or put to pasture therein;

and make therein such investigations, tests, inspections and inquiries as may be necessary, including breaking into any enclosed place or receptacle or taking any sample of fodder, soil or other matter or thing;

- (b) stop, detain and search any vehicle and exercise therein any of the powers the inspector may exercise in a place entered pursuant to this section;
  - (c) for the purpose of exercising powers under this Act, require a person in possession of any vehicle that the inspector suspects or believes contains anything that may be used as fodder or that may have contained anything that may have been used as fodder to remove it to a place that the inspector determines or himself or herself remove the vehicle or authorise any person to remove the vehicle to a place that the inspector determines;
  - (d) require any person in or near any place or vehicle referred to in this subsection who the inspector suspects or believes on reasonable grounds has information, or has in the person's possession records that contain information, that may assist in the inspector's inquiries, to furnish the information or to furnish the records for inspection or to give access to the information contained therein, in accordance with directions given by the inspector;
  - (e) take notes or copies of or extracts from records inspected by the inspector or furnished to the inspector pursuant to this section.
- (2) An inspector who has reason to suspect or believe any of the matters defined in subsection (1)(a)(i) to (iii) in respect of the

places, matters or things referred to therein may give directions from time to time to the owner of the place, matter or thing, which directions—

- (a) shall be in writing;
  - (b) shall state they shall have effect for a period specified by the inspector not exceeding 7 days;
  - (c) may require that any place that the inspector suspects or believes to be the source of residue disease, or may become so, shall be isolated or restricted in its use in accordance with the directions unless treatment or work is carried out in accordance with the directions;
  - (d) may require that any matter or thing that the inspector suspects or believes to be the cause of residue disease, or may become so, shall be isolated or held in accordance with the directions unless treated or used, sold or otherwise disposed of in accordance with the directions;
  - (e) may contain such other directions as may be prescribed.
- (3) The chief inspector, if satisfied that it is necessary to do so in order to prevent, control or eradicate residue disease may give directions to the owner of a place, matter or thing, which directions—
- (a) shall be in writing;
  - (b) may state that they shall take effect for a period specified by the chief inspector or until otherwise directed by the chief inspector;
  - (c) may require that any place shall be isolated or restricted in its use or subjected to treatment or work at the owner's expense, in accordance with the directions;
  - (d) may require that any matter or thing—
    - (i) shall be isolated, held or treated in accordance with the directions;
    - (ii) if used, sold or otherwise disposed of, shall not be used, sold or otherwise disposed of except in accordance with the directions;
  - (e) may contain other directions as prescribed.

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- (4) A person who fails to comply with directions given to the person under subsection (2) or (3), or who, in respect of a place, matter or thing contravenes directions given under subsection (2) or (3) that apply in respect thereof, commits an offence against this Act.

Maximum penalty—400 penalty units or 6 months imprisonment.

- (5) The chief executive may order the destruction or disposal otherwise of any matter or thing if its owner fails to comply with directions given to the owner under this section in respect thereof and if the chief executive is satisfied that the destruction or disposal is necessary to prevent, control or eradicate residue disease.
- (5A) An order made under subsection (5) shall be given to the owner and may include directions in respect of the time and manner of the destruction or disposal.
- (6) If the owner of a place, matter or thing fails to comply with directions under subsection (3) requiring the owner to carry out treatment or work or fails to comply with an order under subsection (5), an inspector, with the authority of the chief executive first had and obtained, may carry out the treatment, work destruction or disposal, and for that purpose shall have all necessary powers of entry, search and seizure.
- (6A) The owners of a place, matter or thing in respect of which steps are taken under subsection (6) shall be jointly and severally liable to pay to the Crown the costs and expenses (including prescribed costs and expenses) reasonably incurred in connection with those steps and the Crown may recover any outstanding costs and expenses in action as for a debt in any court of competent jurisdiction.
- (6B) The proceeds (if any) arising out of the destruction or disposal of any matter or thing under this section, less the costs and expenses for which the owners are liable, shall be paid to the person, or (in varying amounts if necessary) to the persons appearing to the Crown to be entitled thereto, and thereupon the Crown shall not be liable at the suit of any person in respect of the proceeds.

- (7) No compensation whatever shall be payable to or recoverable by any owner of a place, matter or thing in respect of loss suffered because of directions given under this section or because of treatment or work carried out on the owner's place or because of any destruction or disposal of the owner's property, where the treatment, work, destruction or disposal are carried out for the purpose of given effect to this section.
- (8) The provisions of subsections (5) to (7) shall operate without prejudice to any proceedings that may be taken against a person for an offence against this Act.
- (9) Directions given under subsection (2) or (3), or an order given under subsection (5) to a person who is an owner of a place, matter or thing, shall be deemed thereby to be given to each and every owner of the place, matter or thing.
- (10) In this section—  
*owner* when used in reference to—
  - (a) a place, includes a person with an estate or interest therein and includes a person who is apparently in charge of the place;
  - (b) a matter or thing, includes a person who has the matter or thing in the owner's possession.

### **34 Restricted entry into dwelling house**

- (1) Before an inspector enters a dwelling house for the purpose of exercising any powers under this Act, save where the inspector has the permission of the occupier to the inspector's entry, the inspector shall make an application to a justice who is a stipendiary magistrate and obtain from the stipendiary magistrate a warrant to enter.
- (2) A justice who is satisfied upon an application made under this section that there is reasonable cause to suspect or believe—
  - (a) that in any place an offence against this Act has been or is being committed; or
  - (b) that there is in any place any matter or thing with respect to which an offence against this Act has been or is being



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committed, or with respect to which an inspector may exercise a power under this Act;

may issue a warrant directed to an inspector to enter the place specified in the warrant for the purpose of exercising therein the powers conferred upon the inspector by this Act.

- (3) The justice shall specify in the warrant the powers the inspector may exercise and shall note thereon the basis upon which the warrant is issued.
- (4) An application to a justice for the issue of a warrant under this section—
  - (a) may be heard in any place, and subject to subsections (5) and (6), in such manner as the justice thinks fit;
  - (b) may be made in person or by telephone, radio or by means of any other form of distant communication.
- (5) Except where a warrant is issued upon an application made by telephone, radio or by means of any other form of distant communication, in determining whether or not the justice should issue a warrant, the justice shall not rely on any statement of facts unless it is provided by means of an oral or written statement given under oath, affirmation or declaration or under some other sanction authorised by law.
- (6) If an application is made by means of telephone, radio or any other form of distant communication the following provisions shall apply—
  - (a) the justice shall not issue the warrant unless the justice informs the applicant of the facts upon which the justice relies in issuing the warrant and obtains from the applicant an undertaking that the applicant shall deliver to the justice as directed by the justice as soon as practicable a statement in writing given under oath, affirmation or declaration or under some other sanction authorised by law, that verifies those facts;
  - (b) if the justice issues the warrant the justice shall inform the applicant that the justice has done so and shall send the warrant to the chief executive within 7 days of its issue;

- (c) on and from the issue of the warrant, a form of warrant completed by the applicant substantially in the terms of the warrant issued by the justice and stating the name of the justice and date on which and the place at which the justice issued it shall for all purposes be deemed to be a warrant issued under this section;
  - (d) as soon as practicable after the issue of a warrant, the applicant shall deliver to the justice a statement in writing in compliance with the undertaking obtained from the justice pursuant to paragraph (a) and if the applicant fails to do so the warrant on and from such failure shall be deemed to be cancelled.
- (6A) The failure of a justice to send a warrant to the chief executive in compliance with subsection (6)(b) shall not affect the validity of the warrant.
- (7) A warrant issued under this section shall be, for a period of 21 days from the date of its issue, sufficient authority for the inspector and all persons acting in aid of the inspector—
- (a) to enter the place specified in the warrant; and
  - (b) subject to the terms of the warrant, to exercise the powers conferred upon an inspector under this Act.

### **35 Laboratories**

A person shall not, without the consent in writing of the chief executive, establish, operate or maintain a laboratory.

### **35A Certification relating to artificial breeding**

- (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—

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

### **35B External review by QCAT**

A person who is dissatisfied with an original decision under this Act, other than an original decision to seize a thing, may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.

### **35C Application of QCAT Act notice requirement**

An information notice must be given for a decision only if this Act so requires.

## **36 Appeals to Magistrates Courts**

- (2) A person who is dissatisfied with an original decision to seize a thing under this Act 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.

### **36A Who may appeal to the District Court**

A person who has appealed to a Magistrates Court against an original decision to seize a thing under this Act may appeal to the District Court against the decision made by the Magistrates Court.

### **36B Starting an appeal**

- (1) An appeal under section 36A is started by—
  - (a) filing a notice of appeal with the registrar of the District Court; and
  - (b) complying with the rules of court applicable to the appeal.

*Editor's note—*

The Uniform Civil Procedure Rules contain provisions about appeals to the District Court.

- (2) The notice must be filed within 28 days after—
  - (a) the day the person receives notice of the decision appealed against; or
  - (b) if paragraph (a) does not apply, the day the person otherwise becomes aware of the decision.

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- (3) However, the District Court may, at any time, extend the period for filing the notice of appeal.

### **36C Stay of operation of decision**

- (1) The District Court may grant a stay of the operation of the decision appealed against under section 36A to secure the effectiveness of the appeal.
- (2) The stay—
- (a) may be given on conditions the court considers appropriate; and
  - (b) has effect for the period fixed by the court; and
  - (c) may be amended or revoked by the court.
- (3) The period of the stay must not extend past the time when the court decides the appeal.
- (4) An appeal against a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

### **36D Hearing procedures**

- (1) In deciding an appeal under section 36A, the court—
- (a) has the same powers as the entity that made the original decision; and
  - (b) is not bound by the rules of evidence; and
  - (c) must comply with natural justice.
- (2) The appeal is by way of rehearing, unaffected by the decision appealed against, on the material before the entity that made the original decision and any further evidence allowed by the court.

### **36E Powers of court on appeal**

In deciding an appeal under section 36A, the court may—

- (a) confirm the decision appealed against; or

- (b) amend the decision appealed against; or
- (c) substitute another decision for the decision appealed against.

### **36F Who may appeal to the Court of Appeal**

A party to an appeal to the District Court, who is dissatisfied with the decision of the court, may appeal against the court's decision to the Court of Appeal.

### **36G Appeal on questions of law only**

An appeal to the Court of Appeal may be made only on a question of law.

### **36H Starting an appeal**

- (1) An appeal under section 36F is started by—
  - (a) filing a notice of appeal with the registrar of the Supreme Court; and
  - (b) complying with the rules of court applicable to the appeal.

*Editor's note—*

The Uniform Civil Procedure Rules contain provisions about appeals to the Court of Appeal.

- (2) For the Uniform Civil Procedure Rules, section 748, the date of the decision appealed against is taken to be the day the appellant receives notice of the decision.
- (3) However, the Court of Appeal may, at any time, extend the period for filing a notice of appeal.

### **36I Stay of operation of decision**

- (1) The Court of Appeal may grant a stay of the operation of the decision appealed against under section 36F to secure the effectiveness of the appeal.
- (2) The stay—

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- (a) may be given on conditions the court considers appropriate; and
  - (b) has effect for the period fixed by the court; and
  - (c) may be amended or revoked by the court.
- (3) The period of the stay must not extend past the time when the court decides the appeal.
- (4) An appeal against a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

### **36J Hearing procedures**

The procedure for an appeal under section 36F is to be under the rules of court applicable to the appeal or, if the rules make no provision or insufficient provision, under the directions of the Court of Appeal.

### **36K Powers of court on appeal**

In deciding an appeal under section 36F, the court may—

- (a) confirm the decision appealed against; or
- (b) amend the decision appealed against; or
- (c) substitute another decision for the decision appealed against.

### **37 Offences**

- (1) Every person who—
- (a) travels stock contrary to this Act or any order of an inspector;
  - (c) leaves, or causes or permits to be left, infected stock or any carcass on a road or stock route;
  - (d) without lawful excuse, the proof whereof shall lie upon the person, leaves or causes or permits to be left any travelling stock on any road or stock route, or, without the permission of the owner of any holding, leaves or

- causes or permits to be left any travelling stock or any carcass on such holding;
- (e) refuses or neglects to give any prescribed notice;
  - (ea) assaults, resists, obstructs, threatens, or intimidates any inspector, government veterinary officer, authorised veterinary surgeon, or other officer in the exercise of his or her powers or in the discharge of his or her duties under this Act, or attempts so to do;
  - (f) fails to comply in all respects with the lawful order or requisition of the chief executive or the lawful order of an inspector;
  - (g) fails to close and secure against its being opened by stock any gate erected on a road or stock route;
  - (h) knowingly gives false or misleading information in connection with the issue, endorsement or alteration of a travel permit or waybill;
  - (j) travels, or attempts to travel, or is in any way concerned in travelling, stock under the authority of a travel permit containing—
    - (i) any alteration which has not been made by an inspector; or
    - (ii) any condition endorsed thereon or any other endorsement which condition or endorsement has not been endorsed or made by an inspector;
  - (k) is guilty of any breach of the regulations;
  - (l) when required by or under this Act to furnish any information to an inspector, fails to furnish that information, or furnishes information which is in any respect false or misleading;
  - (m) enters false information on a certificate of health relating to stock, required to be furnished under this Act;
  - (n) gives false information to an inspector in connection with the obtaining or attempting to obtain any certificate that an inspector may issue under this Act;



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- (o) obliterates, destroys, defaces or damages in any way a travel permit or waybill 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, travel permit, waybill, order, notice, authority or approval under this Act;
  - (q) knowingly utters or makes use of a forged or counterfeited licence, certificate, travel permit, waybill, order, notice, authority or approval;
  - (r) impersonates a person named in a licence, certificate, travel permit, waybill, order, notice, authority or approval granted or issued under this Act;

commits an offence against this Act.

- (1A) Any stock left on any road intersecting or forming the boundary line of any holding shall be deemed and taken to be left on such holding.
- (2) If a person to whom an order made under this Act by an inspector or a government veterinary officer is directed fails to comply in all respects with the order within the time (if any) limited therefor by the order, an inspector or government veterinary officer upon the direction of the chief executive, may cause to be done the work required by the order and the costs and expenses of such work shall be recoverable in any court of competent jurisdiction from, in the case of an order with respect to stock or a holding, the owner and, in the case of an order with respect to a vehicle, the owner, the owner's manager or agent or other person to whom the order in question was directed as a debt due and payable to the Crown but unpaid.
- (2A) Where the order in question was made with respect to the treatment, testing, destruction or disposal of stock such costs and expenses shall, until recovered, be and remain a first charge upon the stock treated, tested, destroyed or disposed of notwithstanding any change in ownership thereof that may from time to time take place.

- (3) An inspector may seize any stock, matter or thing introduced into the State in contravention of this Act or any stock travelled in contravention of this Act or kept alive in contravention of a condition requiring their slaughter imposed by or under this Act in respect of the introduction or travelling of the stock.
- (3A) Any stock, matter or thing so seized may, at the discretion of the chief executive, be destroyed, sold or otherwise disposed of.
- (3B) The owners of the stock, matter or thing destroyed or disposed of shall be jointly and severally liable to pay to the Crown the costs and expenses (including prescribed costs and expenses) reasonably incurred in connection therewith and the Crown may recover outstanding costs and expenses in action as for a debt in any court of competent jurisdiction.
- (3C) The proceeds (if any) arising out of the destruction or disposal, less the costs and expenses for which the owners are liable, shall be paid to the person, or (in varying amounts if necessary) to the persons appearing to the Crown to be entitled thereto, and thereupon the Crown shall not be liable at the suit of any person in respect of the proceeds.
- (3D) No compensation whatever shall be payable to or recoverable by any owner in respect of loss suffered because of the destruction or disposal of the owner's property carried out for the purpose of giving effect to subsection (3).
- (3E) The provisions of subsections (3) to (3D) shall operate without prejudice to any proceedings that may be taken against a person for an offence against this Act.
- (4) No person shall be required under this Act to answer any question, or give any information or to sign any declaration tending to incriminate the person.

### **39 Destroying notices etc.**

Any person who, without the authority of the chief executive or an inspector, demolishes, destroys, pulls down, erases, removes, defaces, or otherwise damages or interferes with any

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notice or placard fixed, posted, or placed pursuant to this Act commits an offence against this Act.

### **39A Feeding particular things to stock**

A person must not feed stock, or allow stock to feed on, any thing the person knows, or ought reasonably to know, has the potential to cause the stock to become infected with an exotic disease.

Maximum penalty—400 penalty units.

### **40 Expenses of destruction etc. of stock to be borne by the owner**

Unless otherwise indicated or provided, the costs and expenses of and attendant upon the destruction and disposal or the treatment pursuant to this Act of stock shall in every case be borne by the owner of the stock so dealt with.

### **41 Protection from liability**

- (1) This section applies to—
  - (a) the Minister; and
  - (b) the chief executive; and
  - (c) an inspector; and
  - (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.

## **42 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 the person is directed, ordered or required to do;
  - (b) does that which the person 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 maximum penalty of—
  - (a) for an offence against a regulation—40 penalty units; or
  - (b) otherwise—400 penalty units.

## **43 Procedure**

- (1) An offence against this Act may be prosecuted and amounts of assessments, fees or charges of any kind payable under this Act and not paid may be recovered in a summary way under the *Justices Act 1886* on complaint by—
  - (a) an inspector; or
  - (b) any other person thereunto authorised in writing by the Minister.
- (1A) All amounts of assessments, fees or charges of any kind payable under this Act and not paid may be recovered by the Crown by action as for a debt in any court of competent jurisdiction.
- (1B) The remedy conferred by subsection (1A) is in addition to the remedy conferred by subsection (1).

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- (2) A prosecution in respect of an offence against this Act may be commenced within 1 year after the commission of the offence or within 6 months after the offence comes to the knowledge of the complainant, whichever period is the later to expire.
  - (3) When any proceedings are taken in respect of stock under this Act, the court may, notwithstanding any change that has taken place in the meantime in the ownership or possession of the stock, give judgment against the owner of the stock without any further name or description, and may by such judgment order that the amount of the judgment and costs be levied by seizure and sale of so many of the stock as are necessary to satisfy the same.
  - (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 3 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.

#### **44 Liability for offence by agent or employee**

- (1) Notwithstanding sections 7 and 23 of the Criminal Code or any other Act or law or rule of law or practice, where a person

commits an offence against this Act as an agent or employee, the principal or employer, as the case may be, of that person shall be deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with committing the offence.

- (1A) It is immaterial that the offence was committed without the authority or contrary to the instructions of the principal or employer.
- (2) A person is not liable to be convicted for an offence against this Act committed by the person as an employee if the person satisfies the court that the offence was committed while the business of the person's employer was being conducted under the personal superintendence of that employer or of a manager or other representative of that employer, and that the offence was committed with the knowledge of that employer, manager or representative.
- (3) Save as provided by subsection (2) this section applies so as not to prejudice liability imposed under this Act on any person by whom an offence against this Act is actually committed.

## **45 Liability for offences by corporations**

- (1) Where a corporation offends against this Act each and every 1 of the following persons shall be deemed to have committed the offence, and shall be liable to be proceeded against and punished accordingly, namely—
  - (a) the managing director, manager, or other governing officer, by whatever name called, and every member of the governing body, by whatever name called, thereof;
  - (b) every person who in Queensland manages or acts or takes part in the management, administration or government of the business in Queensland of the corporation.
- (1A) This section applies so as not to limit or affect howsoever the liability of a corporation to be proceeded against and punished for an offence against this Act committed by it.

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- (2) No person who is proceeded against pursuant to this section shall be convicted if the person satisfies the court that the offence was committed without the person's consent or connivance and that the person exercised all such diligence to prevent the commission of the offence as the person ought to have exercised having regard to all the circumstances.

## 47 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, authorised veterinary surgeon or other officer or his or her 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 executive, chief inspector, an inspector, government veterinary officer, authorised 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, travel permit, waybill, authority, approval, order or notice under this Act shall upon its production in that proceeding be 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 executive stating that at a specified time or during a specified period there was or was not in force a licence, certificate, travel 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, travel 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 of the matters contained in that document;

- (e) proof that stock kept on any land have been diseased for a period of 7 days shall be evidence that, at the expiration of that period, the owner of that land knew that the stock were diseased;
- (f) proof that travelling stock have been diseased for a period of 2 days shall be evidence that, at the expiration of that period, the owner of the stock knew that the stock were diseased;
- (g) proof that stock have been diseased for a period of 7 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;
- (h) proof that at any time a carcass or animal product was infected or biological preparation contained contaminating micro-organisms shall be evidence that a person who had that carcass, animal product or biological preparation in the person's 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, travel 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 of that allegation or averment;
- (j) where it is alleged by the complainant in any proceedings for a complaint under this Act that any matter or thing was fodder, it shall be presumed, unless the contrary is proved, that the matter or thing was fodder.



**47A Chief executive may approve forms**

The chief executive may, by gazette notice, approve a form for use for the purposes of this Act.

**48 Regulation-making power**

- (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) The regulations may provide for the approval of the chief inspector to be the standard to be applicable in respect of a particular matter.

## **Schedule 1      Subject matter for regulations**

section 48

### **1      Movement of stock and other matter**

Prohibiting or regulating the movement into, within, or out of an infected area or a declared area of any stock, carcasses, fodder, fittings, animal products, animal pathogen, biological preparations, soil and any other matter or thing where necessary or desirable to prevent, control or eradicate disease in stock.

### **2      Isolation of stock**

- (1) Prescribing and regulating the quarantine, isolation, or separation of stock in an infected area or a declared area or a buffer area.
- (2) Prescribing with respect to the closing of gates on or leading into land adjoining the boundary of an infected area or a declared area or a buffer area.
- (3) Prescribing with respect to the furnishing of returns by owners of stock within an infected area or a declared area or a buffer area and the matters to which such returns are to relate.

### **3      Removal of carcasses etc. from ship**

Prohibiting or regulating the removal of carcasses, fodder, fittings, animal products, animal pathogen, biological preparations or other things from vessels in which introduced stock have arrived in the State.

### **4      Destruction and disposal of stock etc.**

Prescribing and regulating the destruction or disposal of stock, carcasses, fodder, fittings, soil, animal products, animal pathogen, biological preparations, or other things in an

infected area or a declared area, or of or used in connection with infected stock.

**5 Digging up carcasses**

Prohibiting the digging up of carcasses which have been buried.

**6 Cleansing infected areas**

Prescribing and regulating the cleansing and disinfection of infected areas, declared areas and holdings where infected stock have been kept or pastured.

**6A**

Prescribing methods of hygiene and standards of cleanliness of premises where stock are kept.

**7 Spread of infection**

Prescribing means to be adopted for preventing, controlling and eradicating the spread of infection or disease by any person, animal, matter, or thing.

**7A Chemicals, antibiotics**

Regulating or prohibiting, for the purpose of preventing, controlling or eradicating disease in stock, the use of chemicals or antibiotics as medicaments for stock, or their use in places or in relation to stock, fodder or anything that may become fodder and for that purpose regulating or prohibiting the obtaining or keeping of chemicals or antibiotics.

**7B Contaminated places**

Regulating or prohibiting, for the purpose of preventing, eradicating or controlling disease in stock, the use of places to

keep, graze or put to pasture stock or requiring the isolation of places to which stock may have access.

**7C Contaminated fodder**

Regulating or prohibiting, for the purpose of preventing, controlling or eradicating disease in stock, the use of any matter or thing as fodder for stock, or the providing for stock of any matter or thing, and for that purpose prohibiting or regulating the obtaining or keeping of any matter or thing to which stock may have access or with which they may come into contact.

**7D**

Regulating the testing and inoculation of stock and the use of vaccines, sera and diagnostic agents.

**8 Disinfection of stock**

Prescribing the disinfection and cleansing of all introduced stock and the clothes and baggage of attendants.

**9 Quarantine of introduced stock**

Prescribing the terms of quarantine of introduced stock or stock removed from one part of the State to another part of the State, and the charges to be paid by owners while such stock are in quarantine.

**9A**

Providing for the implementation of any disease eradication program, the powers, functions and duties of inspectors, authorised veterinary surgeons, owners and other persons (including the furnishing of information and returns) and the inspection, testing and treatment of stock thereunder.

**10**

- (1) Prohibiting or regulating the introduction into the State of animal products, animal pathogen, and biological preparations.
- (2) Prohibiting or regulating the conveyance by road, rail, air or water within the State or along the coast of the State within its territorial waters of stock, carcasses, biological preparations, animal products, animal pathogen, fodder, bags that have been used in connection with stock or with anything associated with stock, or any thing likely to spread disease whether or not such thing is itself diseased.

**11 Carriage of tick etc.**

Prohibiting or regulating the collection, keeping, sending or carriage of ticks, eggs of ticks, diseased or suspected hides, animal pathogen, or any other matter or thing that may cause or tend to cause the spread of disease.

**12 Dipping etc.**

- (1) Prescribing the medicaments to be used and the means to be adopted for treating infected or suspected stock and the vehicles or vessels used for conveying them.
- (2) Prescribing or regulating the inoculation of stock.

**13**

- (1) Prescribing standards for and regulating the construction, maintenance, operation and registration of cattle dips, spray installations and equipment and other places used or to be used for the treatment of stock.
- (2) Prescribing the charges to be made in respect of the use of any of such facilities or to be made in respect of the treatment of stock by an inspector.
- (3) Prescribing and regulating the sampling and testing of fluids used in such dips, installations, equipment and other places;

prohibiting or regulating the use of unregistered dips, installations, equipment and other places.

**14 Government dips etc.**

Regulating government dips and stations and government quarantine stations.

**15**

Providing for the identification of stock generally or of certain classes of stock, whether throughout the State or in a district or part of a district and, in particular, stock that have been or are about to be tested or treated for disease; prescribing with respect to the establishment of a scheme of identification of holdings, the registration of holdings, the licensing of owners of stock (by way of aid to or exception from the scheme of identification), the protection of such a scheme from fraudulent practices, the formation of registers and the allotment of particulars of identification to owners of stock, the evidentiary value of registers and of a certificate based thereon; prohibiting or regulating the sale of stock, or the sending or delivery of stock to an abattoir or slaughterhouse for slaughter, or the movement of stock unless such stock is identified as prescribed.

**16**

Prohibiting or regulating the holding of shows or of public sales of stock, the use of infected or suspected stock and the exposure of infected or suspected stock for sale in any place.

**16A Prohibiting etc. movement etc. of certain stock**

Prohibiting or regulating the movement, sale, destruction or disposal of stock showing enlargements, swellings, or abnormalities which, in the opinion of an inspector, may be the result of disease.

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**17 Seizure of stock etc.**

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

**17A Feeding of stock**

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

**17B Piggeries**

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

**17C Laboratories**

- (1) Prescribing and regulating the standards of appurtenances, equipment, plant, instruments, appliances and procedures to be used in laboratories; prohibiting or regulating testing for prescribed diseases, the manufacture, testing and use of biological preparations, the examination for internal or external parasites, the analysis of toxic substances and storage and processing of animal pathogens.
- (2) Providing for the approval and registration of laboratories and the terms, conditions and fees relating to their approval and registration.

**18 Valuing destroyed matter**

Prescribing the mode of ascertaining the value of stock or anything else destroyed or disposed of under this Act and for which compensation is payable, regulating applications for compensation including the time within which applications must be made, regulating the timing and manner of payment of compensation.

**19 Permits**

Prescribing and regulating the issue and production of permits respecting movement and travelling of stock, and other matters and things.

**20 Fees**

Prescribing the fees payable by persons for matters and services arising under this Act.

**22 Costs and expenses**

Prescribing costs and expenses payable by any person liable for the payment thereof associated with any action taken by the Minister, the chief executive, the chief inspector, an inspector or any person under this Act and regulating the time and manner of their recovery.

**23 Qualifications of inspectors etc.**

Prescribing the qualifications of inspectors and of officers appointed under this Act, and of persons other than officers appointed under this Act who perform functions and carry out duties for the purposes of this Act, and requiring that, before appointment, they shall give by examination or otherwise satisfactory evidence of their competency.



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## Schedule 2      Dictionary

### section 4

***accredited*** means accredited by the chief inspector of stock.

***actual owner*** means a person who, apart from definition in this Act as such, would be, in law, owner of the stock or other thing in question.

***animal*** includes a bird or insect of any kind.

***animal pathogen*** means bacteria, virus, protozoa or any other agent or organism capable of causing disease of animals.

***animal product*** includes blood, fat, milk, whey, cream, butter, buttermilk, cheese, eggs, feathers, wool, hair or other animal fibres, semen, ova, faeces, urine or secretion whatsoever of any stock and any other substance declared by regulation to be an animal product.

***approved form*** means a form approved by the chief executive under section 47A.

***approved veterinary surgeon*** means a veterinary surgeon appointed by the Minister by notice published in the gazette to be an approved veterinary surgeon.

***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.

***authorised veterinary surgeon*** means a veterinary surgeon appointed by the Minister by notice published in the gazette to be an authorised veterinary surgeon.

***biological preparation*** means—

- (a) any product prepared from animal tissue (including blood, lymph, or glandular secretion) or produced by the agency of microscopic or ultramicroscopic organisms or

ferments in any manner whatsoever, and used for or in relation to the diagnosis, prevention, alleviation or cure of disease or abnormal conditions in stock or which is used in animal production to promote growth or to change the physiological state of stock;

- (b) any synthetic compound, identical with or closely related to the products enumerated in paragraph (a) and which has or is alleged to have comparable uses;
- (c) another substance declared by regulation to be a biological preparation.

**carcass** means the carcass or part of the carcass of an animal whether in an uncooked, partly cooked, or cooked state, and includes meat, bone, hide, skin, feathers, wool, hair or other animal fibres, hoof, horn, offal, blood, or any other part of an animal.

**cattle** includes bulls, cows, oxen, heifers, steers, and calves.

**cattle feedlot** means premises in which cattle are fed, in a confined area, prepared or manufactured stockfeed at levels greater than necessary for survival.

**cattle tick infested area** means an area that is notified under section 13 as an infested area for cattle tick.

**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.

**declared area** means any part of the State in respect of which there subsists a notification under this Act notifying that part to be a declared area of the category specified as regards any disease.

**destination** includes any saleyard, cattle feedlot, railway trucking yard or platform, slaughterhouse, abattoir, or place for final delivery or acceptance of stock.

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***destroy*** means to consume by fire, bury under the ground, boil down, kill, or otherwise destroy to the satisfaction of an inspector.

***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, disorder, condition or other thing—

- (a) prescribed under a regulation; or
- (b) declared by notice under section 12A.

***diseased stock*** means stock actually suffering from or affected with disease.

***district*** means a district constituted under this Act.

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

***drover*** means the person in charge of travelling stock.

***dwelling house*** includes a part of any place, which part is used exclusively as a dwelling house and does not include the curtilage of any dwelling house.

***exotic disease*** see *Exotic Diseases in Animals Act 1981*, schedule 2.

***fittings*** means any stall, stable, sheep-pen, cow or cattle house, horsebox, or other structure for keeping or confining stock, and any halters, brushes, clothes, buckets, or other articles or things whatsoever which have been brought into contact with stock.

***fodder*** means any hay, straw, grass, green crop, root, vegetable, grain, corn, prepared meals, licks, litter, manure, or any other thing used, or intended for use, as food or litter for stock or found with or about stock.

***government veterinary officer*** means an officer of the department who is a registered veterinary surgeon.

***holding*** means any run, station, farm, freehold or leasehold, cattle feedlot, or place where stock are kept, pastured or grazed.

***horses*** includes horses, mares, geldings, colts, fillies, asses, and mules.

***infected*** means infected with disease.

***infected area*** means any part of the State in respect of which there subsists—

- (a) a notification whereby the Minister has notified the part to be an infected area;
- (b) a notice given by an inspector placing the part in quarantine;
- (c) an undertaking entered into by the owner of a holding under section 14(2).

***infected stock*** means diseased stock or stock which, in the opinion of an inspector, have been exposed to the risk of infection with disease or the cause of disease within the last preceding 3 months.

***information notice*** means a notice complying with the QCAT Act, section 157(2).

***inoculate*** means the injection or insertion into or the application to the tissues of stock of a biological preparation for the purpose of protecting such stock against disease or of testing such stock for disease, and includes vaccination.

***inspector*** means an inspector of stock, and includes the chief inspector.

***introduced stock*** means stock introduced into this State from another State or Territory of the Commonwealth, and all such stock for 3 months after they are so introduced.

***laboratory*** means premises used for the manufacture of biological preparations or for the pathological examination of sick, infected or suspected stock or infected or suspected animal products or for the examination for internal or external

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parasites or analysis of toxic substances 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, but does not include a veterinary surgery under the control of or used by a veterinary surgeon registered under the *Veterinary Surgeons Act 1936* for the treatment and cure of sick, infected or suspected stock, or a veterinary clinic, veterinary centre or veterinary hospital within the meaning of that Act.

***legibly branded*** means branded in a manner decipherable without scientific means at a distance of not less than 9m.

***market value of stock*** means their value calculated as upon a sale with delivery on the holding where such stock are when ordered to be destroyed.

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

***notifiable disease*** means a disease prescribed by regulation as a notifiable disease.

***order*** includes any command or direction whether given orally or in writing.

***original decision*** means—

- (a) a direction, order or other decision made or given under this Act by the Minister, the chief executive, an inspector or an authorised veterinary surgeon; or
- (b) a failure by a person mentioned in paragraph (a) to make or give under this Act a direction, order or other decision that the person is required to make or give.

***owner*** means the actual owner, lessee, licensee, or occupier, whether jointly or severally, or local government or other person apparently having charge or control of any holding or stock, or the authorised agent of or the superintendent or manager for the owner, or the drover of stock and, in the case

of stock in any saleyard, includes the authorised agent commissioned to dispose of that stock.

**poultry** means fowls, ducks, geese, turkeys, guinea fowls, pheasants, japanese quail (*Coturnix coturnix japonica*), partridges and pigeons, and the young thereof, and any bird in captivity whether wild by nature or bred in captivity and whether native to Queensland or migratory or introduced, and any other birds declared by regulation to be poultry.

**premises** includes any land or saleyard and any house or other building or structure whatsoever or wheresoever situated and its curtilage.

**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 section 4C.

**road** means any proclaimed road or any road or way dedicated to the public or which has been ordinarily used for 3 years at least by the public.

**saleyard** means any yard, premises, or place where stock are sold or offered or exposed for sale, or where stock are held or kept for the purpose of being sold or offered or exposed for sale or where stock are kept or held on sale.

**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.

**sheep** means any ram, ewe, wether, or lamb.

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

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***stabled and groomed*** means stabled and groomed continuously for the 35 days last preceding the date in question.

***stock*** means—

- (a) buffalo, camels, cattle, deer, goats, horse, llamas, poultry, sheep or swine; or
- (b) animals prescribed by regulation.

***stock route*** means a stock route under the *Land Protection (Pest and Stock Route Management) Act 2002*.

***suspected*** means suspected of being infected.

***swine*** means any boar, barrow, sow or pig of any age or breed.

***tag*** means a tag or label of a prescribed kind or other prescribed means of identification.

***test*** means test in the way, or by the method, (if any) prescribed by regulation.

***travel***, when used in reference to stock, means to travel, drive, convey or remove by any means.

***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.

***treated*** means dipped, dressed, rubbed, sprayed, spotted, applied, inoculated, vaccinated, implanted, dewormed, disinfected, fumigated or treated with any medicament, in any case as a cure for or preventive of disease.

***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.

*vessel* means any ship, steamer, lighter, launch, boat, punt, ferryboat, aircraft, or air cushion vehicle.



## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
<b>AIA</b>	= Acts Interpretation Act 1954	<b>(prev)</b>	= previously
<b>amd</b>	= amended	<b>proc</b>	= proclamation
<b>amdt</b>	= amendment	<b>prov</b>	= provision
<b>ch</b>	= chapter	<b>pt</b>	= part
<b>def</b>	= definition	<b>pubd</b>	= published
<b>div</b>	= division	<b>R[X]</b>	= Reprint No. [X]
<b>exp</b>	= expires/expired	<b>RA</b>	= Reprints Act 1992
<b>gaz</b>	= gazette	<b>reloc</b>	= relocated
<b>hdg</b>	= heading	<b>renum</b>	= renumbered
<b>ins</b>	= inserted	<b>rep</b>	= repealed
<b>lap</b>	= lapsed	<b>(retro)</b>	= retrospectively
<b>notfd</b>	= notified	<b>rv</b>	= revised version
<b>num</b>	= numbered	<b>s</b>	= section
<b>o in c</b>	= order in council	<b>sch</b>	= schedule
<b>om</b>	= omitted	<b>sdiv</b>	= subdivision
<b>orig</b>	= original	<b>SIA</b>	= Statutory Instruments Act 1992
<b>p</b>	= page	<b>SIR</b>	= Statutory Instruments Regulation 2012
<b>para</b>	= paragraph	<b>SL</b>	= subordinate legislation
<b>prec</b>	= preceding	<b>sub</b>	= substituted
<b>pres</b>	= present	<b>unnu</b>	= unnumbered
<b>prev</b>	= previous	<b>m</b>	

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the

#### Reprints Act 1992

used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@ogpc.qld.gov.au](mailto:legislation.queries@ogpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Effective	Reprint date
1	1993 Act No. 56	1 March 1994	26 March 1994
1A	1994 Act No. 15	10 May 1994	28 June 1996
1B	1996 Act No. 59	5 December 1996	19 December 1996
2	1996 Act No. 59	5 December 1996	24 August 1998
2A	1999 Act No. 11	30 March 1999	8 April 1999
2B	2000 Act No. 5	1 July 2000	4 July 2000
2C	2001 Act No. 71	1 March 2002	1 March 2002

Reprint No.	Amendments included	Effective	Notes
2D	2002 Act No. 49	24 September 2002	
2E	2002 Act No. 36	1 October 2002	R2E withdrawn, see R3
3	—	1 October 2002	
3A	2002 Act No. 12	1 July 2003	
3B	2003 Act No. 82	6 November 2003	
3C	2004 Act No. 27	12 October 2004	R3C withdrawn, see R4

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
4	—	12 October 2004	
4A	2009 Act No. 25	2 November 2009	
4B	2009 Act No. 24	1 December 2009	
4C	2011 Act No. 25	1 November 2011	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
5 April 2013	2013 Act No. 3	
22 October 2015	2015 Act No. 15	

## 5 List of legislation

### **Stock Act 1915 6 Geo 5 No. 16 (prev Diseases in Stock Act 1915)**

date of assent 13 December 1915  
 commenced 1 March 1916 (see s 1)  
 amending legislation—

### **Diseases in Stock Act Amendment Act 1930 21 Geo 5 No. 35**

date of assent 18 December 1930  
 commenced on date of assent

### **Diseases in Stock and Brands Acts Amendment Act 1931 22 Geo 5 No. 34**

date of assent 16 December 1931  
 commenced on date of assent

### **Statistics Act 1935 26 Geo 5 No. 9 s 11**

date of assent 17 October 1935  
 commenced on date of assent

### **Diseases in Stock Acts Amendment Act 1936 1 Edw 8 No. 12**

date of assent 12 November 1936  
 commenced on date of assent

### **Diseases in Stock Acts and Other Acts Amendment Act 1940 4 Geo 6 No. 11 pt 2**

date of assent 31 October 1940  
 commenced on date of assent

### **Brands Acts and Diseases in Stock Acts Amendment Act 1941 5 Geo 6 No. 18 pt 3**

date of assent 20 November 1941  
 commenced on date of assent

### **Diseases in Stock Acts and Another Act Amendment Act 1944 9 Geo 6 No. 6 pt 2**

date of assent 14 December 1944

commenced on date of assent

**Diseases in Stock Acts Amendment Act 1946 11 Geo 6 No. 10**

date of assent 20 December 1946

commenced on date of assent

**Diseases in Stock Acts Amendment Act 1948 12 Geo 6 No. 19**

date of assent 6 April 1948

commenced on date of assent

**Diseases in Stock Acts Amendment Act 1948 (No. 2) 13 Geo 6 No. 1**

date of assent 13 December 1948

commenced on date of assent

**Diseases in Stock Acts Amendment Act 1949 13 Geo 6 No. 40**

date of assent 28 October 1949

commenced on date of assent

**Diseases in Stock Acts Amendment Act 1950 14 Geo 6 No. 13**

date of assent 23 November 1950

commenced on date of assent

**Diseases in Stock Acts Amendment Act 1952 1 Eliz 2 No. 39**

date of assent 2 December 1952

commenced 15 December 1952 (proc pubd gaz 13 December 1952 p 1738)

**Stock Acts Amendment Act 1953 2 Eliz 2 No. 17**

date of assent 4 December 1953

commenced on date of assent

**Stock Acts Amendment Act 1954 3 Eliz 2 No. 22**

date of assent 4 October 1954

commenced on date of assent

**Stock Acts Amendment Act 1958 7 Eliz 2 No. 19**

date of assent 7 May 1958

commenced on date of assent

**Stock Acts Amendment Act 1959 8 Eliz 2 No. 12**

date of assent 9 April 1959

commenced on date of assent

**Stock Acts Amendment Act 1960 9 Eliz 2 No. 42**

date of assent 16 December 1960

commenced on date of assent

**Stock Acts Amendment Act 1965 No. 40**

date of assent 29 October 1965

s 16 commenced 29 October 1965 (see Act No. 32 of 1973 s 37)

remaining provisions commenced on date of assent

**Decimal Currency Act 1965 No. 61 s 11 sch 2**

date of assent 23 December 1965  
commenced 14 February 1966 (see s 1(2))

**Metric Conversion Act 1972 No. 31 pt 2 sch 1**

date of assent 21 December 1972  
commenced 27 July 1974 (proc pubd gaz 27 July 1974 p 1834)

**Stock Act and Other Acts Amendment Act 1973 No. 32 pt 2**

date of assent 19 April 1973  
commenced on date of assent

**Brands Act and Another Act Amendment Act 1974 No. 79 s 18**

date of assent 1 November 1974  
commenced on date of assent

**Stock Act Amendment Act 1976 No. 23**

date of assent 22 April 1976  
commenced on date of assent

**Stock Act and Another Act Amendment Act 1978 No. 64 pt 2**

date of assent 30 October 1978  
ss 5(h), 8, 9, 18(a)(ii), 26(c)(ii)(B) and 34(b) commenced 1 July 1979 (see s 2(2))  
remaining provisions commenced 18 December 1978 (proc pubd gaz 9 December 1978 p 1693)

**Stock Act Amendment Act 1979 No. 59**

date of assent 21 December 1979  
commenced on date of assent

**Exotic Diseases in Animals Act 1981 No. 13 s 4(2) sch 1 pt B**

date of assent 14 April 1981  
commenced 1 January 1982 (proc pubd gaz 26 December 1981 p 1736)

**Stock Act and Another Act Amendment Act 1984 No. 3 pt 2**

date of assent 6 January 1984  
commenced 1 May 1984 (proc pubd gaz 7 April 1984 p 1461)

**Deer Farming Act 1985 No. 24 s 4(2) sch 3**

date of assent 15 April 1985  
commenced 1 October 1985 (proc pubd gaz 28 September 1985 p 390)

**Stock Act Amendment Act 1986 No. 4**

date of assent 6 March 1986  
ss 1–2 commenced on date of assent  
remaining provisions commenced 24 March 1986 (proc pubd gaz 22 March 1986 p 1178)

**Stock Act Amendment Act 1987 No. 89**

date of assent 3 December 1987  
s 4(2) commenced 1 January 1988 (proc pubd gaz 26 December 1987 p 1779)  
remaining provisions commenced on date of assent

**Stock Act Amendment Act 1989 No. 25**

date of assent 17 April 1989  
commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch**

date of assent 25 October 1989  
commenced on date of assent

**Stock Act and Local Government Act Amendment Act 1989 No. 107 pt 2**

date of assent 25 October 1989  
commenced 16 November 1989 (proc pubd gaz 18 November 1989 p 2066)

**Stock Amendment Act 1993 No. 52 pts 1–2**

date of assent 25 October 1993  
ss 1–2 commenced on date of assent  
s 6 commenced 1 January 1994 (1993 SL No. 473)  
remaining provisions commenced 1 March 1994 (1993 SL No. 473)

**Meat Industry Act 1993 No. 56 s 183 sch 2**

date of assent 25 October 1993  
commenced 1 January 1994 (1993 SL No. 474)

**Statute Law (Miscellaneous Provisions) Act 1994 No. 15 s 3 sch 2**

date of assent 10 May 1994  
commenced on date of assent

**Public Service Act 1996 No. 37 ss 1–2, 147 sch 2**

date of assent 22 October 1996  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 December 1996 (1996 SL No. 361)

**Primary Industries Legislation Amendment Act (No. 2) 1996 No. 59 pts 1, 10**

date of assent 5 December 1996  
commenced on date of assent

**Integrated Planning and Other Legislation Amendment Act 1999 No. 11 ss 1–2(1) pt  
4**

date of assent 30 March 1999  
commenced on date of assent

**Police Powers and Responsibilities Act 2000 No. 5 ss 1–2, 373 sch 2–3**

date of assent 23 March 2000  
ss 1–2, 373 sch 2 commenced on date of assent (see s 2(2))  
remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)

**Duties Act 2001 No. 71 ss 1–2(1), 551 sch 1**

date of assent 13 November 2001  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 March 2002 (2002 SL No. 10)

**Land Protection (Pest and Stock Route Management) Act 2002 No. 12 ss 1–2, 329 sch 2**

date of assent 24 April 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2003 (2003 SL No. 116) (provisions were to commence 25 April 2004 (automatic commencement under AIA s 15DA(2) (2003 SL No. 58 s 2)))

**Animal and Plant Health Legislation Amendment Act 2002 No. 36 pts 1, 6, ss 44–45 schs 1–2**

date of assent 29 August 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 2002 (2002 SL No. 257)

**Primary Industries Legislation Amendment Act 2002 No. 49 ss 1, 37 sch**

date of assent 24 September 2002

commenced on date of assent

**Primary Industries and Other Legislation Amendment Act 2003 No. 82 ss 1–2(1)(a), 88 sch**

date of assent 6 November 2003

commenced on date of assent (see s 2(1)(a))

**Primary Industries and Fisheries Legislation Amendment Act 2004 No. 27 ss 1, 2(3), pt 8**

date of assent 12 October 2004

ss 1–2 commenced on date of assent

remaining provisions commenced on date of assent (see s 2(3))

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 5 pt 64**

date of assent 26 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2009 (2009 SL No. 252)

**Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009 No. 25 pt 1, s 83 sch**

date of assent 11 August 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 2 November 2009 (2009 SL No. 241)

**Neighbourhood Disputes Resolution Act 2011 No. 25 ss 1–2, 105 sch 1 pt 2**

date of assent 9 August 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 1 November 2011 (2011 SL No. 209)

**Classification of Computer Games and Images and Other Legislation Amendment Act 2013 No. 3 ss 1, 2(2)(e)–(f), 60 sch 1**

date of assent 26 February 2013

ss 1–2 commenced on date of assent

remaining provisions commenced 5 April 2013 (2013 SL No. 39)

**Agriculture and Other Legislation Amendment Act 2015 No. 15 s 1, pt 12**

date of assent 22 October 2015

commenced on date of assent

## 6 List of annotations

### Short title

s 1 amd 1953 2 Eliz 2 No. 17 s 2

sub 1993 No. 52 s 3 sch 1

### Repeal

s 2 om 1993 No. 52 s 3 sch 1

### Construction of Act

s 2A renum as s 3 1987 No. 89 s 17

### Construction of Act

s 3 (prev s 2A) ins 1950 14 Geo 6 No. 13 s 2

renum 1987 No. 89 s 17

om 1993 No. 52 s 3 sch 1

### Definitions

**Note**—prev s 4 contained definitions for this Act. Definitions are now located in schedule 2—Dictionary.

s 4 (prev s 3) amd 1952 1 Eliz 2 No. 39 s 4(iv); 1987 No. 89 s 3(a), (h)–(i)

renum 1987 No. 89 s 17

amd 1993 No. 52 s 3 sch 1; 2002 No. 36 ss 32, 45 sch 2

### When a person is in possession of something

s 4A prev s 4A ins 1993 No. 56 s 183 sch 2

om 1999 No. 11 s 22

pres s 4A (prev s 4(2)) renum 2002 No. 36 s 45 sch 2

### References to diseased or infected matter or thing

s 4B (prev s 4(3)) renum 2002 No. 36 s 45 sch 2

### Chemical or antibiotic residue may be prescribed as a disease

s 4C (prev s 4(4)) renum 2002 No. 36 s 45 sch 2

amd 2003 No. 82 s 88 sch

### Appointment and qualifications of inspectors

s 4D ins 2002 No. 36 s 33

### Appointment conditions and limit on powers of inspectors

s 4E ins 2002 No. 36 s 33

### Issue of inspector's identity card



s **4F** ins 2002 No. 36 s 33

**Production or display of inspector's identity card**

s **4G** ins 2002 No. 36 s 33

**When inspector ceases to hold office**

s **4H** ins 2002 No. 36 s 33

**Resignation**

s **4I** ins 2002 No. 36 s 33

**Return of inspector's identity card**

s **4J** ins 2002 No. 36 s 33

**Chief inspector and other inspectors**

s **5** (prev s 4) amd 1948 13 Geo 6 No. 1 s 2; 1958 7 Eliz 2 No. 19 s 3; 1960 9 Eliz 2 No. 42 s 3; 1965 No. 40 s 3(a); 1974 No. 79 s 18(2) sch; 1978 No. 64 s 6; 1986 No. 4 s 35  
renum 1987 No. 89 s 17  
amd 1993 No. 52 s 3 sch 1; 1996 No. 37 s 147 sch 2; 2002 No. 36 s 34; 2009 No. 25 s 83 sch

**Stock Returns**

**hdg** ins 1952 1 Eliz 2 No. 39 s 5  
om 1978 No. 64 s 7(a)

**Honorary inspectors**

s **5A** prev s 5A ins 1952 1 Eliz 2 No. 39 s 5  
amd 1959 8 Eliz 2 No. 12 s 2; 1960 9 Eliz 2 No. 42 s 4; 1973 No. 32 s 6; 1974 No. 79 s 18(2) sch  
om 1978 No. 64 s 7(b)  
pres s 5A ins 1993 No. 52 s 3 sch 1  
om 2002 No. 36 s 35

**Appointment of approved veterinary surgeons**

s **5B** (prev s 5(3)) ins 1948 12 Geo 6 No. 19 s 3(1)  
sub 1965 No. 40 s 3(b)  
amd 1978 No. 64 s 6(b)  
renum 1993 No. 52 s 3 sch 1

**Agreements between the Minister and approved veterinary surgeons**

s **5C** (prev s 5(4)–(5)) ins 1965 No. 40 s 3(c)  
amd 1973 No. 32 s 5; 1978 No. 64 s 6(c); 1987 No. 89 s 18  
renum 1993 No. 52 s 3 sch 1

**Authorised veterinary surgeons**

s **5D** (prev s 5(6)) ins 1965 No. 40 s 3(c)  
om 1973 No. 32 s 5(b)  
ins 1978 No. 64 s 6(d)  
amd 1993 No. 52 s 3 sch 1  
renum 1993 No. 52 s 3 sch 1

**Delegations**

Endnotes

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s 6 prev s 6 amd 1930 21 Geo 5 No. 35 s 4; 1941 5 Geo 6 No. 18 s 13; 1953 2 Eliz 2 No. 17 ss 3–4; 1973 No. 32 s 7  
om 1978 No. 64 s 8  
pres s 6 (prev s 4A) ins 1958 7 Eliz 2 No. 19 s 4  
renum 1987 No. 89 s 17  
sub 1993 No. 52 s 3 sch 1

**Governor in Council may appoint districts**

s 7 prev s 7 sub 1930 21 Geo 5 No. 35 s 5; 1931 22 Geo 5 No. 34 s 2  
amd 1935 26 Geo 5 No. 9 s 11(i); 1941 5 Geo 6 No. 18 s 14; 1950 14 Geo 6 No. 13 s 3;  
1952 1 Eliz 2 No. 39 s 6; 1953 2 Eliz 2 No. 17 s 6; 1960 9 Eliz 2 No. 42 s 5; 1973 No. 32  
s 9; 1974 No. 79 s 18(2) sch  
om 1978 No. 64 s 7(b)  
pres s 7 (prev s 5) amd 1930 21 Geo 5 No. 35 s 3  
renum 1987 No. 89 s 17  
amd 1993 No. 52 s 3 sch 1

**Agreements for voluntary assessments on milk and cream**

s 7B ins 1958 7 Eliz 2 No. 19 s 6  
om 1973 No. 32 s 11

**Stock Diseases Compensation and Stock Improvement Fund**

s 8 (prev s 6A) ins 1944 9 Geo 6 No. 6 s 4  
amd 1948 12 Geo 6 No. 19 s 4; 1953 2 Eliz 2 No. 17 s 5; 1958 7 Eliz 2 No. 19 s 5; 1959 8  
Eliz 2 No. 12 s 3; 1965 No. 40 s 4; 1973 No. 32 s 8  
renum 1987 No. 89 s 17  
amd 1987 No. 89 s 18

**Assessments on milk and cream**

s 9 (prev s 7A) ins 1944 9 Geo 6 No. 6 s 5  
amd 1946 11 Geo 6 No. 10 s 3  
sub 1948 13 Geo 6 No. 1 s 3  
amd 1949 13 Geo 6 No. 40 s 2; 1953 2 Eliz 2 No. 17 s 7; 1954 3 Eliz 2 No. 22 s 3; 1965  
No. 40 s 5; 1972 No. 31 s 6 sch 1  
sub 1973 No. 32 s 10  
amd 1986 No. 3 s 4  
renum 1987 No. 89 s 17  
amd 1993 No. 52 s 3 sch 1

**Dips etc.**

s 10 prev s 10 om 1973 No. 32 s 13  
pres s 10 (prev s 8) renum 1987 No. 89 s 17

**Disease controls over introduction of stock and other matters and things**

s 11 (prev s 9) amd 1940 4 Geo 6 No. 11 s 5; 1946 11 Geo 6 No. 10 s 4; 1960 9 Eliz 2 No.  
42 s 6; 1965 No. 40 s 6; 1973 No. 32 s 12; 1974 No. 79 s 18(2) sch; 1978 No. 64 s 10; 1986  
No. 4 ss 5, 35  
renum 1987 No. 89 s 4(1)(a)

sub 1987 No. 89 s 4(2)  
amd 1993 No. 52 s 3 sch 1; 2002 No. 36 s 44 sch 1

**Destruction of stock from other States where prescribed certificates not produced**

**s 11A** (prev s 9A) ins 1960 9 Eliz 2 No. 42 s 7  
amd 1974 No. 79 s 18(2) sch; 1978 No. 64 s 11; 1986 No. 4 s 6  
renum 1987 No. 89 s 4(1)(a)  
om 1987 No. 89 s 4(2)

**Suspension of preceding sections**

**s 11B** (prev s 11) amd 1946 11 Geo 6 No. 10 s 5; 1965 No. 40 s 7; 1986 No. 4 s 7  
renum 1987 No. 89 s 4(1)(a)  
amd 1987 No. 89 s 4(1)(b)  
om 1987 No. 89 s 4(2)

**Minister may prohibit or restrict introduction or removal of stock**

**s 12** amd 1930 21 Geo 5 No. 35 s 6; 1946 11 Geo 6 No. 10 s 6; 1965 No. 40 s 8; 1973 No. 32 s 14; 1978 No. 64 s 12; 1979 No. 59 s 3  
sub 1986 No. 4 s 8  
amd 1993 No. 52 s 3 sch 1; 2002 No. 12 s 329 sch 2

**Emergency disease notice**

**s 12A** ins 2002 No. 36 s 36

**Free areas**

**s 12B** ins 1973 No. 32 s 16  
amd 1974 No. 79 s 18(2) sch  
om 1978 No. 64 s 15

**Restricted areas**

**s 12C** ins 1973 No. 32 s 17  
amd 1974 No. 79 s 18(2) sch  
om 1978 No. 64 s 16

**Infected and declared areas**

**s 13** (prev s 12A) ins 1946 11 Geo 6 No. 10 s 7  
amd 1973 No. 32 s 15; 1974 No. 79 s 18(2) sch  
sub 1978 No. 64 s 13  
amd 1979 No. 59 s 4; 1981 No. 13 s 4(2) sch 1 pt B; 1986 No. 4 s 35; 1987 No. 89 s 5  
renum 1987 No. 89 s 17  
amd 1993 No. 52 s 3 sch 1; 2002 No. 36 s 44 sch 1

**Quarantine**

**s 14** (prev s 13) amd 1946 11 Geo 6 No. 10 s 8; 1954 3 Eliz 2 No. 22 s 4; 1973 No. 32 s 18; 1974 No. 79 s 18(2) sch; 1979 No. 59 s 5; 1981 No. 13 s 4(2) sch 1 pt B; 1986 No. 4 s 9; 1987 No. 89 s 6  
renum 1987 No. 89 s 17  
amd 1993 No. 52 s 3 sch 1; 2001 No. 71 s 551 sch 1; 2002 No. 36 s 44 sch 1; 2015 No. 15 s 98

**Stock may be destroyed in certain cases**

s 15 (prev s 14) amd 1946 11 Geo 6 No. 10 s 9; 1965 No. 40 s 9; 1978 No. 64 s 17; 1979 No. 59 s 6; 1986 No. 4 s 10  
renum 1987 No. 89 s 17  
amd 1993 No. 52 s 3 sch 1

**Requirement as to stock-proof fences**

s 16 (prev s 14A) ins 1973 No. 32 s 19  
amd 1987 No. 89 s 7  
renum 1987 No. 89 s 17  
amd 1993 No. 52 s 3 sch 1; 2011 No. 25 s 105 sch 1 pt 2; 2013 No. 3 s 60 sch 1

**Provisions dealing with abandoned &c., horses and brumbies**

s 16A ins 1930 21 Geo 5 No. 35 s 7  
amd 1960 9 Eliz 2 No. 42 s 8; 1973 No. 32 s 22; 1974 No. 79 s 18(2) sch  
om 1978 No. 64 s 20

**Owner to be compensated**

s 17 (prev s 15) amd 1940 4 Geo 6 No. 11 s 6; 1946 11 Geo 6 No. 10 s 10; 1953 2 Eliz 2 No. 17 s 8; 1973 No. 32 s 20; 1978 No. 64 s 18; 1981 No. 13 s 4(2) sch 1 pt B; 1984 No. 3 s 5; 1986 No. 4 s 11  
renum 1987 No. 89 s 17  
amd 1987 No. 89 s 18; 1989 No. 103 s 3 sch; 1993 No. 52 s 3 sch 1

**When no compensation payable**

s 18 (prev s 15A) ins 1978 No. 64 s 19  
amd 1979 No. 59 s 7; 1986 No. 4 s 12  
renum 1987 No. 89 s 17  
amd 1993 No. 52 s 3 sch 1

**Local governments may destroy stray diseased stock**

s 19 (prev s 16) amd 1973 No. 32 s 21  
renum 1987 No. 89 s 17

**Warranty implied on sale of stock**

s 20 (prev s 17) amd 1946 11 Geo 6 No. 10 s 11; 1948 13 Geo 6 No. 1 s 4  
sub 1973 No. 32 s 23  
amd 1978 No. 64 s 21; 1986 No. 4 s 13  
renum 1987 No. 89 s 17  
amd 1987 No. 89 s 18; 1993 No. 52 s 3 sch 1; 1993 No. 56 s 183 sch 2; 2002 No. 49 s 37 sch

**Some stock movements require a travel permit**

s 21 (prev s 18) amd 1930 21 Geo 5 No. 35 s 8; 1936 1 Edw 8 No. 12 s 2; 1940 4 Geo 6 No. 11 s 7; 1948 13 Geo 6 No. 1 s 5; 1958 7 Eliz 2 No. 19 s 7; 1960 9 Eliz 2 No. 42 s 9; 1965 No. 40 s 10; 1973 No. 32 s 24; 1974 No. 79 s 18(2) sch; 1978 No. 64 s 22; 1979 No. 59 s 8; 1984 No. 3 s 6; 1986 No. 4 ss 14, 35; 1987 No. 89 s 8  
renum 1987 No. 89 s 17  
amd 1989 No. 103 s 3 sch

sub 1993 No. 52 s 4  
amd 2002 No. 36 s 44 sch 1

**Types of stock movement that require a travel permit**

s 21A ins 1993 No. 52 s 4

**Issue of a travel permit**

s 21B ins 1993 No. 52 s 4

**Application for travel permit**

s 21C ins 1993 No. 52 s 4

**Change of route under a travel permit**

s 21D ins 1993 No. 52 s 4

**Travel permit for multiple movements**

s 21E ins 1993 No. 52 s 4

**Cancellation of travel permit to prevent disease**

s 21F ins 1993 No. 52 s 4

**Travel permit taken to be cancelled**

s 21G ins 1993 No. 52 s 4

**Cancelled travel permit must be returned on request**

s 21H ins 1993 No. 52 s 4  
amd 2002 No. 36 s 44 sch 1

**Duties concerning travel permit arising during stock movement**

s 21I ins 1993 No. 52 s 4  
amd 2002 No. 36 s 44 sch 1

**Requirement to have travel permit relaxed in some cases**

s 21J ins 1993 No. 52 s 4

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

s 21K ins 1993 No. 52 s 4  
amd 2002 No. 36 s 44 sch 1

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

s 22 (prev s 19) amd 1930 21 Geo 5 No. 35 s 9; 1948 13 Geo 6 No. 1 s 6; 1959 8 Eliz 2 No. 12 s 4; 1960 9 Eliz 2 No. 42 s 10; 1965 No. 40 s 11; 1973 No. 32 s 25; 1974 No. 79 s 18(2) sch; 1978 No. 64 s 23; 1979 No. 59 s 9; 1984 No. 3 s 7; 1986 No. 4 ss 15, 35; 1987 No. 89 s 9  
renum 1987 No. 89 s 17  
amd 1987 No. 89 s 18  
sub 1993 No. 52 s 5  
amd 2002 No. 36 s 44 sch 1; 2003 No. 82 s 88 sch

**Retention of copy of waybill given to drover**

s 22A ins 1993 No. 52 s 5  
amd 2002 No. 36 s 44 sch 1

**Duties of drovers**

s **22B** ins 1993 No. 52 s 5  
amd 2002 No. 36 s 44 sch 1; 2003 No. 82 s 88 sch

**Duties relating to waybill when stock delivered**

s **22C** ins 1993 No. 52 s 5  
amd 2002 No. 36 s 44 sch 1; 2003 No. 82 s 88 sch

**Retention of waybill received from drover**

s **22D** ins 1993 No. 52 s 5  
amd 2002 No. 36 s 44 sch 1

**Entering of false or misleading information**

s **22E** ins 1993 No. 52 s 5  
amd 2002 No. 36 s 44 sch 1

**Waybill sometimes not required**

s **22F** ins 1993 No. 52 s 5

**Multiple conveyances permitted under single waybill**

s **22G** ins 1993 No. 52 s 5

**Examination of stock by owners of holdings**

s **22H** ins 1993 No. 52 s 5  
amd 2002 No. 36 s 44 sch 1

**Escape of travelling stock**

s **22I** ins 1993 No. 52 s 5  
amd 2002 No. 36 s 44 sch 1

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

s **23** (prev s 19A) ins 1965 No. 40 s 12  
amd 1986 No. 4 s 16  
renum 1987 No. 89 s 17  
amd 1987 No. 89 s 18  
sub 1993 No. 52 s 3 sch 1

**Endorsement of waybill on inspection etc.**

s **24** (prev s 20) amd 1978 No. 64 s 24; 1984 No. 3 s 8; 1986 No. 4 s 17  
renum 1987 No. 89 s 17  
amd 1993 No. 52 s 3 sch 1; 2000 No. 5 s 373 sch 2

**Drover to give notice before entering a holding**

s **25** (prev s 21) amd 1930 21 Geo 5 No. 35 s 10; 1959 8 Eliz 2 No. 12 s 5; 1960 9 Eliz 2 No. 42 s 11; 1974 No. 79 s 18(2) sch; 1986 No. 4 s 18  
renum 1987 No. 89 s 17  
amd 1996 No. 59 s 81

**Compensation**

s **25B** prev s 25B ins 1944 9 Geo 6 No. 6 s 7

amd 1946 11 Geo 6 No. 10 s 14; 1948 12 Geo 6 No. 19 s 6; 1948 13 Geo 6 No. 1 s 7; 1958 7 Eliz 2 No. 19 s 11  
om 1973 No. 32 s 30  
pres s 25B ins 1978 No. 64 s 28  
amd 1986 No. 4 s 23  
om 1987 No. 89 s 11

**Branding of travelling sheep**

s **26** (prev s 22) amd 1930 21 Geo 5 No. 35 s 11; 1940 4 Geo 6 No. 11 s 8; 1965 No. 61 s 11 sch 2; 1972 No. 31 s 6 sch 1  
sub 1973 No. 32 s 26  
amd 1986 No. 4 s 19  
renum 1987 No. 89 s 17

**Powers for prevention or checking of the spread from infected areas of disease, &c.**

s **26A** ins 1954 3 Eliz 2 No. 22 s 6  
amd 1965 No. 40 s 15; 1973 No. 32 s 32; 1974 No. 79 s 18(2) sch; 1978 No. 64 s 29  
om 1981 No. 13 s 4(2) sch 1 pt B

**Boarding kennels**

s **26B** ins 1954 3 Eliz 2 No. 22 s 7  
amd 1974 No. 79 s 18(2) sch; 1978 No. 64 s 30  
om 1986 No. 4 s 25

**Artificial insemination**

s **26C** ins 1958 7 Eliz 2 No. 19 s 12  
amd 1959 8 Eliz 2 No. 12 s 8; 1974 No. 79 s 18(2) sch; 1978 No. 64 s 31  
om (as from 16 August 1981) by Artificial Breeding of Stock Act 1979 No. 65 s 4(1)

**Pet shops**

s **26D** ins 1965 No. 40 s 16  
amd 1978 No. 64 s 32  
om 1986 No. 4 s 26

**Responsibilities about notifiable diseases and other diseases**

s **27** (prev s 23) amd 1958 7 Eliz 2 No. 19 s 8  
sub 1965 No. 40 s 13  
amd 1973 No. 32 s 27; 1978 No. 64 s 25; 1981 No. 13 s 4(2) sch 1 pt B; 1986 No. 4 s 20  
renum 1987 No. 89 s 17  
amd 1987 No. 89 s 18; 1993 No. 52 s 3 sch 1; 2002 No. 36 s 37

**Swine**

s **28** (prev s 24) renum 1987 No. 89 s 17

**Cattle feedlots to be licensed**

s **28A** ins 1989 No. 107 s 5  
om 1999 No. 11 s 23

**Application for cattle feedlot licence or renewal**

s **28B** ins 1989 No. 107 s 5  
amd 1993 No. 52 s 3 sch 1  
om 1999 No. 11 s 23

**Licences**

s **28C** ins 1989 No. 107 s 5  
amd 1993 No. 52 s 3 sch 1  
om 1999 No. 11 s 23

**Noncompliance with licence**

s **28D** ins 1989 No. 107 s 5  
om 1999 No. 11 s 23

**Duration of licence**

s **28E** ins 1989 No. 107 s 5  
om 1999 No. 11 s 23

**Chief Inspector may require information**

s **28F** ins 1989 No. 107 s 5  
om 1999 No. 11 s 23

**Cancellation or suspension of licence**

s **28G** ins 1989 No. 107 s 5  
amd 1993 No. 52 s 3 sch 1  
om 1999 No. 11 s 23

**Chief Inspector may issue guidelines**

s **28H** ins 1989 No. 107 s 5  
om 1993 No. 52 s 3 sch 1

**Register**

s **28I** ins 1989 No. 107 s 5  
om 1999 No. 11 s 23

**Cattle Feedlot Advisory Committee**

s **28J** ins 1989 No. 107 s 5  
amd 1999 No. 11 s 24

**Powers of inspector**

s **29** (prev s 25) amd 1930 21 Geo 5 No. 35 s 12; 1940 4 Geo 6 No. 11 s 9; 1946 11 Geo 6 No. 10 s 12; 1952 1 Eliz 2 No. 39 s 7; 1953 2 Eliz 2 No. 17 s 9; 1958 7 Eliz 2 No. 19 s 9; 1959 8 Eliz 2 No. 12 s 6; 1973 No. 32 s 28; 1978 No. 64 s 26; 1979 No. 59 s 10; 1981 No. 13 s 4(2) sch 1 pt B; 1986 No. 4 s 21  
renum 1987 No. 89 s 17  
amd 1987 No. 89 s 18; 1989 No. 107 s 6; 1993 No. 52 s 3 sch 1; 2000 No. 5 s 373 sch 2; 2002 No. 36 s 38

**Production of documents**

s **29A** ins 2002 No. 36 s 39

**Disease eradication programs**



s **30** (prev s 25A) ins 1944 9 Geo 6 No. 6 s 6  
amd 1946 11 Geo 6 No. 10 s 13; 1948 12 Geo 6 No. 19 s 5; 1958 7 Eliz 2 No. 19 s 10; 1959  
8 Eliz 2 No. 12 s 7; 1960 9 Eliz 2 No. 42 s 12; 1965 No. 40 s 14; 1973 No. 32 s 29; 1974  
No. 79 s 18(2) sch  
sub 1978 No. 64 s 27  
amd 1979 No. 59 s 11; 1986 No. 4 ss 22, 35; 1987 No. 89 s 10  
renum 1987 No. 89 s 17  
amd 1989 No. 25 s 2; 1993 No. 52 s 3 sch 1; 1993 No. 56 s 183 sch 2; 2002 No. 36 s 44 sch 1

#### **Compensation relating to disease eradication programs**

s **31** ins 1987 No. 89 s 11  
amd 1993 No. 52 s 3 sch 1

#### **Testing, treatment and isolation of stock and treatment of vehicles**

s **32** (prev s 26) amd 1940 4 Geo 6 No. 11 s 10; 1954 3 Eliz 2 No. 22 s 5  
sub 1973 No. 32 s 31  
amd 1979 No. 59 s 12; 1986 No. 4 s 24  
renum 1987 No. 89 s 17  
amd 1993 No. 52 s 3 sch 1

#### **Control of residue disease**

s **33** ins 1987 No. 89 s 12  
amd 1993 No. 52 s 3 sch 1; 2002 No. 36 s 44 sch 1

#### **Restricted entry into dwelling house**

s **34** ins 1987 No. 89 s 12  
amd 1993 No. 52 s 3 sch 1

#### **Laboratories**

s **35** (prev s 26E) ins 1978 No. 64 s 33  
amd 1986 No. 4 s 27  
renum 1987 No. 89 s 17  
amd 1993 No. 52 s 3 sch 1

#### **Certification relating to artificial breeding**

s **35A** ins 1993 No. 52 s 6

#### **External review by QCAT**

s **35B** ins 2009 No. 24 s 783

#### **Application of QCAT Act notice requirement**

s **35C** ins 2009 No. 24 s 783

#### **Appeals to Magistrates Courts**

s **36** (prev s 27) amd 1930 21 Geo 5 No. 35 s 13; 1954 3 Eliz 2 No. 22 s 8  
renum 1987 No. 89 s 17  
sub 1993 No. 52 s 7  
amd 2004 No. 27 s 33; 2009 No. 24 s 784

#### **Who may appeal to the District Court**

s **36A** ins 2004 No. 27 s 34  
amd 2009 No. 24 s 785

**Starting an appeal**

s **36B** ins 2004 No. 27 s 34

**Stay of operation of decision**

s **36C** ins 2004 No. 27 s 34

**Hearing procedures**

s **36D** ins 2004 No. 27 s 34

**Powers of court on appeal**

s **36E** ins 2004 No. 27 s 34

**Who may appeal to the Court of Appeal**

s **36F** ins 2004 No. 27 s 34

**Appeal on questions of law only**

s **36G** ins 2004 No. 27 s 34

**Starting an appeal**

s **36H** ins 2004 No. 27 s 34

**Stay of operation of decision**

s **36I** ins 2004 No. 27 s 34

**Hearing procedures**

s **36J** ins 2004 No. 27 s 34

**Powers of court on appeal**

s **36K** ins 2004 No. 27 s 34

**Offences**

s **37** (prev s 28) amd 1930 21 Geo 5 No. 35 s 14; 1936 1 Edw 8 No. 12 s 3; 1948 13 Geo 6 No. 1 s 8; 1954 3 Eliz 2 No. 22 s 9; 1958 7 Eliz 2 No. 19 s 13; 1960 9 Eliz 2 No. 42 s 13; 1973 No. 32 s 33; 1974 No. 79 s 18(2) sch; 1978 No. 64 s 34; 1979 No. 59 s 13; 1986 No. 4 s 28; 1987 No. 89 s 13  
renum 1987 No. 89 s 17  
amd 1993 No. 52 s 3 sch 1; 2000 No. 5 s 373 sch 2; 2002 No. 12 s 329 sch 2

s **38** (prev s 28A) ins 1958 7 Eliz 2 No. 19 s 14

renum 1987 No. 89 s 17

amd 1987 No. 89 s 18

om 1993 No. 52 s 3 sch 1

**Destroying notices etc.**

s **39** (prev s 29) sub 1954 3 Eliz 2 No. 22 s 10

amd 1960 9 Eliz 2 No. 42 s 14; 1974 No. 79 s 18(2) sch; 1986 No. 4 s 29

renum 1987 No. 89 s 17

amd 1993 No. 52 s 3 sch 1

**Feeding particular things to stock**

s 39A ins 2002 No. 36 s 40

**Expenses of destruction etc. of stock to be borne by the owner**

s 40 (prev s 29A) ins 1953 2 Eliz 2 No. 17 s 10

renum 1987 No. 89 s 17

**Protection from liability**

s 41 (prev s 29B) ins 1965 No. 40 s 17

renum 1987 No. 89 s 17

sub 1993 No. 52 s 3 sch 1

**Offences generally and penalty**

s 42 (prev s 29C) ins 1986 No. 4 s 30

amd 1987 No. 89 s 14

renum 1987 No. 89 s 17

amd 1993 No. 52 s 3 sch 1; 2002 No. 36 s 44 sch 1

**Procedure**

s 43 (prev s 30) amd 1935 26 Geo 5 No. 9 s 11(ii); 1948 13 Geo 6 No. 1 s 9; 1952 1 Eliz 2 No. 39 s 8; 1960 9 Eliz 2 No. 42 s 15; 1973 No. 32 s 34; 1974 No. 79 s 18(2) sch; 1978 No. 64 s 35; 1979 No. 59 s 14; 1986 No. 4 s 31

renum 1987 No. 89 s 17

amd 2000 No. 5 s 373 sch 3

**Liability for offence by agent or employee**

s 44 (prev s 30A) ins 1973 No. 32 s 35

renum 1987 No. 89 s 17

**Liability for offences by corporations**

s 45 (prev s 30B) ins 1978 No. 64 s 36

renum 1987 No. 89 s 17

**Service of orders etc.**

s 46 (prev s 30C) ins 1978 No. 64 s 36

amd 1986 No. 4 s 32

renum 1987 No. 89 s 17

om 1993 No. 52 s 3 sch 1

**Evidentiary provisions**

s 47 (prev s 30D) ins 1986 No. 4 s 33

amd 1987 No. 89 s 15

renum 1987 No. 89 s 17

amd 1989 No. 107 s 7; 1993 No. 52 s 3 sch 1

**Chief executive may approve forms**

s 47A ins 1993 No. 52 s 3 sch 1

**Regulation-making power**

s 48 (prev s 31) amd 1944 9 Geo 6 No. 6 s 8; 1965 No. 40 s 18; 1978 No. 64 s 37; 1979 No.

59 s 15

renum 1987 No. 89 s 17

amd 1993 No. 52 s 3 sch 1; 2002 No. 36 s 45 sch 2; 2003 No. 82 s 88 sch

**Existing permits and waybills**

s **49** ins 1993 No. 52 s 3 sch 1

om 2002 No. 36 s 41

**Previous actions of Minister**

s **50** ins 1993 No. 52 s 3 sch 1

om 2002 No. 36 s 41

**SCHEDULE 1—SUBJECT MATTER FOR REGULATIONS**

prev sch 1 om 1993 No. 52 s 3 sch

pres sch 1 (prev sch 2) renum as sch 1993 No. 52 s 3 sch 1

(prev sch) renum 2002 No. 36 s 45 sch 2

**Movement of stock and other matter**

s **1** amd 1973 No. 32 s 36(a); 1978 No. 64 s 38(a)

sub 1987 No. 89 s 16(a)

**Isolation of stock**

s **2** amd 1973 No. 32 s 36(b); 1978 No. 64 s 38(b); 1987 No. 89 s 16(b)

**Removal of carcasses etc. from ship**

s **3** amd 1978 No. 64 s 38(c); 1979 No. 59 s 16(a)

**Destruction and disposal of stock etc.**

s **4** amd 1978 No. 64 s 38(d); 1979 No. 59 s 16(b); 1987 No. 89 s 16(c)

**Cleansing infected areas**

s **6** amd 1973 No. 32 s 36(c); 1978 No. 64 s 38(c)

s **6A** ins 1973 No. 32 s 36(d)

s **6B** ins 1989 No. 107 s 8

sub 1993 No. 52 s 3 sch 1

om 1999 No. 11 s 25

s **6C** ins 1993 No. 52 s 3 sch 1

om 1999 No. 11 s 25

**Spread of infection**

s **7** amd 1973 No. 32 s 36(e)

**Chemicals, antibiotics**

s **7A** ins 1987 No. 89 s 16(d)

**Contaminated places**

s **7B** ins 1987 No. 89 s 16(d)

**Contaminated fodder**

s **7C** ins 1987 No. 89 s 16(d)

s **7D** ins 1993 No. 52 s 3 sch 1

s **9A** ins 1979 No. 59 s 16(c)  
amd 1986 No. 4 s 34(a)

s **10** amd 1930 21 Geo 5 No. 35 s 15(a); 1940 4 Geo 6 No. 11 s 11(a)  
sub 1973 No. 32 s 36(f)  
amd 1978 No. 64 s 38(f); 1979 No. 59 s 16(d)

**Dipping etc.**

s **12** amd 1930 21 Geo 5 No. 35 s 15(b); 1965 No. 40 s 19(a); 1986 No. 4 s 34(b)

s **13** amd 1930 21 Geo 5 No. 35 s 15(c); 1940 4 Geo 6 No. 11 s 11(b)  
sub 1973 No. 32 s 36(h)

s **15** amd 1930 21 Geo 5 No. 35 s 15(d)  
sub 1973 No. 32 s 36(i)  
amd 1974 No. 79 s 18(1)

s **16** sub 1973 No. 32 s 36(j)

**Prohibiting etc. movement etc. of certain stock**

s **16A** ins 1930 21 Geo 5 No. 35 s 15(e)  
amd 1946 11 Geo 6 No. 10 s 15; 1973 No. 32 s 36(k)

**Seizure of stock etc.**

s **17** amd 1965 No. 40 s 19(b); 1973 No. 32 s 36(l); 1978 No. 64 s 38(g)  
sub 1979 No. 59 s 16(f)

**Feeding of stock**

s **17A** ins 1973 No. 32 s 36(m)  
amd 1976 No. 23 s 2(a)  
sub 1979 No. 59 s 16(f)

**Piggeries**

s **17B** ins 1976 No. 23 s 2(b)  
sub 1979 No. 59 s 16(f)

**Laboratories**

s **17C** ins 1976 No. 23 s 2(b)  
sub 1979 No. 59 s 16(f)  
amd 1986 No. 4 s 34(c)

s **17D** ins 1976 No. 23 s 2(b)  
om 1979 No. 59 s 16(f)

**Laboratories**

s **17E** ins 1978 No. 64 s 38(h)  
om 1979 No. 59 s 16(f)

**Valuing destroyed matter**

s **18** sub 1987 No. 89 s 16(e)

s **21** amd 1952 1 Eliz 2 No. 39 s 9(i); 1965 No. 40 s 19(c)  
om 1993 No. 52 s 3 sch 1

**Stock returns and register**

s **21A** ins 1952 1 Eliz 2 No. 39 s 9(ii)  
om 1978 No. 64 s 38(i)

**Costs and expenses**

s **22** sub 1987 No. 89 s 16(f)  
amd 1993 No. 52 s 3 sch 1

**Qualifications of inspectors etc.**

s **23** amd 1948 13 Geo 6 No. 1 s 10; 1973 No. 32 s 36(n); 2002 No. 36 s 42

s **24** ins 1960 9 Eliz 2 No. 42 s 16  
om 1993 No. 52 s 3 sch 1

**SCHEDULE 2—DICTIONARY**

ins 2002 No. 36 s 45 sch 2

**Note**—definitions for this Act were originally located in prev s 4.

def **accredited** ins 1973 No. 32 s 4(a)  
reloc 2002 No. 36 s 32(5)

def **actual owner** ins 1965 No. 40 s 2(a)  
reloc 2002 No. 36 s 32(5)

def **animal** ins 1973 No. 32 s 4(b)  
amd 1979 No. 59 s 2(a)  
reloc 2002 No. 36 s 32(5)

def **animal pathogen** ins 1979 No. 59 s 2(b)  
reloc 2002 No. 36 s 32(5)

def **animal product** ins 1978 No. 64 s 5(a)  
amd 1979 No. 59 s 2(c); 1986 No. 4 s 3(a); 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)

def **approved form** ins 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)

def **approved veterinary surgeon** ins 1948 12 Geo 6 No. 19 s 2  
reloc 2002 No. 36 s 32(5)

def **approved waybill** ins 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)

def **authorised agent** ins 1973 No. 32 s 4(c)  
sub 1993 No. 52 s 3 sch 1

reloc 2002 No. 36 s 32(5)  
def **authorised veterinary surgeon** ins 1973 No. 32 s 4(c)  
sub 1978 No. 64 s 5(b)  
reloc 2002 No. 36 s 32(5)  
def **biological preparation** ins 1978 No. 64 s 5(c)  
amd 1979 No. 59 s 2(d); 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **carcass** amd 1930 21 Geo 5 No. 35 s 2(a); 1965 No. 40 s 2(b); 1986 No. 4 s 3(b)  
reloc 2002 No. 36 s 32(5)  
def **cattle** reloc 2002 No. 36 s 32(5)  
def **cattle feedlot** ins 1989 No. 107 s 4(a)  
sub 1993 No. 56 s 183 sch 2; 1999 No. 11 s 21  
reloc 2002 No. 36 s 32(5)  
def **cattle tick infected area** ins 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **chief executive** ins 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **chief inspector** amd 1979 No. 59 s 2(e)  
sub 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **Clerk of Petty Sessions** ins 1952 1 Eliz 2 No. 39 s 4(i)  
om from prev s 4 1973 No. 32 s 4(d)  
def **convey** ins 1940 4 Geo 6 No. 11 s 4(a)  
amd 1978 No. 64 s 5(d)  
sub 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **declared area** ins 1978 No. 64 s 5(3)  
reloc 2002 No. 36 s 32(5)  
def **destination** ins 1940 4 Geo 6 No. 11 s 4(a)  
amd 1989 No. 107 s 4(b)  
reloc 2002 No. 36 s 32(5)  
def **destroy** reloc 2002 No. 36 s 32(5)  
def **dip** ins 1940 4 Geo 6 No. 11 s 4(b)  
sub 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **dipped** sub 1930 21 Geo 5 No. 35 s 2(b)  
amd 1986 No. 4 s 3(c)  
om from prev s 4 1993 No. 52 s 3 sch 1  
def **disease** amd 1940 4 Geo 6 No. 11 s 4(c)  
sub 1958 7 Eliz 2 No. 19 s 2; 1965 No. 40 s 2(c)  
amd 1979 No. 59 s 2(f); 1986 No. 4 s 3(d); 1987 No. 89 s 3(b)  
sub 1993 No. 52 s 3 sch 1; 2002 No. 36 s 32(2)–(3)  
reloc 2002 No. 36 s 32(5)  
def **diseased stock** reloc 2002 No. 36 s 32(5)

Endnotes

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def **district** reloc 2002 No. 36 s 32(5)  
def **drive** ins 1940 4 Geo 6 No. 11 s 4(d)  
sub 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **drover** reloc 2002 No. 36 s 32(5)  
def **dwelling house** ins 1987 No. 89 s 3(c)  
reloc 2002 No. 36 s 32(5)  
def **exotic disease** ins 2002 No. 36 s 32(3)  
reloc 2002 No. 36 s 32(5)  
def **farm deer** ins 1985 No. 24 s 4(2) sch 3  
om from prev s 4 2002 No. 36 s 32(2)  
def **fittings** reloc 2002 No. 36 s 32(5)  
def **fodder** amd 1978 No. 64 s 5(f); 1987 No. 89 s 3(d)  
reloc 2002 No. 36 s 32(5)  
def **free area** ins 1973 No. 32 s 4(e)  
om from prev s 4 1978 No. 64 s 5(g)  
def **Fund** amd 1953 2 Eliz 2 No. 17 s 3  
om from prev s 4 1978 No. 64 s 5(h)  
def **government veterinary officer** ins 1973 No. 32 s 4(f)  
amd 1978 No. 64 s 5(i)  
sub 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **holding** amd 1986 No. 4 s 3(e); 1989 No. 107 s 4(c)  
reloc 2002 No. 36 s 32(5)  
def **horses** reloc 2002 No. 36 s 32(5)  
def **infected** ins 1930 21 Geo 5 No. 35 s 2(c)  
reloc 2002 No. 36 s 32(5)  
def **infected area** sub 1973 No. 32 s 4(g)  
amd 1978 No. 64 s 5(j); 1987 No. 89 s 18  
reloc 2002 No. 36 s 32(5)  
def **infected stock** amd 1973 No. 32 s 4(h)  
reloc 2002 No. 36 s 32(5)  
def **information notice** ins 2009 No. 24 s 786  
def **inoculate** ins 1965 No. 40 s 2(d)  
amd 1979 No. 59 s 2(g)  
reloc 2002 No. 36 s 32(5)  
def **inspector** amd 1930 21 Geo 5 No. 35 s 2(d)  
sub 1993 No. 52 s 3 sch  
reloc 2002 No. 36 s 32(5)  
amd 2003 No. 82 s 88 sch  
def **introduced stock** amd 1946 11 Geo 6 No. 10 s 2(a)  
reloc 2002 No. 36 s 32(5)  
def **laboratory** ins 1978 No. 64 s 5(k)  
amd 1979 No. 59 s 2(h); 1986 No. 4 s 3(f)



reloc 2002 No. 36 s 32(5)  
def **legibly branded** ins 1940 4 Geo 6 No. 11 s 4(e)  
amd 1972 No. 31 s 6 sch 1  
reloc 2002 No. 36 s 32(5)  
def **Local Authority** sub 1952 1 Eliz 2 No. 39 s 4(ii)  
om from prev s 4 1993 No. 52 s 3 sch 1  
def **local government area** ins 1952 1 Eliz 2 No. 39 s 4(ii)  
om from prev s 4 1994 No. 15 s 3 sch 2  
def **market value of stock** reloc 2002 No. 36 s 32(5)  
def **Minister** sub 1973 No. 32 s 4(i)  
om from prev s 4 1993 No. 52 s 3 sch 1  
def **neighbouring holding** ins 1940 4 Geo 6 No. 11 s 4(f)  
amd 1972 No. 31 s 6 sch 1  
sub 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **notifiable disease** ins 1965 No. 40 s 2(e)  
amd 1973 No. 32 s 4(j); 1979 No. 59 s 2(i); 1986 No. 4 s 3(g); 1987 No. 89 s 3(e)  
sub 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **order** ins 1940 4 Geo 6 No. 11 s 4(f)  
reloc 2002 No. 36 s 32(5)  
def **original decision** ins 2004 No. 27 s 35  
def **owner** amd 1930 21 Geo 5 No. 35 s 2(e); 1973 No. 32 s 4(k); 1986 No. 4 s 3(h)  
reloc 2002 No. 36 s 32(5)  
def **permit** ins 1986 No. 4 s 3(i)  
amd 1987 No. 89 s 18  
om from prev s 4 1993 No. 52 s 3 sch 1  
def **person** ins 1952 1 Eliz 2 No. 39 s 4(iii)  
om from prev s 4 1965 No. 40 s 2(f)  
def **police officer** and **Officer of police** ins 1965 No. 40 s 2(f)  
om from prev s 4 1993 No. 52 s 3 sch 1  
def **poultry** ins 1954 3 Eliz 2 No. 22 s 2  
amd 1973 No. 32 s 4(l); 1986 No. 4 s 3(j); 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **premises** ins 1940 4 Geo 6 No. 11 s 4(g)  
reloc 2002 No. 36 s 32(5)  
def **prescribed** om from prev s 4 1993 No. 52 s 3 sch 1  
def **protected area** ins 1973 No. 32 s 4(m)  
om from prev s 4 1978 No. 64 s 5(g)  
def **registered veterinary surgeon** ins 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **regulations** om from prev s 4 (see RA s 39)  
def **residue disease** ins 1987 No. 89 s 3(f)  
sub 1993 No. 52 s 3 sch 1

Endnotes

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amd 2002 No. 36 s 32(4)  
reloc 2002 No. 36 s 32(5)  
def **restricted area** ins 1973 No. 32 s 4(n)  
om from prev s 4 1978 No. 64 s 5(g)  
def **road** reloc 2002 No. 36 s 32(5)  
def **saleyard** ins 1940 4 Geo 6 No. 11 s 4(h)  
reloc 2002 No. 36 s 32(5)  
def **sell** ins 1986 No. 4 s 3(k)  
reloc 2002 No. 36 s 32(5)  
def **sheep** reloc 2002 No. 36 s 32(5)  
def **spray** ins 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **sprayed** ins 1930 21 Geo 5 No. 35 s 2(f)  
amd 1986 No. 4 s 3(l)  
om from prev s 4 1993 No. 52 s 3 sch 1  
def **stabled and groomed** ins 1973 No. 32 s 4(o)  
reloc 2002 No. 36 s 32(5)  
def **stock** amd 1946 11 Geo 6 No. 10 s 2(b); 1973 No. 32 s 4(p); 1985 No. 24 s 4(2) sch 3  
sub 1986 No. 4 s 3(m); 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **stock route** sub 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
sub 2002 No. 12 s 329 sch 2  
def **suspected** reloc 2002 No. 36 s 32(5)  
def **swine** reloc 2002 No. 36 s 32(5)  
def **tag** ins 1973 No. 32 s 4(q)  
reloc 2002 No. 36 s 32(5)  
def **test** ins 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **tested** ins 1960 9 Eliz 2 No. 42 s 2  
om from prev s 4 1993 No. 52 s 3 sch 1  
def **This Act** om from prev s 4 1993 No. 52 s 3 sch 1  
def **travel** ins 1987 No. 89 s 3(g)  
reloc 2002 No. 36 s 32(5)  
def **travelling stock** amd 1930 21 Geo 5 No. 35 s 2(g); 1940 4 Geo 6 No. 11 s 4(i)  
sub 1978 No. 64 s 5(l)  
amd 1986 No. 4 s 3(n)  
sub 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **travel permit** ins 1993 No. 52 s 3 sch 1  
reloc 2002 No. 36 s 32(5)  
def **treated** amd 1978 No. 64 s 5(m); 1986 No. 4 s 3(o)  
reloc 2002 No. 36 s 32(5)  
def **vehicle** ins 1986 No. 4 s 3(p)

reloc 2002 No. 36 s 32(5)

def *vessel* amd 1940 4 Geo 6 No. 11 s 4(j); 1978 No. 64 s 5(n)

reloc 2002 No. 36 s 32(5)

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