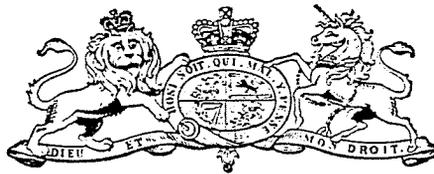


Queensland



ANNO TRICESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 13 of 1981

An Act to provide for the control, eradication and prevention of exotic diseases in animals, the compensation of owners for loss or destruction of animals and property during outbreaks of exotic diseases, the establishment of an Exotic Diseases Expenses and Compensation Fund and for related purposes

[ASSENTED TO 14TH APRIL, 1981]

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

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Exotic Diseases in Animals Act 1981*.

2. Commencement. (1) Subject to subsection (2), this Act shall come into operation on the day on which it is assented to for and on behalf of Her Majesty.

(2) Section 4 (2) shall come into operation on a date to be fixed by Proclamation.

3. Arrangement of Act. This Act is arranged as follows:—

PART I—PRELIMINARY;

PART II—OUTBREAK OF EXOTIC DISEASE;

Division I—Duties upon Discovery of Exotic Disease;

Division II—Quarantine Zone;

Division III—Infected Zone;

Division IV—Standstill Zone;

Division V—Control Zone;

Division VI—Powers of Inspectors;

Division VII—General;

PART III—COMPENSATION AND OTHER PROVISIONS RELATING TO OUTBREAKS OF EXOTIC DISEASES;

Division I—Exotic Diseases Expenses and Compensation Fund;

Division II—Compensation in respect of Exotic Disease;

Division III—General;

PART IV—GENERAL PROVISIONS;

SCHEDULES;

FIRST SCHEDULE;

SECOND SCHEDULE.

4. Repeals and amendments. (1) The Acts specified in Part A of the First Schedule are repealed.

(2) (a) The *Stock Act 1915–1979* is amended as and to the extent indicated in Part B of the First Schedule.

(b) That Act as so amended may be cited as the *Stock Act 1915–1981*.

- 5. Interpretation.** In this Act, unless the contrary intention appears—
- “animal” means any animal, including a bird or insect, of whatever kind or species;
 - “animal pathogen” means bacteria, virus, protozoa, arthropod or any other agent or organism capable of causing exotic disease in animals;
 - “animal product” includes meat, fat, milk, whey, cream, butter, butter-milk, cheese, eggs, feathers, wool, hair, horn, semen, ova, faeces, urine or secretion whatsoever of any animal, and any other substance which the Governor in Council, by Order in Council, declares to be an animal product for the purposes of this Act;
 - “biological preparation” means—
 - (a) any product prepared from animal tissue (including blood, lymph, or glandular secretion) or produced by the agency of microscopic or ultra-microscopic 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 animals or which is used in animal production to promote growth or to change the physiological state of animals;
 - (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) any other substance which the Governor in Council, by Order in Council, declares to be a biological preparation for the purposes of this Act;
 - “carcass” means any portion of the body of a dead animal whether in an uncooked, partly cooked or cooked state: The term includes meat, bone, hide, skin, wool, hair, feathers, hoof, horn and viscera;
 - “Chief Inspector” means the Chief Inspector of Stock within the meaning of the *Stock Act 1915–1981*: The term includes a delegate for the time being of the Chief Inspector in respect of the powers, functions, authorities and duties delegated to him pursuant to section 7;
 - “control zone” means an area of the State in respect of which there subsists a notification whereby the Minister has notified the area to be a control zone;
 - “destroy” means to consume by fire, or kill and consume by fire, bury under the ground, or kill and bury under the ground, boil down, or kill and boil down, or otherwise destroy, or kill and otherwise destroy to the satisfaction of an inspector;
 - “diseased animal” means an animal actually infected with or affected by an exotic disease;

- “exotic disease” means African swine fever, bluetongue, foot and mouth disease, fowl plague, Newcastle disease, rabies, rinderpest, swine fever, swine vesicular disease, vesicular exanthema, vesicular stomatitis or any other disease which the Governor in Council, by Order in Council, declares to be an exotic disease for the purposes of this Act;
- “fittings” include any stall, stable, sheep-pen, cow or cattle house, horse box and any other structure for keeping or confining animals and any halters, brushes, clothes, buckets or other articles or things whatsoever which have been brought into contact with animals;
- “fodder” means any hay, straw, grass, green crop, root, vegetable, grain, prepared meals, licks, litter, manure or any other thing used for the feeding or litter of animals or found with or about animals;
- “fund” means the Exotic Diseases Expenses and Compensation Fund established under this Act;
- “Government Veterinary Officer” means a Government Veterinary Officer within the meaning of the *Stock Act 1915-1981*;
- “holding” means any run, station, farm, freehold or leasehold, or private or public road, footpath, easement, right of way or drain, or any stock route, reserve, common, stockyard, saleyard or trucking yard and any other place where animals are driven, transported, yarded, worked, sold, kept, depastured or found or dealt with in any manner whatsoever;
- “infected” means infected with an exotic disease;
- “infected animal” means a diseased animal or an animal which is suspected by an inspector of—
- (a) being a diseased animal;
 - (b) having been exposed to the risk of infection with an exotic disease; or
 - (c) having been the cause of the spread or introduction of an exotic disease;
- “infected zone” means an area of the State in respect of which there subsists a notification whereby the Minister has notified the area to be an infected zone;
- “inspector” means an inspector, other than an honorary inspector or acting inspector, holding office under the *Stock Act 1915-1981*: The term includes any person, including any police officer or member of the State Emergency Service or officer of the Department of Primary Industries, in each case acting under the direction of an inspector;
- “Minister” means the Minister for Primary Industries or other Minister of the Crown for the time being charged with the administration of this Act: The term includes—
- (a) any Minister of the Crown who is temporarily performing the duties of the Minister;

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- (b) a delegate for the time being of the Minister in respect of the powers, functions, authorities and duties of the Minister delegated to him pursuant to section 7;
- “ order ” includes any command or direction whether given orally or in writing;
- “ owner ” means any person, other than a mortgagee not in possession, having or claiming, whether jointly or severally, any right, title or interest to or in any animal or property or a Local Authority having charge or control of any animal or property: The term includes the agent of the owner and in the case of a body corporate or unincorporate the manager, secretary or other controlling officer;
- “ premises ” includes any land, house or other building or structure whatsoever or wheresoever situated where animals, animal product, animal pathogen, biological preparation or agricultural produce or any other thing that might carry animal pathogen is kept, stored, sold, prepared or dealt with in any manner whatsoever;
- “ property ” includes any building or structure, vessel, vehicle, fitting, appliance, fodder, animal product, carcass or other thing whatsoever whether realty or personalty: The term does not include an animal which is destroyed under the provisions of the *Stock Act 1915-1981* or of this Act for the purpose of controlling, eradicating or preventing the spread of an exotic disease;
- “ quarantine zone ” means an area for the time being placed in quarantine by an inspector and includes an area the quarantine of which has been extended;
- “ standstill zone ” means an area of the State defined and notified by the Minister in the Gazette to be a standstill zone for the purposes of this Act;
- “ suspected ” means suspected of being infected;
- “ treated ” means dipped, dressed, rubbed, sprayed, spotted, inoculated, vaccinated, disinfected, fumigated or treated with any medicament, in any case as a cure for or means of alleviation, control or prevention of an exotic 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 any caravan or trailer;
- “ vessel ” includes a ship, aircraft, hovercraft and a vehicle that is capable of use in or on water and whether or not self propelled.

6. Application. This Act does not prejudice or affect in any way the operation of the *Stock Act 1915-1981*.

7. Delegation by Minister and Chief Inspector. (1) (a) The Minister may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under his hand, delegate to one or more than one person all or any of his powers, functions, authorities and duties under Part II (other than sections 12 (3) (b), 17 (3), 19 (3) (b), 20 (6) and 22 (3)) as may be specified in the instrument (other than this power of delegation).

(b) The Chief Inspector may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under his hand, delegate to one or more than one Government Veterinary Officer all or any of his powers, functions, authorities and duties under this Act as may be specified in the instrument (other than this power of delegation).

(2) A delegation made pursuant to subsection (1) may be to an individual named therein or to the holder of an office under the Crown in right of this State, specifying the office but without naming the holder in which case each successive holder of that office and each person who for the time being occupies or performs the duties of that office may exercise or, as the case may be, shall perform (for so long as he holds or occupies or performs the duties of that office) the delegated powers, authorities, functions and duties as are specified in the instrument.

(3) A power, function, authority or duty the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed in accordance with the terms of the delegation by the delegate to whom the exercise or performance thereof has been delegated.

(4) A delegation may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, functions, authorities or duties delegated or as to time, place or circumstances as may be specified in the instrument of delegation.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing done had been done or suffered by the Minister or, as the case may be, the Chief Inspector.

(6) (a) A delegation by the Minister is revocable by him at his will.

(b) A delegation by the Chief Inspector is revocable by him at his will.

(7) A delegation under this section does not prevent the exercise or performance of a power, function, authority or duty by the Minister or, as the case may be, the Chief Inspector.

(8) The Minister or, as the case may be, the Chief Inspector may make such and so many delegations under this section and to such number of delegates as he considers necessary or desirable.

PART II—OUTBREAK OF EXOTIC DISEASE

Division I—Duties upon Discovery of Exotic Disease

8. Immediate notice of and separation of infected or suspected animal, carcass or animal product. (1) Every person having in his possession or under his charge an infected or suspected animal, carcass or animal product shall—

- (a) as soon as possible after becoming aware of the existence of the infected or suspected animal, carcass or animal product give notice thereof to the nearest inspector or the Chief Inspector by the quickest means of communication available to him; and
- (b) as far as practicable keep that animal, carcass or animal product separate from animals, carcasses or animal products not so infected or suspected:

Provided that if notice of the existence of an infected or suspected animal, carcass or animal product has already been given to an inspector or the Chief Inspector as prescribed, paragraph (a) shall not require further notice thereof to be given.

(2) Every veterinary surgeon within the meaning of the *Veterinary Surgeons Act 1936–1973* who diagnoses or suspects an exotic disease in any animal, carcass or animal product shall, as soon as possible after making that diagnosis or forming the suspicion, give notice of the diagnosis or suspicion to the nearest Government Veterinary Officer by the quickest means of communication available to him.

Division II—Quarantine Zone

9. Quarantine zone. (1) An inspector, on being satisfied that an exotic disease or animal pathogen is or is suspected to be present in any area, shall forthwith define the boundaries of the area in question and place it in quarantine by giving written notice to the owner.

On placing an area in quarantine the inspector shall cause to be affixed in such place or places as he considers appropriate a notice that the area is in quarantine.

Subject to subsection (2), such quarantine shall continue—

- (a) for a period of 96 hours from the giving of the notice; or
- (b) until revoked by the Minister,

whichever shall first occur.

(2) Where an area has been placed in quarantine pursuant to subsection (1) the Minister may extend the period of quarantine by written notice given to the owner for such time as is specified in the notice.

Notice of extension of quarantine shall be affixed in such place or places as the Minister considers appropriate.

- (3) Except with the permission of an inspector, a person shall not—
- (a) enter or leave a quarantine zone;
 - (b) cause, suffer, permit or allow any other person to enter or leave a quarantine zone;
 - (c) bring, remove or cause, suffer, permit or allow any other person to bring or remove any animal, carcass, animal product, animal pathogen, biological preparation or property into or from a quarantine zone;
 - (d) fail to close and secure against its being opened by any animal, any gate or door erected on the boundary of a quarantine zone.

Penalty: \$10 000 or imprisonment for 12 months.

Division III—Infected Zone

10. Notification of infected zone. (1) The Minister may, by notification published in the Gazette, notify any area therein described to be an infected zone in respect of any exotic disease specified in the notification.

Such notification may specify the species or class of animal or animals to which the notification shall apply.

(2) The Minister may by a like notification vary or revoke a notification made under this section.

(3) The Minister may exercise the power conferred on him by this section notwithstanding that at the time of the exercise it has not been confirmed that the exotic disease is present within that zone if, in the opinion of the Chief Inspector, there is a real possibility that the disease is present within or has been or may be introduced into the zone from elsewhere.

11. Effect of notification. (1) A person (other than an inspector) shall not—

- (a) enter or leave an infected zone;
- (b) cause, suffer, permit or allow any other person to enter or leave an infected zone;
- (c) bring, move or remove or cause, suffer, permit or allow any other person to bring, move or remove any animal, carcass, animal product, animal pathogen, biological preparation, fitting, fodder, property, vehicle or vessel, or any thing likely to spread the exotic disease specified in the notification into, within or from an infected zone,

unless he has first obtained a licence in the prescribed form from an inspector and complies in every respect with the conditions therein stipulated.

Penalty: \$10 000 or imprisonment for 12 months.

(2) A licence issued under this section may be subject to such conditions and be effective for such period endorsed thereon as the inspector thinks appropriate.

(3) An inspector may at any time revoke a licence issued under this section and upon demand by an inspector the holder shall deliver forthwith to the inspector the revoked licence.

(4) Upon demand by an inspector, the holder of a licence under this section shall produce forthwith the licence for inspection.

12. Powers of inspectors in order to eradicate and prevent spread of exotic disease. (1) An inspector, if he is of the opinion that it is necessary or expedient for the purpose of controlling, eradicating or preventing the spread of an exotic disease specified in a notification, may—

(a) order—

- (i) any person entering, leaving or moving within an infected zone to do such things, including the cleansing and disinfection of any thing or property and parts of his body as the inspector considers necessary;
 - (ii) the cleansing and disinfection of any article, thing or property and the disinfection of any animal product, animal pathogen or biological preparation by the owner thereof in an infected zone;
 - (iii) within a time specified therein the destruction by an owner of any infected animal or any animal product thereof or any carcass or any articles or things used in connexion with such animal, animal product or carcass, or any animal pathogen, biological preparation or any infected or suspected pasture or fodder or anything whatsoever the destruction of which is, in his opinion, necessary;
- (b) cleanse and disinfect or cause to be cleansed or disinfected any article, thing or property and disinfect or cause to be disinfected any animal product, animal pathogen or biological preparation in an infected zone.

An order under paragraph (a) shall be made in the prescribed manner and contain the prescribed particulars.

(2) Any person who fails to obey an order made under subsection (1) (a) (i) may be restrained by an inspector from entering, leaving or moving within the infected zone until that person has complied with the order to the satisfaction of the inspector.

For the purpose of restraining that person an inspector may call to his aid any police officer or other person for assistance and may use such force as he considers reasonable in the circumstances.

(3) (a) Upon a failure in any respect to comply to the satisfaction of an inspector with the requirements of an order made under subsection (1) (a) (iii), the Chief Inspector may direct in writing an inspector to cause to be done that which is required by the order and to do all such

things as the inspector may consider necessary to carry out the requirements of the order or such of the requirements as have not been complied with to the satisfaction of an inspector.

(b) All reasonable costs incurred by an inspector acting pursuant to a direction under paragraph (a) may, at the discretion of the Minister, be a charge against the owner to whom the order had been directed and if not duly paid by the owner shall constitute a debt due and owing by him to the Crown and may be recovered from him as a debt in any court of competent jurisdiction.

13. Unauthorized movement of animals etc. Any animal, carcass, animal product, animal pathogen, biological preparation, article or thing moved into, within, through or out of an infected zone in contravention of any provision prescribed in this Act may be seized and detained by an inspector and on the order of the Minister destroyed and such destruction shall be carried out at such place, in such manner and at such time as directed by the Minister. Any animal, carcass, animal product, animal pathogen, biological preparation, article or thing so destroyed shall be disposed of as directed by an inspector.

14. Entry and exit places. (1) The Chief Inspector may at any time by notification published in the Gazette appoint places on or near the boundaries of an infected zone to be places for the entry into or exit from that zone.

(2) Where the Chief Inspector has appointed a place of entry or exit pursuant to subsection (1), a person, unless otherwise authorized in writing by the Chief Inspector, shall not—

(a) enter or leave the zone; or

(b) move any animal, carcass, animal product, animal pathogen, biological preparation, property, vehicle or vessel or any fodder or thing likely to spread the exotic disease specified in the notification of that infected zone into or out of the zone,

at a place other than a place so appointed.

Penalty: \$10 000 or imprisonment for 12 months.

(3) A person, other than an inspector or a person authorized in writing by the Chief Inspector, shall not pass through any place of entry or exit appointed pursuant to subsection (1) without stopping and producing for inspection by the inspector in charge at that place or a person authorized in that behalf by the Chief Inspector a licence or other authority as prescribed in this Part and receiving the permission of that inspector or authorized person to pass through that place.

Penalty: \$10 000 or imprisonment for 12 months.

15. Check points. (1) Whenever he deems it necessary for the purpose of preventing or checking the spread of an exotic disease in an infected zone the Chief Inspector may establish and maintain a check point or check points within the infected zone.

(2) A person, other than an inspector or a person authorized in writing by the Chief Inspector, shall not pass through any check point without stopping and producing for inspection by the inspector in charge of the check point or a person authorized in that behalf by the Chief Inspector a licence as prescribed in this Part and receiving the permission of that inspector or authorized person to proceed through the check point.

Penalty: \$5 000 or imprisonment for six months.

Division IV—Standstill Zone

16. Notification of standstill zone. (1) The Minister may, by notification published in the Gazette, notify any area therein described to be a standstill zone in respect of an exotic disease specified in the notification.

Such notification shall specify the species or class of animal or animals to which the notification shall apply.

(2) The Minister may by like notification vary or revoke a notification made under this section.

(3) The Minister may exercise the power conferred on him by this section notwithstanding that at the time of the exercise it has not been confirmed that the exotic disease is present within that zone if, in the opinion of the Chief Inspector, there is a real possibility that the disease is present within or has been or may be introduced into the zone from elsewhere.

17. Effect of notification. (1) Notwithstanding that a licence may have been issued under section 11, for so long as a standstill zone continues a person shall not move or cause, suffer, permit or allow any other person to move any animal of a species or class specified in the notification notifying such zone or any carcass, animal product or animal pathogen thereof or therefrom or any biological preparation, property, vehicle, vessel or any article or thing likely to spread the exotic disease specified in the notification from a holding or premises within the standstill zone to any other place either within or outside the boundaries of the standstill zone or from any place outside the boundaries of the standstill zone into the standstill zone.

Penalty: \$10 000 or imprisonment for 12 months.

(2) An inspector who, on reasonable grounds suspects that any animal, carcass, animal product, animal pathogen, biological preparation, property, vehicle, vessel or article or thing has been moved in contravention of subsection (1) may without any authority other than this subsection, seize or impound that animal, carcass, animal product, animal pathogen, biological preparation, property, vehicle, vessel, article or thing. The inspector shall forthwith notify the Chief Inspector of such seizure or impounding.

Notwithstanding that a notification of a standstill zone may have been sooner revoked, any animal, carcass, animal product, animal pathogen, biological preparation, property, vehicle, vessel, article or thing so seized or impounded which is not diseased shall, after the expiration of 7 days from the date of the seizure or impounding, if not sooner claimed and duly released, be sold, destroyed or otherwise disposed of as the Minister directs.

(3) All reasonable costs incurred by an inspector in the seizure or impounding, sale, destruction or other disposal of any animal, carcass, animal product, animal pathogen, biological preparation, property, vehicle, vessel, article or thing pursuant to this section may, at the discretion of the Minister, be a charge against the owner thereof and if not duly paid shall constitute a debt due and owing to the Crown and may be recovered as a debt in any court of competent jurisdiction.

Division V—Control Zone

18. Notification of control zone. (1) The Minister may by notification published in the Gazette, notify any area therein described to be a control zone in respect of any exotic disease specified in the notification.

Such notification shall specify the species or class of animal or animals to which the notification shall apply.

(2) The Minister may by a like notification vary or revoke a notification made under this section.

(3) The Minister may exercise the powers conferred on him by this section notwithstanding that at the time of the exercise it has not been confirmed that the exotic disease is present within that zone or any other area of the State.

19. Powers of Chief Inspector and inspectors. (1) (a) The Chief Inspector with respect to a control zone or any part thereof by public notice in a newspaper or newspapers circulating in the control zone or part thereof, may—

- (i) prohibit, regulate or control the exposure of animals of a species or class specified in the notice in markets, fairs, shows, parades, race meetings or saleyards or other public or private places, where animals are commonly exposed for sale, exhibition, parades, race meetings or any other form of recreation or competition and the placing thereof in stalls or other places adjacent to or connected with markets, fairs, shows, parade grounds, race courses or any other place where animals are commonly placed before exposure for sale, exhibition, racing or any other recreation or competition;
- (ii) prohibit, regulate or control the movement of animals of a species or class specified in the notice or of any animal product, animal pathogen or biological preparation thereof or therefrom;

- (iii) prohibit, regulate or control the holding of markets, fairs, sales, shows, parades, race meetings or any other gathering or competition involving animals of a species or class specified in the notice;
 - (iv) order the cleansing and disinfection of places used for the holding of markets, fairs, sales, shows, parades, race meetings or other gatherings or competitions involving animals of a species or class specified in the notice;
 - (v) order the cleansing and disinfection of any article, thing, property, vehicle or vessel used for carrying or confining animals of a species or class specified in the notice;
 - (vi) order that any animal or animal carcass of a species or class specified in the notice or any animal product, animal pathogen or biological preparation thereof or therefrom moved into or out of the zone or the part specified shall pass through a place or places of entry or exit appointed in the notice on or near the boundary or boundaries of the zone or within the zone.
- (b) An inspector within a control zone may order—
- (i) the cleansing and disinfection of any place used for the holding of a market, fair, sale, show, parade, race meeting or other gathering or competition involving animals of a species or class specified in the notification of the control zone;
 - (ii) the cleansing and disinfection of any article, thing, property, vehicle or vessel used for carrying or confining animals of a species or class specified in the notification of the control zone;
 - (iii) that any animal or animal carcass of a species or class specified in the notification of the control zone or any animal product, animal pathogen or biological preparation thereof or therefrom moved into or out of the zone or part thereof shall pass through a place or places of entry or exit appointed in the order on or near the boundary or boundaries of the zone or within the zone.

An order under this paragraph shall be made in the prescribed manner and contain the prescribed particulars.

(2) A person shall not contravene or fail to comply with the provisions of any public notice made by the Chief Inspector or of any order made by an inspector pursuant to subsection (1).

Penalty: \$2 000.

(3) (a) Upon a contravention of or failure in any respect to comply with any provision of a public notice made by the Chief Inspector or of any order made by an inspector pursuant to subsection (1), the Chief Inspector may direct in writing an inspector to cause to be done that which is required by the notice or the order.

(b) All reasonable costs incurred by an inspector acting pursuant to a direction under paragraph (a) may, at the Minister's discretion, be a charge against the person who contravened or failed to comply with the provision of the public notice or of the order referred to in paragraph

(a) and if not duly paid by him shall constitute a debt due and owing by him to the Crown and may be recovered from him as a debt in any court of competent jurisdiction.

Division VI—Powers of Inspectors

20. General powers of inspectors. (1) For the purposes of this Part, an inspector, in addition to his powers under the *Stock Act 1915–1981*, at any time with or without assistants and with such vehicles or vessels, equipment, disinfectant, tools and stores as he may consider necessary for the proper discharge of his duties under this Act—

- (a) may enter any premises, holding or place;
- (b) may inspect any premises, holding or place in or on which he suspects on reasonable grounds any animal, carcass, animal product, animal pathogen, biological preparation, article, thing or property is infected;
- (c) may inspect, examine, test and treat for exotic disease any animal, carcass, animal product, animal pathogen or biological preparation and for that purpose may stop or order to be stopped the movement of any animal, carcass, animal product, animal pathogen or biological preparation;
- (d) may count animals in or upon any premises or holding and inspect any records kept in relation to those animals;
- (e) may destroy any animal which is or which he suspects on reasonable grounds to be infected with rabies;
- (f) may impound or quarantine any animal which, in his opinion, is or is suspected to be infected or where, in his opinion, there is a risk of the animal going or straying to or coming into contact with any animal free from exotic disease;
- (g) may impound or detain any animal product, carcass, animal pathogen, biological preparation or fodder which in his opinion is or is suspected to be infected;
- (h) may search for, trap and destroy vectors of exotic disease;
- (i) may question any person to ascertain whether this Part is being complied with and require a person to answer the question put;
- (j) may require a person to produce forthwith to him any licence, approval, permit or other authority under this Part granted or issued to that person or alleged by that person to have been granted or issued to him or any book, record, waybill, receipt or other document and may inspect, examine and make copies of or take extracts from any licence, approval, permit or authority or any book, record, waybill, receipt or other document;
- (k) may call to his aid—
 - (i) any police officer where he has reasonable cause to apprehend any obstruction in the exercise of his powers or authorities or in the execution of his functions or duties;

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- (ii) any person who he thinks is competent to assist him in the exercise of his powers and authorities or the discharge of his functions and duties;
 - (l) may search any premises or holding if he 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 animal, 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;
 - (m) may seize and detain any animal, animal product, animal pathogen, carcass, biological preparation 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 he suspects on reasonable grounds that such an offence has been or is being committed, or that he believes will afford evidence as to the commission of that offence;
 - (n) may remove or cause to be removed any animal, animal product, carcass, article, thing, animal pathogen, biological preparation, fodder or thing to any other place;
 - (o) may use such force as is reasonably necessary in the exercise of the powers and authorities or the discharge of the functions and duties conferred or imposed upon him by this Part;
 - (p) may order an owner to—
 - (i) muster any animals including cattle, horses, sheep, goats, donkeys, mules, domesticated deer, camels and buffaloes and confine them within stockproof yards or other escape-proof enclosures approved by the inspector;
 - (ii) confine any swine within sties or other approved escape-proof enclosures;
 - (iii) confine any poultry within netted yards or other approved escape-proof enclosures;
 - (iv) confine any dogs within approved premises or other escape-proof enclosures or otherwise secure them with collars and chains or leashes, and if considered necessary by the inspector, keep such dogs muzzled at all times other than when being fed;
 - (v) confine any cats, birds or other small domestic pets within approved cages or other escape-proof enclosures;
 - (vi) present any animal carcass, animal product, animal pathogen or biological preparation for inspection, treatment or testing as, when and where required by an inspector or to remove any animal to a place suitable for such inspection, treatment or testing;
 - (vii) hunt and destroy undomesticated animals specified in the order and for the purposes of such hunting and destruction

the provisions of the *Fauna Conservation Act 1974-1979* shall be deemed not to apply;

- (viii) hold for testing, treat or cause to be treated animals to his satisfaction;
- (q) may, by order in writing, require a person who has failed to comply with this Part to take within such time as is specified such steps as are specified and to remedy those matters in respect of which non-compliance has occurred;
- (r) may exercise such other powers and authorities and discharge such other functions and duties as are prescribed.

An order pursuant to subparagraph (p) or (q)—

- (a) shall be in the prescribed form;
- (b) shall not prejudice or affect in any way any proceeding or action that has been or may be taken for the failure to comply that resulted in the order, save that the person to whom the order is given is not liable for a continuance of the failure to comply during the time specified therein.

(2) (a) Before an inspector enters a part of any premises which part is used exclusively as a dwelling-house he shall, save where he has the permission of the occupier of that part to enter, obtain from a justice a warrant to enter.

(b) A justice who is satisfied upon the complaint of an inspector that there is reasonable cause to suspect—

- (i) that in any place an offence against this Act has been, is being or is likely to be committed;
- (ii) that there is in any place any thing in respect of which an offence against this Act has been, is being or is likely to be committed;
- (iii) that any animal, carcass, animal product, animal pathogen, biological preparation, article, thing or property that is infected is on any premises,

may issue his warrant directed to the inspector to enter the place named in the warrant for the purpose of exercising therein the powers conferred upon an inspector under this Act.

(c) A warrant shall be, for the period of one month from the date of its issue, sufficient authority for the inspector and all persons acting in aid of him—

- (i) to enter the place specified in the warrant: and
- (ii) to exercise therein the powers conferred upon an inspector by or under this Act.

(d) In this subsection premises that are used as a dwelling-house do not include the curtilage of those premises.

(3) For the purpose of gaining entry to any premises, holding or place an inspector may call to his aid such persons as he thinks necessary and those persons, while acting in aid of an inspector in the lawful exercise by him of his power of entry, shall have a like power of entry.

(4) For the purpose of testing any animal, animal product, animal pathogen, carcass, biological preparation, fodder or soil pursuant to this Act an inspector may take specimens of any part of the animal, animal product, animal pathogen, carcass, biological preparation, fodder or soil or of internal or external parasites in or on the animal or carcass as he requires.

(5) An inspector who, pursuant to subsection (1) (e), destroys any animal shall forthwith give notice of that fact to the Chief Inspector.

(6) For the purposes of paragraph (p) of subsection (1), an inspector may—

- (a) order the owner of any holding to repair any premises, yards, sties, pens, cages, enclosures or fencing on such holding or to render them escape-proof to animals to the satisfaction of an inspector;
- (b) upon the authority of the Minister, order the owner of any holding to erect premises, yards, sties, pens, cages, enclosures or fencing in any place upon such holding as the inspector may determine for the purpose of confining any animals ordered to be confined therein.

If the owner of a holding fails to obey such an order of an inspector within the time stated therein, the Chief Inspector may direct in writing an inspector to cause to be done that which is required by the order and all reasonable costs involved in carrying out such work may, at the Minister's discretion, be a charge against the owner of the holding and if not duly paid shall constitute a debt due and owing to the Crown and may be recovered as a debt in any court of competent jurisdiction.

(7) Any animal, carcass, animal product, animal pathogen, biological preparation, property, vehicle, vessel, article or thing seized or impounded under this section which is not infected shall if not required as evidence in any proceeding for an offence against this Act, be released, sold, destroyed or otherwise disposed of as the Minister directs.

21. Powers of inspectors to stop, enter and search vehicles, etc. (1)

At any place on or near a boundary of or within a quarantine zone, infected zone, standstill zone or control zone, an inspector may display a traffic sign requiring vehicles or vessels to stop so as to be clearly visible to the driver or person in charge of a vehicle or, as the case may be, vessel approaching that place.

In this subsection "place" includes road whether public or otherwise.

(2) The driver or person in charge of a vehicle or vessel approaching towards a traffic sign displayed shall stop or cause the vehicle or vessel to be stopped within a reasonable distance of the sign and keep the vehicle or vessel stationary for the purpose of enabling an inspector to exercise the powers conferred upon him by this Act.

(3) An inspector may, upon production of evidence of his appointment, if demanded, enter any vehicle or vessel stopped pursuant to this section and may search and inspect it and open any part of it or require the driver or person in charge of the vehicle or vessel to open any part of it for the purpose of ascertaining whether the vehicle, vessel or part thereof or any animal, carcass, animal product, animal pathogen, biological preparation, property or any fodder or any article or thing therein or thereon is infected with exotic disease or is or apparently is being or has been conveyed with, in or by such vehicle or vessel contrary to any provision of this Act or any notification, notice, licence or permit issued or granted under or pursuant to this Act.

(4) An inspector so entering, searching or inspecting may take specimens, open containers, packages or other things in or on the vehicle or vessel and do such other things as he may consider necessary or expedient for the purpose of preventing the importation, introduction, transmission or spread of exotic disease or thing likely to cause exotic disease into, within or out of any quarantine zone, infected zone, standstill zone or control zone.

Division VII—General

22. Destruction of animals, etc. (1) The Minister may order the destruction of any infected or suspected animal or any animal product thereof or any carcass, or any articles or things used in connexion with such animal, animal product or carcass or any infected or suspected pasture or fodder or the removal or destruction of animal pathogen or biological preparation whenever in his opinion such destruction or removal would tend to prevent the spread of exotic disease.

Every animal, animal product, carcass, article and thing ordered to be destroyed and animal pathogen or biological preparation ordered to be removed or destroyed shall be destroyed or, as the case may be, removed 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 Minister may, at any time after the time specified in the order, direct in writing an inspector to cause to be destroyed that animal, animal product, carcass, article or thing, animal pathogen or biological preparation, pasture or fodder specified in the order.

For the purpose of such destruction the inspector may, if he thinks fit, remove or cause to be removed any animal, animal product, carcass, article or thing, animal pathogen or biological preparation or fodder to any other place.

(3) All reasonable costs incurred by an inspector acting pursuant to a direction under subsection (2) may, at the Minister's discretion, be a charge against the person who contravened or failed to comply with the provision of the order referred to in that subsection and if not duly

paid by him shall constitute a debt due and owing by him to the Crown and may be recovered from him as a debt in any court of competent jurisdiction.

23. Owners and occupiers to render assistance and furnish information.

The owner or occupier of any premises or holding and a person in charge or apparently in charge of any premises, holding, vehicle, vessel or other means of transport shall render all reasonable assistance and furnish all such information to an inspector which he is capable of furnishing or as required by the inspector with respect to the exercise of his powers and the discharge of his duties under this Part.

24. Destroying notices, etc. Unless authorized by the Minister or an inspector, a person shall not demolish, destroy, pull down, erase, remove, deface or in any way damage or interfere with any notice or sign fixed, posted or placed pursuant to this Act.

**PART III—COMPENSATION AND OTHER PROVISIONS RELATING TO
OUTBREAKS OF EXOTIC DISEASES**

Division I—Exotic Diseases Expenses and Compensation Fund

25. Exotic Diseases Expenses and Compensation Fund. There shall be established and thereafter maintained in the Treasury an Exotic Diseases Expenses and Compensation Fund.

The fund may consist of one account or more than one separate and distinct accounts as are from time to time prescribed in respect of one or more than one exotic disease.

26. Payments into fund. (1) There shall be paid into the fund—

- (a) all moneys payable to the State of Queensland by any other State of the Commonwealth or by the Commonwealth or any territory of the Commonwealth in accordance with any arrangement made (whether before or after the commencement of this Act) between the State of Queensland, the Commonwealth, the other States of the Commonwealth and any territory of the Commonwealth or any of them for controlling, eradicating and preventing the spread of any exotic disease;
- (b) the proceeds of the sale of stores or equipment sold under this Act;
- (c) any gifts made for payment into the fund;
- (d) all penalties and costs recovered under this Act;
- (e) all moneys appropriated by Parliament for the purposes of this Act;
- (f) any moneys from time to time advanced by the Treasurer for payment into the fund.

(2) Moneys received—

- (a) in respect of, or for the purposes of this Act with respect to, a particular exotic disease, if an account is established in respect of that disease, shall be credited to that account;
- (b) in any other case, shall be credited to such account as the Minister directs.

27. Application of fund. The fund shall be applied, out of the relevant account or accounts, for—

- (a) the payment of expenses directly connected with controlling, eradicating and preventing the spread of any exotic disease, except the salaries or wages of officers and employees of the State of Queensland who are or would be employed irrespective of any outbreak of an exotic disease;
- (b) the payment of compensation payable under this Act and all costs and expenses incidental to determining the compensation payable;
- (c) the payment of expenses connected with the sale of stores or equipment sold under this Act and the distribution of surplus moneys in the fund; and
- (d) the repayment to the Treasurer of any moneys referred to in paragraph (f) of section 26 (1).

Division II—Compensation in respect of Exotic Disease

28. Minister may notify dates of outbreak and end of outbreak of exotic disease. (1) For the purposes of this Part, the Minister may, by notification published in the Gazette notify in respect of an exotic disease specified in the notification in respect of an area or areas of the State described therein the date that—

- (a) the outbreak first occurred; or
- (b) the outbreak had ended.

(2) The Minister may by a like notification vary or revoke a notification made under this section.

29. Compensation. Subject to this Part, compensation shall be paid to the owner of—

- (a) any animal or property which pursuant to an order made or given under the authority of this Act or the *Stock Act 1915-1981* is destroyed during the period of the outbreak notified pursuant to section 28, for the purpose of controlling, eradicating or preventing the spread of an exotic disease specified in the notification; and
- (b) any animal which is certified by a Government Veterinary Officer as having died during the period of the outbreak notified pursuant to section 28 of the exotic disease specified in the notification and which at the time of its death was situated in the area of the State notified in respect of that disease.

30. Claims for compensation. Save where the Minister in a particular case otherwise determines, no compensation shall be payable under this Act in respect of any animal which has been destroyed or has died, or any property which has been destroyed, unless within 90 days of the destruction or death an application for compensation therefor is lodged in the prescribed form and manner giving the prescribed particulars and verified as prescribed.

31. When no compensation payable. (1) Where, but for this section, compensation would be payable under this Act to the owner of any animal that dies of an exotic disease or any animal, animal product or property used in connexion with that animal or animal product that is destroyed by order, pursuant to this Act or the *Stock Act 1915-1981*, of the Minister, his delegate, an inspector or a Government Veterinary Officer for the purpose of preventing the spread of exotic disease—

- (a) no compensation shall be payable under this Act in respect of the death or destruction of that animal or destruction of that animal product or property if—
 - (i) the death from that exotic disease or the destruction by an order arises out of the doing of any act or thing or the making of any omission by the owner of the animal or animal product or property used in connexion with that animal 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 exotic disease; and
 - (ii) the owner is convicted of an offence against any law of this State, the Commonwealth, or any State or territory of the Commonwealth relating to the control, eradication or prevention of exotic disease and the act or thing referred to in paragraph (i) is done or the omission referred to in paragraph (i) is made in connexion with the commission of the offence;
- (b) no compensation or only such part of the compensation otherwise payable as the Minister thinks reasonable shall be payable under this Act in respect of the death or destruction of that animal or destruction of that animal product or property if—
 - (i) the Minister forms the opinion that the death from that exotic disease or the destruction by an order arises out of the doing of any act or thing or the making of any omission by the owner of the animal or animal product or property used in connexion with that animal 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 exotic disease; or
 - (ii) the owner has been convicted, whether before or after the commencement of this Act, of an offence against the law of

this State, the Commonwealth, or any State or territory of the Commonwealth relating to the control, eradication or prevention of exotic disease.

No compensation shall be payable under this Act to the owner in respect of the destruction of animal pathogen by order, pursuant to this Act, of the Minister, his delegate, an inspector or a Government Veterinary Officer.

32. Basis of compensation. (1) Compensation payable under the provisions of section 29 shall be—

(a) in the case of an animal—

(i) where the destroyed animal or the dead animal was affected with an exotic disease, the market value of the animal immediately before it became so affected;

(ii) in any other case, the market value of the animal immediately before it was destroyed;

(b) in the case of property its market value at the time of destruction.

(2) In determining the compensation to be paid under this Act "market value" means the market value of the animal or property calculated upon a sale with delivery at the place where the animal or property is when ordered to be destroyed or, in the case of an animal for the destruction of which no order was made, where the animal is at the time of its death and no allowance shall be made for loss of profit, loss occasioned by breach of any contract or award, loss of production, or any other consequential loss whatsoever.

(3) Notwithstanding the provisions of any other Act, no further compensation shall be paid by the Crown for any animal or property for which compensation has been or may be paid under this Act.

33. Mode of valuation. (1) (a) The market value of any animal or property in respect of which compensation is payable under this Act shall be—

(i) such amount as is agreed upon by the Minister and the claimant; or

(ii) where such amount has not been so agreed upon, such amount acceptable to the Minister and the claimant as is fixed by a valuer appointed for the purpose jointly by the Minister and the claimant; or

(iii) where the Minister and the claimant have failed to agree upon the amount of the market value under provision (i) or upon the appointment of a valuer under provision (ii) or where the amount fixed by that valuer is unacceptable to the Minister or the claimant, such amount as is fixed by a Judge of the District Court having jurisdiction in the district in which the destruction of the animal or property occurred or the animal otherwise died or at Brisbane, as the case may be, upon an application made to that Judge in accordance with rules of court made for the purposes of this subsection.

(b) The Minister may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under his hand, delegate to one or more than one Government Veterinary Officer all or any of his powers, functions, authorities and duties under this subsection as may be specified in the instrument (other than this power of delegation).

The provisions of section 7, including subsection (2) thereof, shall apply in respect of a delegation made under this paragraph as if the delegation had been made under that section.

(2) An application under subsection (1) (a) (iii) shall be instituted by filing within the prescribed time a notice of application in the registry of the relevant District Court and, subject to this section, by complying with any rules of court made with respect thereto.

(3) Rules of court may be made under the *Districts Courts Act* 1967-1978 with respect to the institution, conduct and disposal of an application under subsection (1) (a) (iii).

Until such rules of court are made or in so far as such rules of court do not extend, the Judge hearing any application under this section may, in the particular case, give such directions as he may think fit, and the directions shall, according to their tenor, have the force and effect of rules of court made for the purposes thereof.

(4) The proceedings on application under subsection (1) (a) (iii) shall be deemed to be a proceeding before a District Court.

(5) Where a Judge of the District Court fixes the market value of any animal or property pursuant to subsection (1) (a) (iii), that Judge may make such order as to the payment of the amount so fixed as he thinks fit.

34. When title doubtful, Minister may retain compensation or make payment into court. (1) If any doubt or dispute arises as to the right or title of a person to receive any compensation under this Act the Minister may—

- (a) cause to be retained in the fund the full amount of the compensation payable until the right or title of the person entitled to receive the compensation has been established to the Minister's satisfaction; or
- (b) cause to be paid into the District Court at Brisbane the amount of the compensation and the registrar of the court shall deal with and apply those moneys in such manner and shall pay the same to such person or persons as a Judge of the District Court, upon application by any person interested, may order, the costs of and incidental to any proceeding in respect thereof being in the discretion of the Judge.

(2) Where moneys are paid into court pursuant to the provisions of subsection (1) (b), the Minister shall forthwith give notice in writing thereof to any applicant therefor.

Division III—General

35. Sale of stores and equipment. The Minister may at any time sell or cause to be sold, upon such terms and conditions as he thinks fit, any stores and equipment which in his opinion are no longer required for the purposes of this Act and the proceeds of such sale shall be credited to the fund.

Any such sale may be for cash or upon terms and, if on terms, upon security.

36. Closure of account. (1) The Governor in Council may by Proclamation declare a date upon which an account specified therein, forming part of the fund, shall be finalized.

In the case of an account maintained in respect of an exotic disease the date of the outbreak of which has been notified by the Minister pursuant to section 28, the date of finalization of that account shall be not less than six months nor more than twelve months from the date of the end of the outbreak notified by the Minister pursuant to that section.

(2) On the date specified in the Proclamation referred to in subsection (i)—

(a) all moneys payable from that account under this Act which have not already been paid shall be retained for payment by the Minister;

(b) if any undetermined claims are pending settlement, the Minister may retain sufficient sums to meet such claims, costs and related expenses payable from that account as though in each case the sum to be paid was the full amount of the claim;

(c) on—

(i) the settlement of all claims for compensation; and

(ii) the payment of all expenses incurred, under this Act and payable from that account, any sums remaining shall be disbursed in accordance with paragraph (e);

(d) all stores and equipment purchased with moneys from that account shall be sold and the proceeds paid into the account: Provided that, subject to the approval of the Commonwealth and the several States and territories of the Commonwealth which have contributed to that account, any of the stores and equipment purchased with moneys from that account may be retained until such time as the Commonwealth and the several States and territories determine that they shall be sold whereupon the proceeds of such sale shall be disbursed as provided in paragraph (e);

(e) the balance of moneys remaining in the account shall be paid to the Commonwealth and the several States and territories of the Commonwealth in the same proportion as the contributions actually made by them to the account.

37. Offence. A person who knowingly makes a statement which is in any respect false or misleading or who practises or is concerned in any fraudulent act with intent to mislead or defraud the Crown for the purpose of obtaining compensation for himself or any other person under this Part commits an offence against this Act.

Penalty: \$4 000 or imprisonment for six months.

PART IV—GENERAL PROVISIONS

38. Offences with respect to inspectors and other officers. A person—

- (a) shall not assault, obstruct, threaten, abuse, insult or intimidate an inspector or a Government Veterinary Officer in the exercise of his powers or authorities or the discharge of his functions or duties under this Act or attempt so to do;
- (b) shall not fail to answer any question put to him for the purposes of this Act by an inspector or Government Veterinary Officer or give a false or misleading answer to any question so put;
- (c) shall not fail to comply with a lawful direction or order of the Minister, an inspector or a Government Veterinary Officer;
- (d) shall not, when required by or under this Act to render assistance or furnish information, fail to do so, or furnish information that is false or misleading;
- (e) shall not fail, without reasonable excuse the proof of which shall lie upon him, to produce forthwith a licence, permit or other authority under this Act that he is required under this Act to produce or fail to allow an inspector to make a copy of or an extract from a licence, permit or other authority;
- (f) shall not fail, upon demand made, to produce to an inspector for inspection or examination any book, account, record or document required or authorized under this Act to be produced or fail to allow an inspector to make a copy of or an extract from any book, account, record or document so produced;
- (g) shall not prevent a person from appearing before or being questioned by an inspector or Government Veterinary Officer, or attempt so to do.

39. Forgery of licence etc. A person shall not—

- (a) forge or counterfeit a licence, certificate, permit, authority or other approval under this Act;
- (b) utter or make use of any such licence, certificate, permit, authority or approval so forged or counterfeited;
- (c) personate a person named in a licence, certificate, permit, authority or other approval granted or issued under this Act.

Penalty: \$4 000 or imprisonment for six months.

40. Offences generally and penalty. (1) A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act.

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

(3) A person who—

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

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

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

(4) Where no penalty is expressly provided, a person who commits an offence against this Act is liable to a penalty of \$4 000 or imprisonment for 6 months.

41. Proceedings for offences. A prosecution for an offence against this Act—

(a) shall be taken by way of summary proceedings under the *Justices Act 1886-1979* within 12 months after the offence is committed or within six months after the commission of the offence comes to the knowledge of the complainant whichever period is the later to expire;

(b) may be instituted by—

(i) an inspector; or

(ii) any other person thereunto authorized in writing by the Minister.

42. Liability for offences by corporations. (1) Where a corporation offends against this Act each and every one 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; and

(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.

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.

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

43. 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.

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 him as an employee if he satisfies the court that the offence was committed while the business of his 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.

44. Evidentiary provisions. (1) 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 or other officer or his authority to do any act, take any proceeding, or give any direction or order;
- (b) a signature purporting to be that of the Minister, Chief Inspector, an inspector, Government Veterinary Officer or other officer shall be taken to be the signature it purports to be until the contrary is proved;
- (c) a document purporting to be a copy of a licence, certificate, permit, authority, order or notice under this Act shall upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of that licence, certificate, permit, authority, order or notice;
- (d) a document purporting to be signed by the Chief Inspector stating that at a specified time or during a specified period there was or was not in force a licence, certificate, permit or authority under this Act as described in the document granted or issued to a specified person or in respect of a specified thing and that such licence, certificate, permit or authority was or was not subject to the terms, conditions or restrictions set out in the document shall upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that document;
- (e) a certificate or document relating to a motor vehicle purporting to be issued under the *Main Roads Act 1920-1979* shall, upon its production in that proceeding, be evidence and, in the

absence of evidence to the contrary, conclusive evidence of the matters contained in that certificate or document and that the person named therein as the person in whose name the motor vehicle is registered was the person using the motor vehicle at the material time or during the material period;

- (f) proof that at any time an animal, carcass or animal product was infected shall be evidence, and in the absence of evidence to the contrary, conclusive evidence that a person who had that animal, carcass or animal product in his possession or charge was aware at that time that the animal, carcass or animal product was infected;
- (g) 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 zone;
 - (ii) that any licence, certificate, permit or authority required by or under this Act to be obtained was not duly obtained by the person required to obtain it;
 - (iii) of the date on which the commission of an offence against this Act came to the knowledge of the complainant, shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of that allegation or averment.

(2) 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 prosecutor at least three clear days before the return day,

then, subject to subsection (3), 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 sufficient evidence of the facts stated therein.

(3) Where a laboratory report is or is proposed to be produced pursuant to subsection (2), 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.

(4) Where the court orders pursuant to subsection (3) that a scientist be called as a witness, it shall adopt such procedure as to it deems just and equitable to enable the scientist to be called and to be examined by the parties irrespective of the stage reached in the proceedings.

(5) This section does not prejudice or in any way affect other means of proving the elements of an alleged offence or lessen or affect the onus of proof falling on an offender.

45. Protection of Crown, Minister and officers. Subject to Part III, liability at law shall not attach to the Crown, the Minister, Chief Inspector, any inspector, Government Veterinary Officer or other officer or any person acting in aid of an inspector on account of anything done for the purposes of this Act or done in good faith and purporting to be done for the purposes of this Act.

46. Mode of service of documents. (1) A notice, order or other writing required by this Act to be given to any person shall be duly given if—

- (a) it is served personally upon the person to whom it is directed;
- (b) it is left at the place of residence or business of the person to whom it is directed last known to the person who gives it;
- (c) it is sent by post to the place of residence or business of the person to whom it is directed last known to the person who gives it.

(2) Any such notice, order or other writing if addressed to the owner or occupier of any premises or holding may be given or served by delivering the same, or a true copy thereof, to some person on the premises or holding or if there is no such person, by fixing the same on some conspicuous part of the premises or holding.

47. Regulations. (1) The Governor in Council may make regulations not inconsistent with this Act, for or with respect to all or any of the purposes, matters or things set forth in the Second Schedule.

(2) The power to regulate includes the power to prohibit.

(3) Regulations may be made to apply generally throughout the State or within any locality in the State or with respect to any class of person, animal, matter or thing to apply generally or to be of such limited application as is indicated therein.

(4) The regulations—

- (a) may provide that in cases specified therein, whether on conditions so specified or unconditionally, persons, animals, acts, matters or things may be exempted from the provisions of the regulations either wholly or to such extent as is so specified;
- (b) may, in relation to any matter provided for in the regulations, adopt wholly or partly and specifically or by reference any of the standard rules, codes, methods or specifications of the bodies known as the Standards Association of Australia, the British Standards Institute, the National Biological Standards Laboratory, the Standing Committee on Agriculture or any like body specified in the regulation;
- (c) may require any matter or thing to be verified by statutory declaration.

48. Orders in Council. Section 28A of the *Acts Interpretation Act 1954–1977* shall apply with respect to Orders in Council made for the purposes of this Act and, for the purposes of such application, that section shall be read and construed as if references to regulations were references to Orders in Council made for the purposes of this Act.

SCHEDULES

FIRST SCHEDULE

[s. 4 (1)]

PART A

Year and Number of Act	Short Title	Extent of Repeal
7 Eliz. II No. 53	<i>The Foot and Mouth Disease Expenses and Compensation Fund Act of 1958</i>	The whole
No. 60 of 1965	<i>The Stock (Prevention of Blue Tongue) Act of 1965</i>	The whole
No. 6 of 1969	<i>Foot and Mouth Disease Expenses and Compensation Fund Act Amendment Act 1969</i>	The whole

PART B

AMENDMENTS OF THE STOCK ACT 1915–1979

[s. 4 (2)]

Provision Amended	Amendment
Section 12A Infected and declared areas	<p>Section 12A is amended by—</p> <p>(a) in subsection (2) (b) omitting the words “ or animal pathogen ” and substituting the words “, animal pathogen or biological preparation or any thing likely to spread disease ”;</p> <p>(b) in subsection (4)—</p> <p>(i) in paragraph (b) omitting the words “ or animal pathogen ” and substituting the words “, animal pathogen or biological preparation or any thing ”;</p> <p>(ii) in paragraph (c) omitting the words “ or animal pathogen ” and substituting the words “, animal pathogen or biological preparation or any thing ”.</p>

PART B—continued
 AMENDMENTS OF THE STOCK ACT 1915-1979—continued

Provision Amended	Amendment
Section 13 Quarantine	Section 13 is amended by inserting after subsection (3) the following subsection:— “(4) The provisions of this section do not apply to any area in quarantine pursuant to the provisions of the <i>Exotic Diseases in Animals Act 1981</i> .”.
Section 15 Owner to be compensated	Section 15 is amended in the proviso by omitting paragraph (f).
Section 23 Notifiable diseases	Section 23 is amended by inserting after subsection (3) the following subsection:— “(4) A person who, pursuant to the provisions of the <i>Exotic Diseases in Animals Act 1981</i> , 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.”.
Section 25 Powers of inspector	Section 25 is amended by— (a) omitting paragraph (ih) of subsection (1); (b) omitting from subsection (4) the words “ subsection (1) (ih) or ”.
Section 26A Powers for prevention or checking of the spread from infected areas of disease, etc.	Section 26A is repealed.

SECOND SCHEDULE

(s. 47)

SUBJECT MATTER FOR REGULATIONS

1. **Officers.** The powers, authorities, functions and duties of the Chief Inspector, inspectors, Government Veterinary Officers and other persons engaged in the administration of this Act.

2. **Licences, certificates and authorities.** Applications for and the grant and issue of licences, certificates and authorities under this Act; the terms, conditions and restrictions subject to which licences, certificates

and authorities under this Act are granted and issued; the surrender, revocation, cancellation, suspension or endorsement of such licences, certificates or authorities.

3. Diagnosis and treatment of exotic disease. The nature and methods of treatment of exotic diseases or of tests for diagnosing and preventing exotic disease and the regulation and control of the taking, removal and despatch of specimens and vectors for diagnostic purposes.

4. Cleansing and disinfection etc. The disinfection and any other treatment of persons and the cleansing and disinfection of animals, articles, things and property for the purposes of this Act.

5. Destruction of animals, etc. The regulation and control and the prescription of the methods of the destruction of animals, carcasses, animal products, animal pathogen, biological preparations, property, fittings, fodder, pasture and any other articles and things in pursuance of this Act.

6. Seized animals, etc. The seizure, detention, confinement and disposal, including destruction, of animals, carcasses, animal products, animal pathogen, biological preparations, property or other articles or things seized, detained or confined in pursuance of this Act.

7. Control in certain zones. The regulation and control of the movement of persons, animals, vehicles, vessels and things into, within, through and out of a quarantine zone, infected zone, standstill zone or control zone and the regulation, management and control of such zone and of any animals therein.

8. Information as to exotic disease. The requirement of persons to furnish information in respect of any animal, alive or dead, which is found or suspected to be infected.

9. Roads. The closure of roads in quarantine zones, infected zones, standstill zones, control zones or areas adjacent thereto and the prevention or restriction of the passage of persons, vehicles and animals over such roads.

10. Controlling or prevention of spread of exotic disease. All such matters or things as the Governor in Council deems necessary or expedient to provide for eradicating, controlling, checking or preventing the spread of any exotic disease into or out of the State or any part thereof.

11. Requisition of land, services, etc. The requisition by the Minister of any land, buildings, accommodation, goods and services, vehicles, vessels, equipment, plant and instruments including that or those of any agency or department of the Crown in right of the State and of any local authority (including the Brisbane City Council) for such period as may,

in the opinion of the Minister, be necessary or expedient for eradicating, controlling, checking or preventing the spread of an exotic disease within, into or out of any quarantine zone, infected zone, standstill zone or control zone.

12. Valuations. The regulation and control of the valuing of animals and property, the appointment of valuers, their qualifications, duties and emoluments and the procedure for dealing with disputed valuations.

13. Claims for compensation. The procedure for making claims for compensation, proof of ownership, mode of payment and any other matter affecting or relating to compensation under this Act.

14. Forms. Forms to be used for the purposes of this Act and the particular purposes for which those forms shall respectively be used.

15. Penalties. Penalties not exceeding \$4 000 or a term of imprisonment not exceeding six months in each case for any contravention of or failure to comply with the regulations.

16. Proof of documents. The manner in which an application, order, notice, requisition or other document under this Act may be proved.

17. Matters prescribed. All matters required or permitted by or under this Act to be prescribed where the manner of prescription is not specified.

18. General power. All matters that in the opinion of the Governor in Council may be convenient for the administration of this Act or necessary or expedient to achieve the objects and purposes of this Act.