

## STOCK.

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### No. 95 of 1971.

#### AN ACT to amend the *Stock Act* 1932.

[14 December 1971.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and citation.

**1**—(1) This Act may be cited as the *Stock Act* 1971.

(2) The *Stock Act* 1932, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

**2** Section three of the Principal Act is amended—

(a) by inserting after the definition of “ animal ” the following definition:—

“ ‘ approved ’ means approved by the Minister;”;

(b) by inserting after the definition of “ carcase ” the following definition:—

“ ‘ Chief Inspector ’ means the Chief Inspector of Stock appointed under section four;”;

(c) by inserting after the definition of “ Department ” the following definition:—

“ ‘ dipped ’ means—

(a) thoroughly immersed in an approved preparation; or

(b) treated by means of an approved appliance with a preparation approved for use in that appliance;”;

(d) by inserting in the definition of “ disease ” after the word “ proclaimed ” (first occurring) the words “ or declared by the Minister ”; and

(e) by inserting after the definition of “ infected ” the following definition:—

“ ‘ infected area ’ means an area the subject of an order under section seventeen or an area which has been declared in the manner prescribed to be an infected area, as the case requires;”.

**3** The Principal Act is amended by inserting before section four in Part II the following section:—

Notification of approval by Minister.

“ 3A No approval or withdrawal of an approval by the Minister for the purposes of this Act is of any effect until notice thereof has been published in the *Gazette*.”.

**4** Section seven of the Principal Act is amended by inserting after subsection (4) thereof the following subsections:— Imported animals to be inspected.

“(4A) Where an animal (whether diseased or not) is landed in this State other than in conformity with this section the Chief Inspector may, at any time within fourteen days of becoming aware of that animal being so landed—

- (a) order the person in charge of the animal to have it destroyed forthwith;
- (b) order the person in charge of the animal to ship it on return to the consignor forthwith;
- (c) subject to subsection (4B) of this section, take or direct the taking of possession of the animal for the purpose of its destruction and have it destroyed; or
- (d) subject to subsection (4B) of this section, take or direct the taking of possession of the animal for the purpose of its being returned to the consignor and ship it on return accordingly.

“(4B) Where an order of the Chief Inspector under paragraph (a) or paragraph (b) of subsection (4A) of this section is not complied with the Chief Inspector may proceed as provided in paragraph (c) or paragraph (d) of that subsection.

“(4C) Where an animal which is landed in this State in conformity with this section is found on arrival to be diseased—

- (a) the powers of the Chief Inspector set out in paragraphs (a), (b), (c), and (d) of subsection (4A) of this section apply in respect of that animal; and
- (b) additionally, the Chief Inspector may, within fourteen days of such arrival, order the person in charge of that animal to subject it to such treatment as the Chief Inspector may specify.

“(4D) Every person in charge of an animal dealt with under paragraph (c) or paragraph (d) of subsection (4A) of this section is jointly and severally liable for all expenses reasonably and necessarily incurred for or arising out of so dealing with that animal and those expenses may be recovered as a debt in a court of competent jurisdiction.

“(4E) No action shall be brought against the Chief Inspector or any person acting by or under his direction for or in respect of anything done when acting in pursuance of paragraph (c) or paragraph (d) of subsection (4A) of this section.

“(4F) The powers of the Chief Inspector under subsections (4A) and (4C) of this section are in addition to, and not in derogation of, the power of the Minister, the Director, or a Government veterinary officer, under section eleven.”.

**5** Section nine of the Principal Act is amended by omitting from subsection (3) thereof the words “, being not less than ninety days,”. Power of Governor to establish quarantine grounds.

**6** Sections thirteen and thirteen A of the Principal Act are repealed and the following section is substituted therefor:—

Compensation  
to owner of  
destroyed  
stock.

“ 13—(1) Where—

- (a) an animal other than an animal which has been unlawfully landed in this State—
  - (i) is the subject of an order to be destroyed under section eleven; or
  - (ii) not being visibly diseased, is destroyed by reason of its having reacted to any prescribed test for the ascertainment of disease in animals of its class; or
- (b) any fittings, animal products, or fodder that are or have been in a place in which a disease has occurred are ordered, in pursuance of the regulations, to be destroyed,

the owner of that animal or of those fittings, animal products, or fodder shall be paid compensation in accordance with this section.

“(2) The compensation payable under this section is—

- (a) in the case of an animal that, at the time of delivery of the order to be destroyed, was diseased, the full market value of the animal immediately before it became diseased;
- (b) in the case of any other animal, the full market value of the animal immediately before it was destroyed; and
- (c) in the case of fittings, animal products, or fodder, the full market value of the fittings, animal products, or fodder immediately before they were destroyed.

“(3) For the purposes of subsection (2) of this section the market value of an animal the subject of an order to be destroyed under section eleven, or of any animal, fittings, animal products, or fodder destroyed under this section, shall be assessed by the Chief Inspector whose valuation, subject to subsection (4) of this section, is final.

“(4) Notwithstanding subsection (3) of this section, the owner of an animal or of any fittings, animal products, or fodder the subject of an assessment under that section may, within the prescribed period, make written application to the Minister to review the Chief Inspector’s assessment and the Minister may thereupon make a further assessment and may—

- (a) confirm the Chief Inspector’s assessment; or
- (b) increase or decrease the amount of that assessment,

and the Minister’s assessment made under this subsection is final.

“(5) Subject to subsection (6) of this section, compensation under this section shall be paid by the Treasurer on application as prescribed by the owner of the animal or of any fittings or animal products or fodder in respect of which compensation is so payable on the certificate of the Chief Inspector that the destruction of that animal or of those fittings, animal products, or fodder was for the purpose of preventing the spread of disease.

“(6) Compensation paid under this section—

- (a) shall be of an amount equal to the market value, assessed under this section, of the animal or of the fittings, animal products, or fodder in respect of which the claim is made less the value of the hide, offal, or carcase (if any) recovered or recoverable, or
- (b) shall be an amount derived by subtracting the amount of insurance (if any) payable in respect of such destruction to the owner entitled under this section from the compensation otherwise payable under paragraph (a) of this subsection,

whichever is the lesser amount.”.

**7** The Principal Act is amended by omitting, before section fourteen thereof, the words “PART VI—SPECIAL PROVISIONS RELATING TO SHEEP.”. Heading to Part VI omitted.

**8** Section fourteen of the Principal Act is repealed.

Interpretation.

**9** Section fifteen of the Principal Act is amended—

- (a) by omitting from subsection (1) thereof the words “the season prescribed for that purpose.” and substituting therefor the words “each year ending on the thirty-first day of January.”;
- (b) by omitting from subsection (3) thereof the words “in that season”; and
- (c) by omitting subsections (5), (6), and (7) thereof and substituting therefor the following subsections:—

Sheep to be dipped annually.

“(5) Subject to subsection (6) of this section, on application in that behalf being made by a person in charge of sheep, an inspector may in writing under his hand exempt that person—

- (a) from dipping any sheep in his possession or control, or which may come into his possession or control; and
- (b) from making a return under section sixteen in respect of any sheep referred to in an exemption under this subsection,

in or relating to the period of one year ending on the thirty-first day of January in respect of which the application is made.

“(6) The Chief Inspector with the approval of the Minister may in writing prohibit the granting of any exemptions under subsection (5) of this section and such a prohibition—

- (a) may be for any period of time not exceeding one year;
- (b) may apply throughout the State or be confined to a specified part of the State; and
- (c) is effective according to its tenor.”.

**10** Sections sixteen to twenty B inclusive of the Principal Act are repealed and the following sections and Part are substituted therefor:—

Returns of sheep that have been dipped.

“ 16 The person in charge of any sheep shall, within thirty days after those sheep have been dipped, forward as prescribed to the Director a return in the prescribed form supplying information of all sheep so dipped.

## “ PART VI.

### “ EXOTIC DISEASES.

Exotic diseases; infected areas.

“ 17 The Minister may, by order—

- (a) declare a disease to be an exotic disease;
- (b) declare an area of the State to be an infected area;
- (c) cancel a declaration under paragraph (a) of this section;
- (d) redefine the limits of an area declared under paragraph (b) of this section to be an infected area; or
- (e) cancel a declaration under paragraph (b) of this section either as to the whole or part of that area,

for the purposes of this Part.

Proof of exotic disease.

“ 18 An order under section seventeen—

- (a) that a disease is an exotic disease; or
- (b) that an area is an infected area,

is conclusive evidence for all purposes that that disease is or was an exotic disease and of the existence or past existence of that disease in that area and of any other matter on which the order proceeded.

Control of infected areas.

“ 19—(1) The Minister may, when making an order under paragraph (b) of section seventeen or at any time thereafter before that order is cancelled as to the whole of the area affected, make such further order as he thinks fit for or in respect of all or any of the following purposes, namely:—

- (a) The publication by newspaper advertisement, placards, handbills, or otherwise of the making of that order;
- (b) Prohibiting or regulating the movement of persons into, within, or out of an infected area;
- (c) Prohibiting or regulating the movement of animals and vehicles into, within, or out of an infected area;
- (d) Regulating the isolation or separation of animals in an infected area;
- (e) Prohibiting or regulating the removal of carcasses, fodder, litter, utensils, pens, hurdles, dung, or other things into, within, or out of an infected area;
- (f) Regulating the destruction, burial, disposal, disinfection, or other treatment of carcasses, fodder, litter, utensils, pens, hurdles, dung, or other things being in an infected area or having been removed therefrom;
- (g) Requiring and regulating the cleansing and disinfection to the satisfaction of the Minister of the whole or parts of infected areas; and

- (h) Requiring and regulating the disinfection to the satisfaction of the Minister of the clothing of persons being in an infected area and the precautions to be employed by such persons against the spreading of disease by them.

“(2) The Minister may, in an order under subsection (1) of this section, authorize an inspector to give a written direction in respect of any prohibition, regulation, or requirement which may be the subject of an order by the Minister under that subsection, and a written direction by an inspector given under this subsection shall be deemed, for the purposes of this Part, to be an order of the Minister under that subsection.

“(3) As soon as practicable after giving a written direction under subsection (2) of this section, an inspector shall send, or cause to be sent, a copy of that direction to the Minister.

“(4) Any person who wilfully does any act or makes any omission which act or omission is in contravention of an order made under subsection (1) of this section, commits an offence against this section.

Penalty: Five hundred dollars.”.

**11** Section fifty-three of the Principal Act is amended—

Offences.

- (a) by omitting from paragraphs (a), (b), (c), and (d) of subsection (1) thereof the word “sheep” (whenever occurring) and substituting therefor, in each case, the word “stock”;
- (b) by omitting paragraphs (h), (i) and (k) of that subsection;
- (c) by omitting from paragraph (j) of that subsection the word “sheep” (twice occurring) and substituting therefor, in each case the word “stock”;
- (d) by inserting in that paragraph, after the word “State”, the words “to any place where a certificate of freedom from disease is required on import to that place”;
- (e) by omitting, from the penalty at the foot of that subsection, the words “two dollars” and substituting therefor the words “ten dollars;”;
- (f) by inserting after subsection (2) thereof the following subsection:—

“(3) In proceedings in respect of a contravention of paragraph (g) of subsection (1) of this section, where the court is satisfied that a person was in charge of sheep at any time within a year ending on the thirty-first day of January, and—

- (a) failed to make a return of sheep dipped, as required by this Act, during or within thirty days after the expiration of that year; or
- (b) made a return of sheep dipped as required by this Act during that year, but did not in that return show those sheep as having been dipped,

it shall be deemed to be proved, in the absence of proof to the contrary, that those sheep were not dipped during that year.”.