



## STOCK

No. 94 of 1974

### ANALYSIS

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

**[19 December 1974]**

**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:—

**1—(1)** This Act may be cited as the *Stock Act 1974*

Short title,  
citation, and  
commencement.

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

(3) Section 3 of this Act shall commence on the commencement of the *Artificial Breeding Act* 1973.

(4) Except as provided by subsection (3), this Act shall commence on a date to be fixed by proclamation.

**2** After Part VI of the Principal Act the following Part is inserted:—

## “ PART VIA

### “ SPECIAL PROVISIONS RELATING TO THE COMPULSORY DESTRUCTION OF CERTAIN STOCK

#### “ *Division I—Preliminary*

Interpretation.

- “ 20 In this Part, unless the contrary intention appears—
- ‘ Account ’ means the Stock Trust Account established by section 20C;
  - ‘ eligible owner ’ means an owner of stock, who, by virtue of the provisions of section 20A, is eligible for the grant of an ordinary allowance or a special allowance;
  - ‘ herd ’ includes flock;
  - ‘ ordinary allowance ’ means an allowance granted under section 20B (1) (b);
  - ‘ prescribed stock ’ means stock that is declared by the Governor, by order, to be prescribed stock for the purposes of this Part;
  - ‘ return ’ means a return under section 20H;
  - ‘ special allowance ’ means an allowance granted under section 20B (1) (a);
  - ‘ stock ’ means goats, oxen, poultry, sheep, or swine;
  - ‘ stock levy ’ has the meaning assigned to that expression by section 20E (1).

#### “ *Division II—Grant of allowances in respect of compulsory destruction of stock*

Eligibility for  
grant of  
allowance.

“ 20A—(1) Subject to this Division, the owner of a herd of stock is eligible for the grant of a special allowance if the whole of

the herd has been compulsorily destroyed pursuant to section 11 during the period commencing on 1st July 1972 and ending immediately before the commencement of this Part.

“(2) Subject to this Division, the owner of a herd of stock is eligible for the grant of an ordinary allowance if the whole of the herd is compulsorily destroyed pursuant to section 11 on or after the commencement of this Part.

“(3) This section does not apply in respect of the compulsory destruction of a herd of stock any part of which has been unlawfully landed in this State.

“20B—(1) Subject to this section, on the application by the owner of a herd of stock, the Treasurer shall, on the certificate of the Chief Inspector that the applicant is an eligible owner and, in the case of an applicant for an ordinary allowance, has paid all stock levies payable by him, grant him—<sup>Grant of allowances.</sup>

(a) a special allowance at the appropriate rate prescribed by the regulations at the commencement of this Part; or

(b) an ordinary allowance at the appropriate rate prescribed by the regulations at the time of making the grant,

as the case may require.

“(2) An application under subsection (1)—

(a) shall be in the prescribed form;

(b) shall be accompanied by a certificate that the applicant is the owner of the stock to which the application relates; and

(c) shall be made to the Chief Inspector—

(i) in the case of an application for a special allowance, within 3 months after the commencement of this Part; or

(ii) in any other case, within 3 months after the herd to which the application relates has been compulsorily destroyed pursuant to section 11.

“(3) Notwithstanding paragraph (c) of subsection (2), the Minister may, if an application is made under subsection (1) after the expiration of the appropriate time prescribed by that paragraph, extend the time for making the application for such period as he thinks fit if he is satisfied that reasonable grounds exist for the delay in making the application.

“ *Division III—Stock Trust Account and stock levies*

Establishment  
of Stock Trust  
Account.

“ 20C—(1) There shall be kept in the Treasury an account, to be called the Stock Trust Account.

“(2) There shall be credited to the Account—

(a) all sums of money collected by the Director in respect of stock levies; and

(b) all interest received from the investment of moneys standing to the credit of the Account.

“(3) Subject to the directions of the Treasurer, there shall be debited to the Account an amount not exceeding the sum of \$12 000 a year towards the costs of the administration of this Part or such other sum as may be prescribed for that purpose.

Application of  
Account.

“ 20D—(1) The Account shall be applied in the payment of claims for allowances in accordance with this Part.

“(2) Where the Account is insufficient to pay an allowance under this Part, the Treasurer shall pay out of the Consolidated Revenue (which to the necessary extent is appropriated accordingly) such amount as is necessary for the payment of that allowance.

“(3) Any amount paid out of the Consolidated Revenue under subsection (2) remains a charge on the Account to be repaid therefrom when moneys to the credit of the Account are available for the purpose.

Stock levy to  
be paid by  
owners of  
prescribed  
stock.

“ 20E—(1) Subject to this section and as provided in this Division, every owner of prescribed stock shall, not later than 31st July in every financial year, pay to the Director a levy (in this Part referred to as ‘ a stock levy ’) on every head of prescribed stock owned by him at the commencement of that year.

“(2) No stock levy is payable under this section in any financial year by a person who owns less than 10 head of any species of prescribed stock at the commencement of that year.

“(3) No stock levy is payable under this section in any financial year by an owner of prescribed stock if, at the commencement of that year, the amount in the Account is at least \$60 000 (exclusive of the maximum amount that may be debited to the Account for that year pursuant to section 20C (3)).

“(4) Where an ordinary allowance was granted to an eligible owner in a financial year in which no stock levies were payable pursuant to subsection (3), stock levies are payable in the following financial year only by the owners of the same species of stock in respect of whose compulsory destruction that allowance was granted.

“20F—(1) Subject to this section, the stock levy payable on prescribed stock shall be as prescribed. Amount of stock levy.

“(2) Regulations made for the purposes of subsection (1) may prescribe different scales of stock levy payable in respect of different species of prescribed stock.

“(3) A scale prescribed pursuant to subsection (2) may provide for the payment of a minimum stock levy in respect of any species of prescribed stock.

“(4) The regulations made for the purposes of this section shall prescribe scales of stock levy—

- (a) in respect of the first financial year in which stock levies are payable, at such rates that the amount of all the levies payable in respect of that year does not exceed; and
- (b) in respect of any other financial year in which those levies are payable, at such rates that the sum of the amount of the balance in the Account at the beginning of that year and the amount of all the levies payable in respect of that year does not exceed,

a total of \$100 000 or such other amount as close to that total as the Treasurer may approve for the purpose.

“(5) A total for the purposes of subsection (4) does not include the maximum amount that may be debited to the Account for a financial year pursuant to section 20c (3).

“20G—(1) Where prescribed stock is owned jointly by two or more persons, all those persons are jointly and severally liable for the payment of the stock levy on the stock in every financial year in which the levy is payable, but as between themselves each is only liable for such part of that levy as is proportionate to his interest in the prescribed stock. Provisions relating to joint owners of prescribed stock.

“(2) Where a person referred to in subsection (1) pays to the Director more than his proportionate part of the stock levy for any financial year, he may recover the excess by way of contribution from the other owner or owners of the prescribed stock.

Returns.

“ 20H—(1) Subject to this section, every owner of prescribed stock shall, not later than 31st July in every financial year, furnish the Director with a return in the prescribed form of the prescribed stock owned by him at the commencement of that year and containing the prescribed particulars.

“(2) No return is required to be furnished under this section in a financial year—

- (a) by a person who owns less than 10 head of any species of prescribed stock at the beginning of that year; or
- (b) by any other owner of prescribed stock if no stock levies are payable in that year pursuant to section 20E (3).

Payment to  
Treasurer of  
stock levies to  
be received by  
Director.

“ 20J The Director shall pay all amounts received by him for stock levies under this Division to the Treasurer for payment to the credit of the Account.

“ *Division IV—Miscellaneous*

Offences.

“ 20K An owner of prescribed stock who—

- (a) fails to pay a stock levy that he is required to pay in any financial year;
- (b) fails to pay the total amount of stock levy that he is required to pay in any financial year;
- (c) fails to pay a stock levy in any financial year within the time prescribed by section 20E (1);
- (d) fails to furnish a return that he is required to furnish by section 20H (1) or fails to furnish such a return within the time prescribed by that section; or
- (e) makes a statement in a return or application for the purposes of this Part that is false or misleading in a material particular,

is guilty of an offence.

Penalty: \$250.

Recovery of  
stock levies.

“ 20L Where a stock levy is payable under this Part by an owner of prescribed stock, that levy or any part thereof, if unpaid, may be recovered by the Director in any court of competent jurisdiction as a debt due to the Crown by that owner.

“20M—(1) Without prejudice to any other power to make <sup>Regulations.</sup> regulations under this Act, the Governor may make regulations for or with respect to—

- (a) the method of making applications for allowances under this Part and the certificates that are required to accompany those applications;
- (b) those allowances, including prescribing different scales of allowances payable in respect of the compulsory destruction of different species of stock and different breeds or types of stock of a particular species;
- (c) the Account and the administration thereof;
- (d) the levying of stock levies and the method of paying those levies; and
- (e) the returns required to be made by owners of prescribed stock.

“(2) Regulations under this section may—

- (a) impose penalties, not exceeding \$250, for offences against the regulations; and
- (b) require that applications for allowances under this Part and returns shall be verified by statutory declaration.”.

**3** Section 33 (5) of the Principal Act is amended by omitting therefrom the numeral “(4)” and substituting therefor the numeral “(3)”. <sup>Regulation of artificial breeding, &c.</sup>

**4** After section 57 of the Principal Act the following section is inserted in Part XII:—

“58—(1) A contract in connection with the administration of this Act (including the payment of any compensation or allowance)— <sup>Protection of members of Parliament.</sup>

- (a) that relates to any animal or other property; and
- (b) to which a member of either House of Parliament owning, having an interest in, or being in charge of that animal or other property is a party,

is not a contract or agreement with the Government of the State within the meaning of section 33 of the *Constitution Act 1934*.

“(2) For the purposes of this section, ‘property’ includes fittings, animal products, and fodder.”.