

## TASMANIA.

## THE STOCK ACT, 1932.

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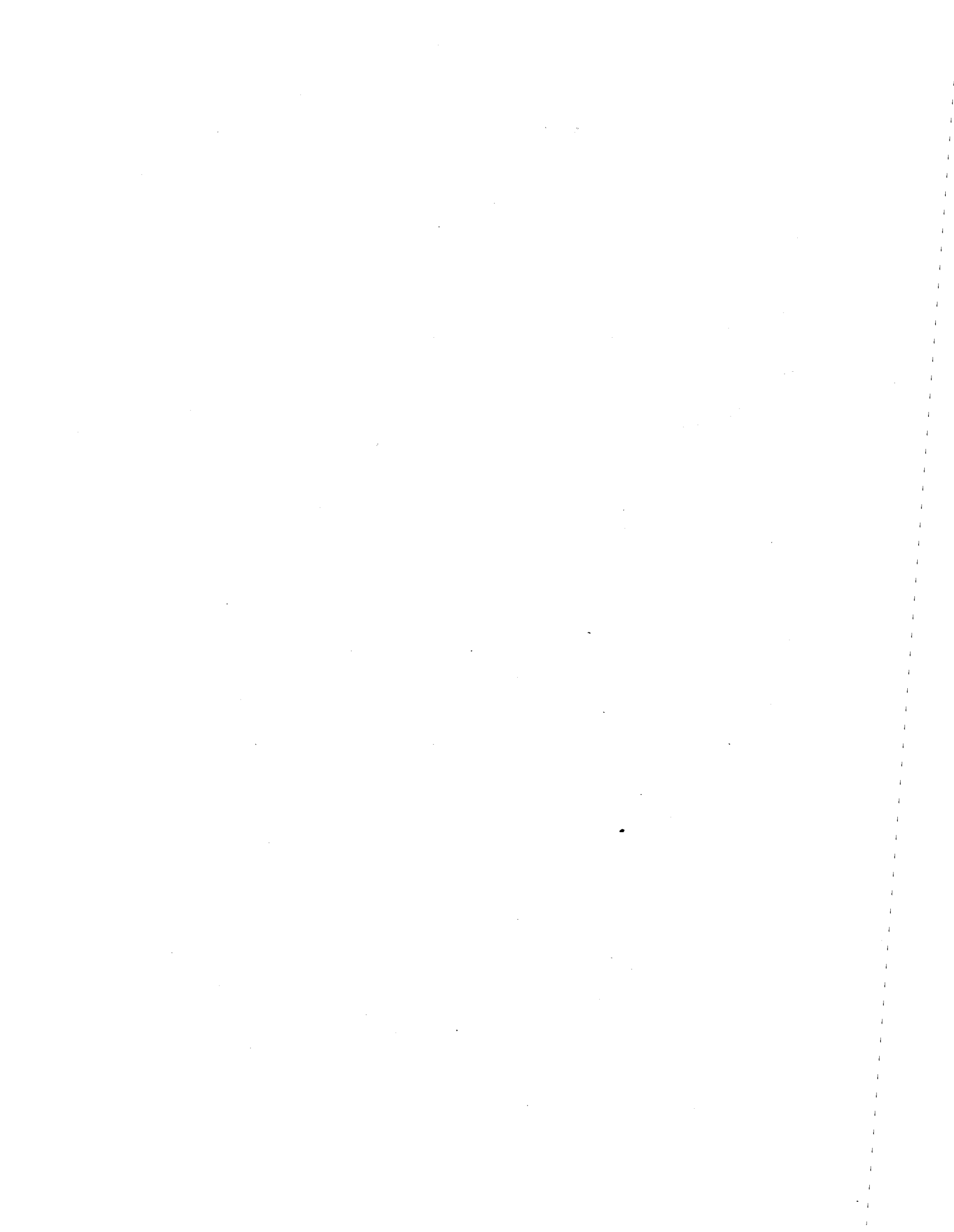
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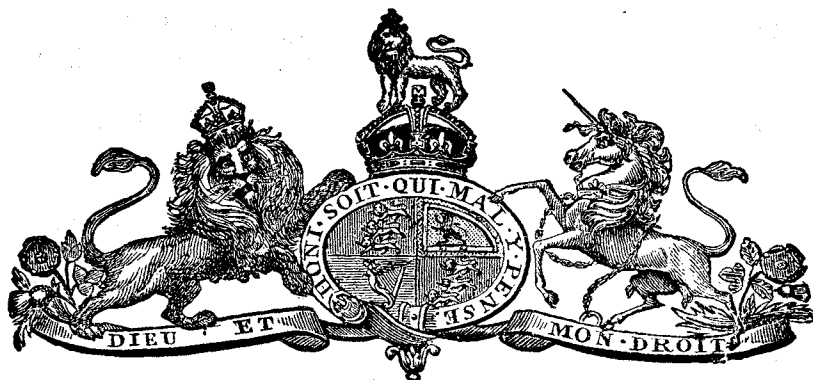
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## TASMANIA.



1932.

ANNO VICESIMO TERTIO

GEORGII V. REGIS.

No. 54.



AN ACT to consolidate and amend the Law <sup>A.D.</sup> 1932.  
 relating to Stock; to prohibit the Importa-  
 tion of Diseased Animals in certain cases;  
 and to provide for and regulate the Brand-  
 ing of Stock and the Registration of Stock  
 in certain cases. [18 *January*, 1933.]

**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:—

## PART I.

## PRELIMINARY.

- 1 This Act may be cited as "The Stock Act, 1932." Short title.
- 2 The Acts enumerated in the schedule hereto are hereby repealed. Repeal.

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Interpretation.

**3—(1)** In this Act, unless the contrary intention appears—

“Animal” means any member of the animal kingdom other than a human being :

“Carcase” means the carcase of any stock, and includes any meat, bone, hide, hoof, or offal, or any part thereof respectively :

“Department” means the Department of Agriculture :

“Director” means the Director of Agriculture :

“Disease,” used in relation to stock, means any disease proclaimed as a disease for the purposes of this Act, and, used in relation to any other animal, means any disease to which such animal is subject and which is proclaimed as a disease for the purposes of this Act :

“Fittings” means any box, enclosure, pen, or material used for penning, yarding, confining, or containing any stock, and includes any bucket, clothing, harness, rope, trough, or other utensil, bedding, or fodder with which stock have been in contact :

“Infected” means infected with disease :

“Inspector” means an inspector appointed as provided by this Act :

“Occupier,” used in relation to land, includes any person in charge of such land as manager, agent, superintendent, or overseer :

“Owner” includes any number of joint owners and also any person in charge of any stock on behalf of the owner thereof :

“Stock” means any goats, horses, oxen, sheep, or swine, and includes poultry of all kinds and such other animals of any kind or species as the Governor by proclamation may have declared to be stock for the purposes of this Act :

“Travelling,” used as an adjective, in relation to stock, means in course of transit from any place to any other place, such transit not being wholly within the boundaries of the property of the owner of such stock, and the verb “to travel” has a corresponding meaning.

(2) Any reference to any species of stock shall include all individuals of such species whatever their age, sex, or condition.

(3) An animal shall be deemed to be infected if, within a time prescribed in respect of the relevant disease, such animal has been in contact, or amongst the same flock or herd, with an infected animal or has been in an infected place, and a place shall be deemed to be infected if within such time as aforesaid any infected animal has been therein.

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## PART II.

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## ADMINISTRATION.

**4** The Governor may appoint some fit and proper person to be Chief Inspector of Stock, and may appoint such other inspectors and other officers as he may think necessary for the purposes of this Act. Appointment of officers.

**5**—(1) Every inspector shall have power to inspect all stock and the skin or carcase of any stock and any instrument used or intended for the branding of stock, as and when may be prescribed, and for that purpose at any reasonable time to enter any premises where any stock is depastured, kept, or confined, and to stop and examine any vessel, vehicle, or conveyance, whereon or wherein any stock or any such thing as aforesaid is, or is reasonably supposed to be, carried or conveyed. Powers and duties of inspectors.

(2) Where an inspector finds, or has reasonable grounds to suspect, that any stock is diseased or infected within the meaning of this Act or of any Part thereof, he may order the owner or person in charge of such stock to take any measures in relation thereto which are required by this Act to be taken or which may be prescribed in relation to the relevant disease in the particular case.

(3) No such order as aforesaid shall be given by any inspector who is other than a permanent officer of the Department, unless he is authorised in writing by the Director to give such orders.

(4) Every inspector under this Act shall make such inspections and furnish such reports, and in such cases and at such times, as may be prescribed.

## PART III.

## IMPORTATION OF ANIMALS AND MOVEMENT OF STOCK.

**6**—(1) In any case where he deems it necessary for the prevention of the introduction or dissemination of disease into or in this State, the Governor, by proclamation, may prohibit the importation into the State from any place or country specified in such proclamation of any specified animal or species of animals, or of any fittings or other things which in the opinion of the Governor are calculated to introduce or disseminate any disease, for any specified period or until the happening of a specified event. Power to Governor to prohibit importation in certain cases.

(2) Public notice of every such proclamation shall be given in one newspaper published at Hobart, one newspaper published at Launceston, and one newspaper published at Burnie, respectively, not later than the day on which it is to take effect.

(3) The Governor, by proclamation, may prohibit the importation or introduction into this state of any animal which in his opinion is, or is likely to become, a pest or injurious to the interests of the State.

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Imported animals  
to be inspected.

**7**—(1) Except as otherwise prescribed, every person importing any animal to this State or to whom any animal is consigned from any place beyond this State shall give notice to the Chief Inspector in the prescribed form and with the prescribed particulars, together with a certificate by a responsible Government officer of the country from which the animal is imported certifying that such animal was free from disease when shipped to this State, and in the case of any prescribed disease that the animal had not been within a prescribed distance of any diseased animal or place where such disease was known to exist, and shall submit such animal for inspection by an inspector as and when prescribed.

(2) The regulations may exempt any specified animals or classes of animals from the provisions of Subsection (1) hereof either generally or for specified purposes or occasions and either absolutely or subject to such conditions as may be prescribed.

Movement of  
stock in certain  
cases.

**8**—(1) Where in respect of any species of stock any disease is found, or is suspected on reasonable grounds to exist, in any district or part of the State, the Governor, by proclamation, may prohibit the movement of any stock, and of any farm products or any fittings or other things which in the opinion of the Governor may disseminate that disease, from or to any part of the State to be defined in such proclamation during any specified period or until the happening of a specified event.

(2) Public notice of every such proclamation shall be given in a newspaper.

## PART IV.

## QUARANTINE OF STOCK.

Power to  
Governor to  
establish  
quarantine  
grounds.

**9**—(1) The Governor may establish such quarantine grounds as he may think necessary or desirable for the purposes of this Act.

(2) All quarantine grounds established under any Act hereby repealed and in use at the commencement of this Act shall be deemed to have been established under this Act.

(3) All oxen imported or brought into this State from any place beyond the State shall be landed at or upon a quarantine ground, and shall be detained there for such period, being not less than ninety days, as may be prescribed.

(4) The Chief Inspector may inspect any oxen in any quarantine, and may make such tests as he may think necessary to determine whether the same are infected.

(5) In any case where the Chief Inspector considers that the circumstances so require he may direct that any such oxen as aforesaid shall be detained as aforesaid for such longer period than that prescribed under Subsection (3) hereof, as he may think necessary, and the same shall be detained accordingly.

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(6) The Governor, at any time by regulation, may provide that any species of stock, other than oxen imported to this State, shall be required to be detained in quarantine for such period as may be prescribed in relation to such species. A.D. 1932.

(7) The Governor by proclamation may declare that oxen or other stock imported from any country specified in such proclamation shall be exempt from the provisions of this section, and thereupon the oxen or stock so imported shall not be required to undergo quarantine.

## PART V.

## DISEASES IN STOCK.

**10** Every—

- i. Owner of stock :
- ii. Person having charge, possession, or control of any stock :  
and
- iii. Person attending any stock in the capacity of a veterinary surgeon or practitioner—

who knows, or has reason to suspect, that any such stock is affected by, or carrying, disease, shall forthwith report such fact to an inspector in manner prescribed.

Duty of certain persons to report diseases in stock.

**11**—(1) Where the Minister, on the report of the Director, is of opinion that the destruction of any animal that—

- i. Is diseased :
- ii. Has been in contact with any diseased animal :
- iii. Has been within the distance prescribed in relation to the relevant disease from any diseased animal : or
- iv. Has reacted as prescribed to a prescribed test for the ascertainment of disease—

is necessary in order to prevent the spread of disease, the Minister may order such stock to be destroyed in manner prescribed.

(2) In any case of urgency, in which the Director or a Government veterinary officer is satisfied that immediate action is necessary, the Director or such officer may exercise the power hereinbefore conferred upon the Minister.

(3) The powers conferred by this section may be exercised in relation to any animal which is infected with disease and which in the opinion of the Minister is capable of transmitting or communicating such disease to any stock.

Power to Minister to order destruction of diseased stock in certain cases.

**12**—(1) Where an inspector finds that any stock is diseased, or that there is reason to suspect that the same is diseased, he may order such stock to be isolated and kept apart from any other stock in manner prescribed, and for that purpose may order such stock to be removed from the place where the same then is to some other place as may be prescribed.

Isolation of diseased stock.

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(2) It shall be the duty of the owner of any diseased stock, or stock suspected as aforesaid, and also of the person in charge thereof, upon learning that the same is diseased or suspected, forthwith to segregate such stock and keep the same apart from all other stock and to take all such measures as may be prescribed in respect of the revelant disease to prevent the disseminatation thereof.

(3) It shall be the duty of every such owner and person in charge as aforesaid to give effect forthwith to every order given to him by an inspector for the purposes of this section.

Compensation to  
owner of des-  
troyed stock.

**13**—(1) Where any animal is destroyed in pursuance of an order made under this Part, for any of the reasons enumerated in Paragraphs ii., iii., and iv. of Subsection (1) of Section Eleven, the Treasurer, upon the application as prescribed of the owner of such animal and upon the certificate of the Chief Inspector that such animal was destroyed as aforesaid, shall pay to the owner thereof three-fourths of the market value of such animal immediately prior to such destruction or so much, if any, of such value as is not covered by insurance payable to such owner in respect of such destruction.

(2) The like compensation as aforesaid shall be payable in respect of any animal which 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.

(3) The market value of any animal destroyed as aforesaid shall be assessed by the Chief Inspector whose valuation may be reviewed by the Minister upon the application of the owner within the prescribed time.

(4) No such compensation shall exceed a sum of Twenty Pounds in respect of any one animal which is registered with any recognised society as a pure-bred animal or Ten Pounds in any other case.

(5) No such compensation shall be payable in respect of any animal which is required to be destroyed on account of disease while detained in quarantine as provided by Part IV.

(6) There shall be deducted from any compensation calculated as hereinbefore provided the value of the hide, offal, and carcase of the animal in respect of which such compensation is payable.

## PART VI.

## SPECIAL PROVISIONS RELATING TO SHEEP.

Interpretation.

**14** In this Part and Part X., unless the contrary intention appears—

“Dipped” means thoroughly immersed in some effective preparation to be prescribed for the destruction of ticks and lice :



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“Infected,” used in relation to sheep, applies to all sheep which are actually carrying or infested with ticks or lice or which, within two months before the time to which the expression relates, have been in contact with, or amongst the same flock as, any sheep so suffering :

“Lice” and “ticks” respectively mean the insects called *Trichodectes sphaerocephalus* and *Melophagus ovinus* and the pupæ thereof respectively.

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**15**—(1) Except where otherwise provided, every sheep-owner shall dip all his sheep annually within the season between the first day of October in each year and the thirty-first day of March in the following year in manner prescribed. Sheep to be dipped annually.

(2) Such dipping as aforesaid shall be performed immediately after the shearing of such sheep wherever practicable, and in all other cases the sheep when shorn shall be kept securely confined in a fenced paddock or other suitable enclosure until dipped, and shall be dipped not later in any case than six weeks after being shorn.

(3) Any inspector, by notice in writing delivered or sent by post to any sheep-owner, may require such owner to give not less than three days' written notice to the inspector of his intention to dip any sheep, and thereupon it shall not be lawful for such owner to dip any sheep in that season without having given such notice.

(4) Every sheep-owner shall provide, upon the premises where his sheep are kept, adequate facilities to the satisfaction of an inspector for the dipping of such sheep, unless such facilities are available to him in the neighborhood of such premises.

(5) Exception from the provisions of this section may be granted as prescribed in respect of any stud sheep which on inspection are found not to be infected.

(6) An application for exemption under this section shall be made to the Chief Inspector not later than the first day of December in any year, and the owner shall pay such costs of inspection as may be prescribed.

**16**—(1) Where sheep are offered for sale by auction, an inspector, if, in his opinion, any such sheep are infected, may order such sheep to be dipped before the same are sold, and thereupon it shall not be lawful for any auctioneer to sell or offer such sheep for sale after receiving notice from such inspector that the same are infected. Dipping at other times.

(2) Such dipping shall be performed in any dip which may be available in the neighbourhood of such sale-yard, or upon the arrival of such sheep at their destination, as the inspector in each case may direct.

(3) The inspector, if in his opinion it is desirable so to do, may order such sheep to be removed from the sale-yard or to some unoccupied part thereof or returned to the place from which the same were sent for sale, or alternatively may permit the same to be sold for immediate slaughter only.

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(4) All sheep imported into this State, or landed upon the mainland thereof from any island in Bass Strait, shall be inspected on arrival therein, and if found to be infected shall be dipped before being travelled for any other purpose than to be dipped as directed by an inspector.

(5) All sheep sent for exhibition at any agricultural show or exhibition of sheep or cattle shall be inspected on or after their arrival at the place where such show is held, and, if infected, may be ordered by an inspector to be returned forthwith to the place from which the same were sent for exhibition.

(6) Where an inspector finds that any sheep are infected, he may give notice as prescribed that such sheep shall be dipped.

Infected sheep  
from beyond the  
State may be  
returned.

**17**—(1) No infected sheep imported into this State shall be landed therein until the same have been inspected and the permission of an inspector has been given to land the same.

(2) Where an inspector finds that any sheep imported into this State are infected upon arrival therein, he may direct that they shall be sent to an abattoir for immediate slaughter,

(3) Where, in the opinion of such inspector, it is necessary so to do, he may require any such sheep to be placed in some convenient place provided by the Department for the proper inspection thereof, or may order the same to be dipped forthwith or within such time as he may direct.

Shearing of  
sheep.

**18** All sheep, excepting lambs which are intended to be kept as hoggets, shall be shorn annually during the season specified in Section Fifteen, and not later than the first day of March in each such season.

Returns of  
sheep dipped.

**19** Every sheep-owner, within seven days after dipping his sheep, shall forward as prescribed to the Director a return in the prescribed form of all sheep so dipped.

Removal of sheep  
to dips.

**20**—(1) Upon the application of any sheep-owner, an inspector may issue a permit in the prescribed form, authorising such owner to travel his sheep for the purpose of being dipped at any available dip within five miles of the property where such sheep then are, notwithstanding that such sheep are infected.

(2) The Director in any special case may authorise the issue of a permit under this section under which sheep may be travelled for the purpose aforesaid such greater distance than five miles as the Director may specify.

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## PART VII.

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## STOCK BRANDS.

**21** The provisions of this Part shall apply only in respect of oxen and sheep. Application of this Part.

**22**—(1) The Governor may appoint a Registrar of Stock Brands (in this Part referred to as “the Registrar”) and such other officers as he may think necessary for the purposes of this Part. Registrar and officers.

(2) All such officers as aforesaid shall be subject to the control of the Director.

**23**—(1) The Registrar shall keep in the prescribed form a Register of Stock Brands, and shall enter therein every brand registered as provided by this Part and such other particulars as may be prescribed, and shall make such alterations therein as may be required from time to time. The Register of Stock Brands.

(2) The register in force at the commencement of this Act shall continue in force, and, subject to any modifications to be made therein as provided by this Part, shall be the register for the purposes of this Part.

(3) Every brand registered under any Act hereby repealed shall be deemed to have been registered under this Part.

**24**—(1) As soon as, in the opinion of the Minister, it is practicable so to do, the Registrar shall compile a brands directory for the State. Brands directory.

(2) Such directory shall contain an alphabetical list of the names of all owners of registered brands at the date of compilation, a description of each such brand, and such other particulars as may be prescribed.

(3) At the beginning of every year after the compilation of the directory, or at such other times as the Minister may direct, the Registrar shall compile supplementary directories showing all—

- i. New registrations :
- ii. Transfers : and
- iii. Cancellations—

effected in the register since the compilation of the directory, and the directory, as modified by the latest of such supplementary directories, if any, shall be deemed to be the brands directory.

(4) It shall be the duty of the keeper of every pound and of every police officer in charge of a police station at any place in which there is no office of the Department to keep a copy of the brands directory at such pound or station respectively, when the same is available.

(5) Any person may inspect the brands directory without fee at any pound, or police station, at which the same is available or at the office of the Department or at the Registrar’s Office at any reasonable time.

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Registration of  
brands.

**25**—(1) Any person being, or intending to become, the owner of any oxen or sheep may apply to the Registrar as prescribed to register a brand in the name of such person.

(2) Every such brand shall be in the form of—

- I. An earmark ; or
- II. A bodybrand ; or
- III. In the case of stud sheep, a tattoo—

and shall be of such nature and dimensions as may be prescribed.

(3) Every application for registration shall be accompanied by the prescribed fee, and shall contain a design for the brand which the applicant desires to register.

(4) If the design submitted by the applicant is already registered or, if, in the opinion of the Registrar, it so nearly resembles any registered brand as to be calculated to cause confusion, or for any other reason is unsuitable, the Registrar may refuse to register it.

(5) In any such case the Registrar may modify the design submitted and may transmit the same as modified to the applicant, and, if within twenty-one days thereafter the applicant does not notify the Registrar to the contrary, the Registrar may register such design as so modified as the brand of the applicant.

(6) Any person may register in his name both a bodybrand and an earmark brand, but except as aforesaid no person shall be registered as the owner of more than one brand.

(7) The Registrar may require any applicant to verify the statements in his application by statutory declaration or such other evidence as the Registrar may think sufficient.

(8) The keeper of every pound shall register a brand for the purposes of Subsection (3) of Section Twenty-nine.

Transfer of  
brands.

**26**—(1) Upon the application as prescribed of the owner of a registered brand or his legal personal representative and upon payment of the prescribed fee, such brand may be transferred to any person other than a person whose name is already on the register as the owner of a registered brand.

(2) Every such application shall be endorsed with the consent of the proposed transferee.

(3) Upon being satisfied by statutory declaration or such other evidence as he may consider sufficient that—

- I. The owner of a registered brand has died ;
- II. There is not, and is not likely to be, any legal personal representative of such owner : and
- III. The widow or any member of the family of such owner is carrying on business on the premises occupied by such owner—

the Registrar, upon application within the prescribed time, may transfer the registered brand of such owner to such widow or member as

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aforesaid, but no such transfer shall be made if a brand of the same design is registered in the name of some other person than the deceased. A.D. 1932.

(4) All transfers shall be effected and recorded as may be prescribed.

**27**—(1) The Registrar may cancel the registration of any brand in any case where— Cancellation of registration.

- i. The owner thereof applies for such cancellation: or
- ii. The Registrar is satisfied upon such evidence as he may deem sufficient that the owner thereof has —

- (a) Died leaving no person entitled, and willing, to obtain or effect a transfer thereof;
- (b) Permanently left the State; or
- (c) From any cause, permanently ceased to use such brand.

(2) Where any person applies for the cancellation of the registration of any brand for the purpose of applying to have such brand registered in his own name, the Registrar may require such person to give public notice of his application in such manner and at such times as the Registrar may think necessary.

(3) Every application for cancellation shall be in the prescribed form, and, unless made by the owner of the brand, shall be accompanied by a fee of Five Shillings.

(4) Cancellations shall be effected and recorded as may be prescribed.

**28** The fact that any stock is branded with the registered brand of any person shall be evidence, until the contrary is shown, that such stock is the property of such person. Brands to be evidence.

**29**—(1) Except where otherwise expressly provided, every sheep-owner shall brand all sheep belonging to him as provided by this Act and shall keep the same at all times conspicuously and legibly branded with the registered brand of such owner. Branding of sheep compulsory.

(2) Every person who purchases or acquires any sheep not previously belonging to him shall brand the same with his registered brand within ten days after acquiring possession thereof, except as hereinafter provided.

(3) The keeper of every pound shall brand all stock sold by him at such pound before delivery.

(4) All such branding as aforesaid shall be effected with a brand registered under this Act and not otherwise.

(5) All sheep shall be branded where practicable with a bodybrand upon the wool of the sheep, but long-wool sheep may be branded with an earmark or with a firebrand upon the horn or face.

(6) No woolbrand shall be applied with tar, pitch, or oil-paint or other preparation detrimental to the wool.

(7) Any inspector, by notice, in writing, sent or delivered to any sheepowner, may require such owner to give not less than three days notice to such inspector before branding any sheep, and thereupon it shall not be lawful for such owner to brand any sheep without having given such notice.

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(8) Exceptions shall be made from the foregoing provisions of this section, as follows—

- i. No person shall be compelled to brand any stud sheep :
- ii. No sheep under the age of six months need be branded unless the same is offered for public sale apart from its mother otherwise than for immediate slaughter :
- iii. A person buying or acquiring sheep who, in good faith, has made, within ten days of such purchase or acquisition, a binding contract for the sale of such sheep for immediate delivery shall not be required to brand the same unless such contract becomes ineffective :
- iv. A person buying or acquiring sheep who is not the owner of a registered brand and who, before or immediately after such purchase or acquisition, has applied to register a brand shall be required only to brand the same within ten days after the issue to him of a certificate of registration of his brand : and
- v. The owner of any sheep which is individually recorded in any prescribed stud records may be exempted as prescribed from branding the same.

(9) For the purposes of this section “stud sheep” means sheep of which the pedigree for not less than three generations is kept by or in possession of the owner of the sheep.

Earmarks.

**30**—(1) All registered earmarks shall be applied only to—

- i. The near, or left, ear of male stock : and
- ii. The off, or right, ear of female stock.

(2) No mark shall be made in the ear of any stock on which a registered earmark has been made, and no mark other than a registered earmark shall be made in the ear prescribed for the registered earmark on such stock.

(3) The owner of any stock may mark the ear of such stock which is not the ear prescribed for the registered earmark thereon in such cases and in such manner as may be prescribed.

(4) The Director of Agriculture may cause any stock to be marked for identification purposes in such cases and in such manner as may be prescribed.

Notice of  
mustering in  
certain cases.

**31** If the owner of not less than fifty head of stock to which this Part applies receives, from any person in possession of premises which adjoin the premises of such owner, notice in writing that such person has reason to believe that stock belonging to him have strayed into the property of such owner and requesting that such person may be given an opportunity to be present at any mustering of such owner's stock, such owner shall—

- i. Give to such person not less than twenty-four hours', nor more than five days', notice in writing of the time and

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place at which any such mustering is intended to take place: and

- ii. Permit such person or his agent to be present at such mustering—

and shall not, within three months after receiving such notice as aforesaid from such person, muster any stock on such premises as aforesaid without giving such person an opportunity to be present thereat.

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## PART VIII.

## REGISTRATION OF STALLIONS.

**32**—(1) For the purposes of this Part the Board of Control and Appeal (hereinafter called “the Board”) constituted under the Registration of Stallions Act, 1916, and comprising six members, is hereby continued, and shall be deemed to have been constituted under this Part.

Constitution of  
the Board.  
7 Geo. V. No. 43.

(2) From and after the date of the retirement of the appointed members now holding office the Board shall consist of five members of whom two shall be qualified veterinary practitioners.

(3) The Director and the Chief Veterinary Officer shall be members of the Board by virtue of their respective offices, and the Governor shall appoint a qualified veterinary practitioner as a member thereof.

(4) The remaining two members of the Board shall be appointed by the Governor on the recommendation as prescribed of the Agricultural Show Council of Tasmania, or, if such Council at any time fails to make such recommendation as prescribed, the Governor may make such appointment without any such recommendation.

(5) All such appointed members shall be appointed for three years.

(6) The present members of the Board shall hold office until the respective dates at which they would have retired if this Act had not been passed, and any appointed member may be reappointed.

(7) Where any casual vacancy occurs, the Governor may appoint some person, as provided by Subsection (4) hereof, to fill the place of the vacating member during the residue of the term for which he was appointed.

**33**—(1) The Director shall be Chairman of the Board, and, if any vacancy shall occur in the office of the Director, the other members of the Board shall elect one of their number to be Chairman during the continuance of such vacancy.

Proceedings of  
the Board.

(2) The Chairman if present shall preside at all meetings of the Board, and in his absence from any meeting the Board shall choose one of its members to act as Chairman at that meeting.

(3) Any three members of the Board shall form a quorum.

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(4) The Board may function notwithstanding any vacancy on the Board, provided that a quorum is present.

(5) Subject to the provisions of this Act, the Board may regulate its own procedure and may hold meetings at such times and places as it may think fit.

(6) The Director shall arrange for an officer of his department to perform the duties of Registrar under this Part and Secretary to the Board, and the officer performing such duties shall be the Registrar under this Part.

(7) The Board shall cause accurate minutes and records of its proceedings to be kept in appropriate books to be kept for that purpose, and extracts from such books certified by the Chairman or Secretary shall be evidence of the facts stated therein.

Appointment of  
examining  
authority.

**34**—(1) There shall be an examining authority consisting of a Government Veterinary Officer for the purpose of examining and inspecting stallions submitted for registration.

(2) The examining authority shall decide whether a stallion is fit to be registered and whether the registration of any stallion shall be refused or cancelled on the ground that such stallion is unsound as the case may require, and shall report to the Board accordingly.

(3) Registration of a stallion may be refused on the ground that such stallion is below a reasonable standard as regards type, conformation, or breeding.

(4) For the purposes of this Act, a stallion that is affected with roaring, curb, thorough-pin and bursal enlargements, ringbone, bog-spavin, nasal disease (*osteo porosis*), sidebone, bone-spavin, chorea ("shivering" or "nervy"), navicular disease, whistling, cataract, or any other hereditary or transmissible disease which the Governor, by proclamation, shall have declared to be unsoundness, shall be deemed to be unsound, unless it is shown that the affection has been caused by accident and is not transmissible.

Examination and  
inspection of  
stallions.

**35**—(1) The Board shall appoint such times and places for the examination and inspection of stallions by the examining authority as the Board may think necessary.

(2) Where the Board appoints a general examination of stallions to be held at the grounds of any agricultural association or society, the executive body of such association or society shall provide a suitable place for such purpose without charge.

(3) The owner of any stallion may apply to the Board to have such stallion examined by the examining authority for the purposes of registration at the residence of such owner or elsewhere, and the Board may permit the same on payment by such owner of all reasonable expenses thereby entailed or on receiving from such owner satisfactory security for such payment.



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(4) Every person submitting a stallion for examination, or in charge thereof when examined, shall give to the examining authority all such information regarding such stallion as such authority or member may require. A.D. 1932.

(5) Every application for the examination of a stallion shall be accompanied by the prescribed registration fee.

(6) If upon such examination registration of the stallion is refused, the registration fee shall be refunded to the applicant.

(7) If for any reason the registration of any stallion which the examining authority reports as fit for registration is not completed, one-half only of the registration fee paid shall be refunded to the applicant.

**36**—(1) Every application for the registration of a stallion shall be in the prescribed form and shall contain the prescribed particulars. Registration.

(2) Upon the receipt of a report from the examining authority that a stallion is fit for registration and upon payment of the prescribed fee, the Board shall cause a certificate of registration to be issued to the owner of such stallion.

(3) Every certificate shall expire on the thirtieth day of June next after the same is issued, and the stallion to which it relates shall cease to be registered until a new certificate is obtained for it.

(4) Where a stallion has been examined and registered at or above the age of five years, the same may be registered in any subsequent year without examination unless the Board otherwise directs upon payment of one-half the fee prescribed in ordinary cases.

(5) No stallion shall be registered unless the same is visibly entire and is over the age of two years.

(6) All subsisting certificates, other than life certificates, issued under any Act hereby repealed shall be deemed to have been issued under this Act.

(7) All life certificates issued under any Act hereby repealed shall cease to have effect on the thirtieth day of June, one thousand nine hundred and thirty-three, but the holder of any such certificate shall be entitled to register the stallion in respect of which the same was issued upon payment of one-half the fee prescribed in ordinary cases.

**37** A subsisting certificate of registration in any State in which reciprocal provisions similar to this section are in force shall be accepted as qualification for registration of the stallion therein specified under this Act. Reciprocal registration.

**38**—(1) If the Board has reason to believe that any stallion, in respect of which a certificate of registration is in force, is affected with unsoundness, or is otherwise unfit for service, the Board, at any time, may require the owner of such stallion to submit the same for examination by a Veterinary Officer at a time and place to be specified in such requisition. Re-examination of stallions and cancellation of registration.

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(2) If upon such examination such Veterinary Officer reports to the Board that such stallion is affected with unsoundness, or is otherwise unfit for service, or if such owner fails or refuses to submit such stallion for examination as and when required, the Board may cancel the certificate issued in respect of such stallion.

(3) Upon the publication in the Gazette of a notice of the cancellation of a certificate, the stallion to which the same relates shall cease to be registered.

Record and publication of registrations, &amp;c.

**39**—(1) A record of all registrations shall be made as prescribed in a register to be kept for that purpose, and, upon the cancellation of any certificate of registration, the same shall be recorded in the register forthwith.

(2) The Registrar shall publish in the Gazette annually, in such month as may be prescribed, a list of all registrations in force for the then current season, and shall also publish in the Gazette notice of every registration effected after the publication of the annual list.

(3) Upon the cancellation of any certificate, the Registrar shall publish in the Gazette a notice of such cancellation.

Notification to owner of result of examination.

**40** Upon every refusal of registration of a stallion and upon receipt by the Board of a report that any stallion is unsound, the Registrar shall give notice, in writing, by post to the owner of such stallion informing him of such refusal or of the purport of such report as the case may require.

Appeal.

**41**—(1) The owner of any stallion, in respect of which—

- i. A certificate of registration has been refused : or
- ii. A report has been made to the Board that such stallion is unsound—

who is dissatisfied with such refusal or report, may appeal to the Board as hereinafter provided.

(2) Notice in the prescribed form of every such appeal shall be lodged with the Registrar within thirty days after the fact of such registration having been refused or such report having been made, as the case may be, is communicated to such owner.

(3) The appellant shall lodge with the Registrar with his notice of appeal—

- i. A deposit of Five Pounds, which shall be forfeited if the appeal is dismissed, unless the Board for good cause shall otherwise direct : and
- ii. An undertaking in writing to pay in the event of the appeal being dismissed all expenses reasonably incurred by the Board in relation to the appeal.

(4) The Board shall hear and determine the appeal at such time and place as it may appoint, and the appellant shall be given an opportunity to be heard and to adduce evidence and the decision of the Board shall be final and conclusive.

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(5) If the appeal is upheld by the Board, the Board may allow the appellant such costs as may be prescribed or as the Board may consider reasonable, and if the Board considers the appeal frivolous it may order the appellant to pay the expenses occasioned by his appeal.

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(6) The Treasurer on the certificate of the Chairman shall pay to the appellant such sum as the Board shall have allowed as aforesaid.

(7) Where the Board has upheld an appeal the Registrar shall issue to the appellant a certificate of registration as hereinbefore provided.

## PART IX.

## SHEEP AND CATTLE STEALING PREVENTION.

**42** Every person who sells the skin of any sheep or ox upon which no legible registered brand is clearly visible shall mark the same with a prescribed mark before delivery thereof to the purchaser, and shall give to the purchaser at the time of such delivery full particulars in writing of the number and description of such skins and of the full name and address of the seller.

Unbranded skins  
to be marked  
before sale.

**43—(1)** Any police officer who has reasonable ground to believe that any skin, or the skin of any sheep or ox, which is alleged to have been stolen may be found in or upon any premises, vehicle, vessel, or packhorse, he may, without further authority than this section, search such premises, vehicle, or vessel, or the pack upon such horse for the same.

Search for and  
detention of skins  
unmarked or  
suspected to be  
stolen.

(2) If, upon any such search, any such skin as aforesaid is found or any skin upon which no legible registered brand is clearly visible, such police officer may detain the same.

(3) Every skin so detained as aforesaid shall be brought as soon as may be before a court of petty sessions, and—

i. Where proceedings are taken against any person in respect of any offence relating to such skin, the court adjudicating thereon, if sufficient evidence for that purpose is available, shall determine the ownership of such skin and make such order as to the disposal thereof as it may deem just :  
and

ii. In any other case a court of petty sessions may make such order for the advertising of such detention as aforesaid and notice to any person claiming the skin as the court may think necessary—

and, if, within the time limited by such order, the owner of such skin does not claim the same as directed by such order and establish his ownership to the satisfaction of such court, the same shall be forfeited to His Majesty and may be sold as such court may direct.

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Offences in  
relation to  
animals and  
stock generally.

## PART X.

## OFFENCES.

**44**—(1) No person shall—

- i. Import or bring into this State any animal or thing the importation of which is prohibited :
- ii. Fail to give the prescribed notice to the Chief Inspector of the importation of any animal imported by or consigned to him when required by this Act so to do :
- iii. Land any stock in this State otherwise than as provided by this Act.

Penalty : One hundred Pounds.

**(2)**—No person shall—

- i. Knowing, or having reason to suspect, that any stock owned by him or in his charge, possession, or control, or which he has attended in the capacity of a veterinary surgeon or practitioner, is diseased, fail to report such fact to an inspector :
- ii. Fail to isolate and keep any diseased stock apart from other stock as prescribed :
- iii. Fail to give effect to every order and direction lawfully given to him by an inspector under this Act : or
- iv. Fail when required by or under this Act to supply any information, or when so required give any information which is false.

Penalty : Fifty Pounds.

Offences in  
relation to  
sheep.

**45** No person shall—

- i. Travel any infected sheep on, over, or upon any road, or over any land of any other person unless he is authorised so to do under this Act :
- ii. Allow any infected sheep to stray or be at large on any road or on the property of any other person :
- iii. Cause or permit any infected sheep to be offered for sale in any public sale-yard :
- iv. Cause or permit any infected sheep belonging to him to be placed on board any vessel for conveyance to the mainland of this State from any island in Bass Strait :
- v. Fail to make any return of sheep dipped as required by this Act :
- vi. Fail to obey any notice, order, or direction lawfully given to him by an inspector under this Act :
- vii. Fail to dip all sheep belonging to him as required by this Act :

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viii. Fail to cause all sheep belonging to him to be shorn as required by this Act: A.D. 1932.

- ix. Land, or cause to be landed, any sheep—  
 (a) In this State from any other country; or  
 (b) At any part of the mainland of this State from any island in Bass Strait—

without the authority of an inspector so to do :

x. Export any sheep from this State without obtaining a certificate from an inspector that such sheep are free from infection :

xi. Fail to comply with any requirement of Part VI. in relation to any sheep belonging to him.

Penalty : Minimum, One Pound ; Maximum, Fifty Pounds.

**46—**(1) No person shall—

- i. Brand any stock except as provided by this Act :
- ii. Fail to brand all sheep belonging to him, as provided by this Act, unless he is exempted as prescribed from branding the same :
- iii. Brand any stock of which he is not the owner except with the authority of the owner thereof and with the brand of such owner :
- iv. Mutilate, crop, slice, cut, or mark the ear of any stock except as provided by this Act :
- v. Blotch, deface, obscure, or in any way alter any brand upon any stock :
- vi. Cause, procure, permit, or assist in the doing of any thing prohibited by this section.

Penalty : Fifty Pounds.

(2) No person shall contravene or fail to comply with the provisions of Section Thirty-one.

Penalty : Ten Pounds.

(3) In any proceedings under this section a copy of any entry in the register or a statement that a person therein named is not the registered owner of a brand, such copy or statement purporting to be signed by the Registrar of Stock Brands, shall be evidence till the contrary is shown of the facts therein stated.

**47—**(1) No person shall—

- i. Use, or permit to be used, for stud purposes : or
- ii. Stand, travel, or advertise for stud purposes—

any stallion which is not registered as provided by this Act.

Penalty : For a first offence : Twenty Pounds.

For any subsequent offence : Fifty Pounds.

(2) The production of any bill, poster, advertisement, or other document advertising any stallion for stud purposes shall be evidence that the same was used for advertising any stallion named or described therein by or on behalf of the owner of such stallion and with his consent.

Offences relating to brands and branding.

Stallions not to be used for stud purposes unless registered.

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(3) In any proceedings in respect of an offence under this section, proof that the stallion in respect of which the offence is alleged is registered shall lie upon the defendant.

Offences in  
relation to sheep,  
cattle, and other  
stock.

**48** No person shall—

- i. Sell or deliver to any person the skin of any sheep or ox on which no registered brand is clearly visible unless the same is marked as prescribed :
- ii. Receive or have in his possession the untanned skin of any sheep or ox from which any registered brand or prescribed mark has been cut away, or on which the same has been obliterated by cutting or alteration :
- iii. Have in his possession or upon his premises the skin of any sheep or ox or the carcass or any part, exceeding seven pounds in weight, of the carcass of any sheep or ox for the possession of which, or for the presence of which upon his premises, as the case may be, he cannot give a satisfactory account :
- iv. Have in his possession or under his control any stock which is reasonably believed to have been stolen, and for his possession or control of which he cannot give a satisfactory account : or
- v. Take, use, or work any stock without the consent of the owner thereof or of the person having the lawful possession and control thereof.

Penalty : Fifty Pounds or six months' imprisonment.

Offences in  
relation to  
officers.

**49** No person shall obstruct, resist, or impede any inspector or other officer in the execution of his duty under this Act.

Penalty : Twenty Pounds.

## PART XI.

## GENERAL.

Search for lost  
stock.

**50**—(1) The owner of any stock who has reasonable grounds for believing that any of his stock is on the property of any other person and who—

- i. Has been refused permission by such other person to search for such stock on such property : or
- ii. Owing to the absence of such other person from the neighbourhood or for any other satisfactory reason is unable to communicate with such other person within reasonable time—

may apply to a justice for permission to enter and search such property for such stock.

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(2) Such justice may give to such owner permission in writing upon such terms and conditions as to such justice may seem reasonable, and any such terms and conditions shall be specified in such permission. A.D. 1932.

(3) Such permission, subject to any terms and conditions thereby imposed, shall authorise and empower such owner, if accompanied by an inspector or police officer, to enter on such property and search for such stock and to remove therefrom all stock belonging to him which may be found thereon, and for that purpose to employ such assistants horses and dogs as may be reasonably necessary.

**51**—(1) The owner of every dog which causes injury to any sheep shall be liable in damages for such injury, and the same shall be recoverable in any court of competent jurisdiction by the person entitled thereto. Recovery of damages for injury by dogs.

(2) It shall not be necessary in any action under this section for such person to allege or prove any previous mischievous propensity in the dog causing any such injury; or the owner's knowledge of any such propensity; or that the injury arose through any negligence on the part of such owner.

(3) For the purposes of this section the occupier of any house or premises at or upon which any dog is kept or allowed to remain shall be deemed to be the owner of such dog unless he proves that he is not such owner, and—

- i. That such dog was kept or allowed to remain at or upon such house or premises without his knowledge or authority :  
or
- ii. That such dog was so kept or allowed to remain by some other person occupying such house or premises or some portion thereof and not a member of his family or subject to his control.

**52**—(1) Where in this Act provision is made for the carrying out of any order or directions or the doing of any act by the owner of any stock, the same shall be carried out or done respectively at the cost of such owner. Owner to bear cost of carrying out directions.

(2) Where any animal has died from any cause it shall be the duty of the owner thereof and the person in charge of such animal at the time of its death to dispose of the carcass of such animal in accordance with the regulations.

(3) If the person responsible as aforesaid for the disposal of the carcass of any animal fails to comply with the requirements of Subsection (2) hereof, an inspector may cause the same to be destroyed or otherwise dealt with at the cost of the owner thereof.

(4) The provisions of Subsections (2) and (3) hereof shall not apply to any carcass which is intended, and is used, for human consumption.

**53**—(1) All expenses incurred in the administration of this Act shall be paid out of moneys to be provided by Parliament for that purpose. Administration.

(2) All fees and penalties received under this Act shall be paid into and form part of the Consolidated Revenue. Fees and penalties.

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Procedure.

10 Geo.V. No. 55.

Regulations.

**54** All proceedings in respect of offences against this Act shall be heard and determined, and all penalties may be recovered and enforced, in accordance with the provisions of the Justices Procedure Act, 1919.

**55** The Governor may make regulations under and for the purposes of this Act prescribing all such matters and things as may be necessary or convenient for giving effect to the provisions thereof, and, in addition to any other such matters, may prescribe—

- i. The procedure to be followed in relation to the examination and inspection, periodical and otherwise, of stallions in respect of which certificates of registration are in force or are applied for and the conditions relating thereto :
- ii. The procedure to be adopted on appeals and the methods of obtaining evidence which may be followed :
- iii. The cases in which any person travelling sheep may be required to provide a cart or other conveyance for the transport of any sheep becoming unfit to travel on foot :
- iv. The fees payable under this Act and the scales or amounts of allowances to be paid to any member (other than an officer of the Public Service) of the Board or of an examining authority :
- v. The measures which shall be taken, and the precautions which shall be observed by owners of stock in relation to any specified disease, parasite, or pest affecting stock, with power to require the segregation or destruction of any animals thereby affected, and to prohibit the removal of any animal or thing from any particular locality or place to any other locality or place :
- vi. The cases in which and the conditions under which any animal suspected of being affected by any disease, parasite, or pest shall be deemed to be diseased or infected—

and any such regulation may impose a penalty not exceeding Ten Pounds for the breach of any regulation so made.



*Stock.***SCHEDULE.**

A.D. 1932.

**ACTS HEREBY REPEALED.**

Regnal Year and Number.	Title of Act.
39 Vict. No. 20	The Stock Act, 1875 (originally the Scab Act, 1875)
41 Vict. No. 8	The Scab Act, 1877
42 Vict. No. 45	The Scab Act, 1879
47 Vict. No. 16	The Scab Act, 1883
53 Vict. No. 43	The Stock Act, 1889
60 Vict. No. 47	The Stock Act, 1896
5 Ed. VII. No. 37	The Stock Act, 1905
5 Geo. V. No. 18	The Stock Act, 1914
25 Vict. No. 4	The Contagious Diseases (Cattle) Act, 1861
44 Vict. No. 12	The Contagious Diseases (Cattle) Act, 1880
60 Vict. No. 35	The Contagious Diseases (Cattle) Act, 1896
1 Ed. VII. No. 22	The Contagious Diseases (Cattle) Act, 1901
9 Ed. VII. No. 50	The Contagious Diseases (Cattle) Act, 1909
3 Geo. V. No. 29	The Contagious Diseases (Cattle) Act, 1912
12 Geo. V. No. 34	The Contagious Diseases (Cattle) Act, 1921
18 Geo. V. No. 83	The Contagious Diseases (Cattle) Act, 1927
2 Vict. No. 19	An Act to Prevent the Importation of Diseased Sheep into the Island or its Dependencies
47 Vict. No. 2	The Diseased Animals' Importation Prevention Act
51 Vict. No. 6	An Act to make Permanent the Diseased Animals' Importation Prevention Act
1 Geo. V. No. 29	The Diseased Animals' Importation Prevention Act, 1910
27 Vict. No. 12	An Act to render Owners of Dogs liable for Injuries to Sheep.
6 Wm. IV. No. 17	An Act for the prevention of Sheep and Cattle Stealing, and for the abolishing the Punishment of Death in such cases.
23 Vict. No. 18	An Act to extend and amend the Provisions of the Act of Council of 6th William 4th, No. 17
27 Vict. No. 26	The Sheep and Cattle Stealing Prevention Act, 1863
10 Geo. V. No. 11	The Sheep and Cattle Stealing Prevention Amendment Act, 1919
7 Geo. V. No. 44	The Stock Brands Act, 1916
8 Geo. V. No. 19	The Stock Brands Amendment Act, 1917
10 Geo. V. No. 14	The Stock Brands Amendment Act, 1919
12 Geo. V. No. 28	The Stock Brands Act, 1921
14 Geo. V. No. 11	The Stock Brands Act, 1923
21 Geo. V. No. 18	The Stock Brands Act, 1930
7 Geo. V. No. 43	The Registration of Stallions Act, 1916
8 Geo. V. No. 4	The Registration of Stallions Amendment Act, 1917
8 Geo. V. No. 23	The Relief from Quarantine (Cattle) Act, 1917
34 Vict. No. 3	An Act to Remove some Defects in the Administration of the Criminal Law

