

## STOCK.

### No. 69 of 1953.

#### AN ACT to amend the *Stock Act 1932*. [9 December, 1953.]

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,  
citation, and  
commence-  
ment.

**1**—(1) This Act may be cited as the *Stock Act 1953*.

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

(3) Section five of this Act shall commence on the first day of July, 1954, and the remaining sections of this Act shall commence on the day on which the Governor assents to this Act.

Compensation  
to owner of  
destroyed  
stock.

**2** Section thirteen of the Principal Act is amended by omitting subsection (4) and substituting therefor the following subsection:—

“(4) The maximum amount of compensation that may be paid under this section in respect of any animal shall be such amount as may be prescribed.”

Sheep to be  
dipped  
annually.

**3** Section fifteen of the Principal Act is amended by omitting from subsection (4) all the words after the word “sheep” (last occurring) to the end of that subsection.

Registration  
of brands.

**4** Section twenty-five of the Principal Act is amended—

(a) by inserting after subsection (2A) the following subsection:—

“(2B) For the purposes of this Part, an ear-mark may consist of a mark that is—

I. Punched or clipped in the ear of an ox or a sheep; or

II. Tattooed on the ear of an ox or a sheep.”; and

(b) by omitting from subsection (8) the numeral “(3)” and substituting therefor the numeral “(5)”.

**5** After section forty-one of the Principal Act the following Part is inserted:—

“PART VIIIA.

“LICENSING OF BULLS.

“41A—(1) In this Part, unless the contrary intention appears—

‘Approved’ means approved by the Minister:

‘Licence’ means a licence under this Part, and includes a duplicate licence granted under section forty-one F.

Interpretation.  
Cf. No. 1498  
1921 (S.A.),  
s. 4.  
No. 36 of  
1922 (W.A.),  
s. 3.  
No. 4610  
(Vict.), s. 2.

(2) For the purposes of this Part, a person shall be deemed to keep a bull if he is the owner, part-owner, or lessee of the bull, or has the bull in his possession, charge, or custody, and a reference in this Part to the keeper of a bull shall be construed accordingly.

“41B No person shall keep a bull that has attained the age of nine months, and has not been castrated, unless a licence under this Part or a permit under section forty-one L is in force for the time being in respect of the bull.

Restrictions  
on keeping  
bulls.  
S.A. s. 6,  
W.A. s. 5,  
21 & 22 Geo.  
V., c. 43  
(Imp.), s. 1,  
(1), (3).

Penalty: Fifty pounds.

“41C.—(1) An application for a licence shall be made to the Director, in writing, in an approved form, and shall be made by the keeper of the bull on or before the day on which the bull attains the age of nine months.

Application  
for licence.

(2) An application for a licence shall be accompanied by the prescribed fee.

(3) If a licence is not granted, the Director shall cause to be refunded to the applicant the fee paid on the making of the application.

“41D.—(1) Licences shall be issued by the Director and shall be in an approved form.

Issue, form,  
and duration  
of licences.  
S.A. ss. 8, 10.  
Imp. s. 3 (1).

(2) Where a bull in respect of which an application for a licence is made is, in the opinion of the Director, temporarily infected with disease or affected by a defect that may render it temporarily unsuitable for breeding purposes, the Director may, in his discretion, grant a licence in respect of that bull on and subject to such conditions as he thinks fit and as may be specified in the licence (including a condition that the bull shall not, for such period as the Director may fix and as may be specified in the licence, be used to serve any cow or heifer).

## (3) A licence—

- I. Comes into force on the day on which it is granted:
- II. Continues in force from the day on which it is granted until—

- (a) It is revoked pursuant to this Part: or
- (b) The bull for which it is issued dies or is castrated,

whichever first happens: and

- III. May be granted subject to such conditions, if any, as the Director may impose and as may be specified in the licence:

Change of ownership.  
Imp. s. 8.

“41E—(1) Where the keeper of a bull sells or otherwise disposes of the bull to a person he shall forthwith deliver to that person the licence in force in respect of the bull and notify the Director of the name and address of that person, and thereupon that person shall become the holder of the licence for the purposes of this Part.

(2) On the death of the keeper of a bull, his personal representatives shall become the holder of the licence in force in respect of that bull for the purposes of this Part.

(3) A person who becomes the holder of a licence by virtue of this section shall, within a period of thirty days after so becoming the holder thereof, deliver the licence, or send it by post, to the Director with a request for the transfer thereof, and the Director shall thereupon transfer the licence to that person, either by indorsement or otherwise, as the Director thinks fit.

(4) If a licence is not delivered or sent to the Director in accordance with subsection (3) of this section it becomes void at the expiration of the period mentioned in that subsection, but without prejudice to an application for a new licence.

(5) There is payable on the transfer of a licence under this section such fee as may be prescribed.

(6) Where a bull in respect of which a licence is in force dies, is slaughtered, or is castrated, the keeper of the bull shall forthwith notify the Director in writing of the death, slaughter, or castration, of the bull.

Duplicate licence.  
S.A. s. 11.

“41F. Where the Director is satisfied that a licence has been lost or destroyed he may, on receipt of an application in writing in the approved form and on payment of the prescribed fee, grant a duplicate licence to the keeper of the bull to which the licence relates.

Refusal, revocation, and suspension of licences.

“41G.—(1) Subject to this Part, the Director may refuse to grant a licence for which application is made, or may revoke a licence, if he is of the opinion that the bull to which the application or licence relates—

- I. Does not show manifest evidence of the characteristics of a prescribed breed of cattle and is not predominantly of one breed:
- II. Is of defective or inferior conformation or constitution, and is likely to beget defective or inferior progeny:
- III. Is permanently infected with disease or has a permanent defect that may render it unsuitable for breeding purposes:
- IV. In the case of a bull of a prescribed dairy breed, is not registered or eligible for registration in an approved stud book:
- V. Except as otherwise prescribed, in the case of a bull of a prescribed dairy breed, the bull does not comply with the prescribed requirements: or
- VI. The keeper of the bull has not observed any of the conditions specified in the licence.

(2) Notwithstanding the provisions of subsection (1) of this section, the Director shall not refuse to grant, or revoke, a licence—

- I. On either of the grounds mentioned in paragraphs I. and II. of that subsection, at any time before the first day of July, 1956:
- II. On the ground mentioned in paragraph IV. of that subsection, before such day as is fixed for the purposes of that paragraph by the Minister by notice published in the *Gazette*: or
- III. On the ground mentioned in paragraph V. of that subsection, before such day as is fixed for the purposes of that paragraph by the Minister by notice published in the *Gazette*.

(3) Before fixing a day for the purposes of paragraph IV. or paragraph V. of subsection (1) of this section, the Minister shall confer with persons appointed for the purpose by—

- I. The Dairy Breeders' Council of Tasmania:
  - II. The Beef Breeders' Council of Tasmania:
  - III. The Tasmanian Farmers' Federation: and
  - IV. The Tasmanian Farmers', Stockowners', and Orchardists' Association,
- and shall have regard to any recommendations that may be made by those persons.

(4) The Director may suspend a licence for such period as he thinks fit if—

- I. He is of the opinion that the bull to which the licence relates is temporarily infected with disease or has a temporary defect that may render it temporarily unfit for breeding purposes: or
- II. The owner has not complied, to the satisfaction of the Director, with any of the conditions specified in the licence.

(5) Where a licence is revoked or suspended, the holder thereof shall, on the demand of the Director, surrender the licence to the Director.

(6) While a licence is suspended pursuant to this section, the keeper of the bull to which the licence relates shall not cause or permit the bull to be used to serve any cow or heifer.

Penalty: Fifty pounds.

(7) Nothing in this section renders a person liable to any penalty for keeping a bull while the licence granted in respect of that bull is suspended, if that bull is kept under such conditions as effectively prevent it from serving any cow or heifer.

*Referees.*

“41H—(1) There shall be a panel of referees (in this section referred to as ‘the panel’).

(2) The panel shall consist of such number of persons, nominated by the organizations to which this section applies, as the Minister may determine.

(3) For the purposes of an appeal under section forty-one J, the Minister shall appoint one of the referees comprising the panel, or, if he thinks fit, any two or more of those referees, to hear and determine the appeal.

(4) The referee or referees by whom an appeal under section forty-one J is heard shall be paid such remuneration for his or their services as the Minister may determine.

(5) In this section, the expression ‘organizations to which this section applies’ means the following organizations, namely:—

- I. The Dairy Breeders’ Council of Tasmania:
- II. The Beef Breeders’ Council of Tasmania:
- III. The Tasmanian Farmers’ Federation: and
- IV. The Tasmanian Farmers’, Stockowners’, and Orchardists’ Association.

*Appeals.*

“41J—(1) Where the Director refuses to grant a licence, or suspends or revokes a licence, he shall serve on the keeper of the bull concerned a notice in writing notifying him of the refusal, suspension, or revocation, and specifying the ground on which the refusal, suspension, or revocation is made.

(2) Where the Director refuses to grant a licence or revokes a licence on either of the grounds mentioned in paragraphs I. and II. of subsection (1) of section forty-one G, the keeper of the bull may, within seven days after the service on him of a notice under subsection (1) of this section, appeal from the refusal or revocation.

(3) If the keeper of a bull to which a notice under subsection (1) of this section relates is not the owner of the bull he shall, forthwith after the service on him of the notice, take all reasonable steps to notify the owner of the receipt of the notice and of the ground specified therein, and the owner may, if he thinks fit, exercise the right of appeal conferred on the keeper by subsection (2) of this section.

(4) An appeal under this section shall be instituted by notice of appeal in writing setting forth the grounds of the appeal, and shall be accompanied by the prescribed fee.

(5) The referee or referees by whom an appeal under this section is heard shall notify his or their decision, in writing, to the Director, and thereupon the Director shall forthwith notify the person by whom the appeal was made of the decision of the referee or referees.

(6) Where an appeal under this section is allowed, the Director shall—

- I. If a notice under subsection (1) of section forty-one K has been served on the keeper of the bull, forthwith, by notice in writing served on the keeper of the bull, revoke the firstmentioned notice:
- II. Grant the licence for which application is made, or, where he has revoked a licence, grant a new licence in lieu thereof: and
- III. Cause to be refunded to the appellant the fee paid, pursuant to subsection (4) of this section, on the institution of the appeal.

(7) Subject to this section and to section forty-one H, appeals under this section shall be instituted, heard, and determined as prescribed, or, in the absence of regulations in that behalf, as the referee or referees hearing the appeal may determine.

(8) The decision of the referee or referees by whom an appeal under this section is heard is final.

(9) Except as provided by this section, there is no appeal from a decision of the Director under section forty-one G.

“41K—(1) Where the Director refuses to grant, or revokes, a licence, he may, by notice in writing served on the keeper of the bull, require the keeper to castrate or slaughter the bull or cause it to be castrated or slaughtered.

Castration or slaughter of bulls in certain cases.

(2) If a keeper on whom a notice under subsection (1) of this section is served is not the owner of the bull to which the notice relates, he shall, forthwith after the service on him of the notice, take all reasonable steps to notify the owner of the service of the notice.

(3) If the keeper of the bull fails to castrate or slaughter the bull or cause it to be castrated or slaughtered within the prescribed period, the Minister may, at the expense and risk of the keeper, cause the bull to be castrated.

(4) Where the Minister causes a bull to be castrated or slaughtered pursuant to subsection (3) of this section, the keeper of the bull shall pay to the Minister, on demand, the expenses incurred by the Minister in so doing, in default whereof the Minister may recover those expenses from the keeper by action in a court of competent jurisdiction.

(5) In this section, ‘the prescribed period’ means—

- I. The period ending on the expiration of seven days after the service of a notice under subsection (1) of this section: or

- II. If the owner or keeper of the bull has appealed, as provided in section forty-one J, against the refusal of the Director to grant a licence, or the revocation by the Director of a licence, and the appeal is disallowed, the period ending seven days after the day on which the decision of the referee or referees is notified, as provided by that section, to the owner or keeper of the bull to which the notice relates,

whichever is the longer period.

Permits to use  
bulls for  
breeding  
purposes in  
certain cases.

“41L—(1) Notwithstanding anything contained elsewhere in this Part, the Director may, in his absolute discretion, grant to the keeper of a bull that, but for this section, would be required by or under this Part to be castrated or slaughtered, a permit to keep the bull and use it for breeding purposes in connection with any plan of controlled breeding that has been approved by the Director.

(2) A permit under this section—

- I. May be granted unconditionally or subject to such conditions as the Director may impose and as may be specified in the permit: and
- II. May be revoked by the Director at any time by notice in writing served on the keeper of the bull to which it relates.

Liability of  
keeper to  
owner.

“41M If the keeper of a bull who is not the owner of the bull fails to comply with the requirements of subsection (3) of section forty-one J or subsection (2) of section forty-one K, he shall, without prejudice to any penalty to which he may be liable under any other provision of this Act, be liable to indemnify the owner against any loss or damage that the owner may suffer or incur by reason of the failure.

Keeper of  
bull to  
supply certain  
information.

“41N An inspector may, at any time, require the keeper of a bull, or the occupier of any land on which a bull is found, if the keeper or occupier is not the owner of the bull, to supply the inspector with the name and address of the person who is the owner of the bull.

Evidence.  
W.A. s. 12.  
Imp. s. 1 (2).

“41P In proceedings in respect of an offence against any of the provisions of this Part, an averment in a complaint that—

I. A bull—

- (a) Has attained the age of nine months: or
- (b) Has not been castrated: or

II. A person named in the complaint is, or was at the time specified therein, the keeper of a bull, shall be deemed to be proved in the absence of proof to the contrary.

Penalty.

“41Q A person who contravenes any of the provisions of this Part for the contravention of which no penalty is prescribed elsewhere in this Act is liable to a penalty of ten pounds.

Saving.

“41R The provisions of this Part are in addition to, and not in derogation of, the provisions of Part V.”

**6** Section fifty-three of the Principal Act is amended by adding at the end thereof the following subsection:— Offences in relation to sheep.

“(2) In proceedings in respect of a contravention of paragraph v. of subsection (1) of this section, an averment in a complaint that a return of sheep dipped has not been made as required by this Act shall be deemed to be proved in the absence of proof to the contrary.”.

**7** Section fifty-four of the Principal Act is amended— Offences relating to brands and branding.

(a) by omitting from paragraph IV. of subsection (1) the words “ or head ”; and

(b) by inserting after paragraph v. of that subsection the following paragraphs:—

“ VA. In removing the skin from any stock, fail to leave the ears attached to the skin:

“ VB. Be in possession of the skin of any stock from which the ears have been removed: or ”.

**8** After section sixty of the Principal Act the following section is inserted:—

“ 60A. Any notice, order, or direction that is required or permitted by or under this Act to be served on or given to a person may be served on or given to that person in writing delivered to him by hand or be sent to him by post.”. Service of notices, &c.

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## RAILWAY MANAGEMENT.

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No. 70 of 1953.

AN ACT to amend the *Railway Management Act* 1935. [9 December, 1953.]

**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 *Railway Management Act* 1953. Short title and citation.

(2) The *Railway Management Act* 1935, as subsequently amended, is in this Act referred to as the Principal Act.