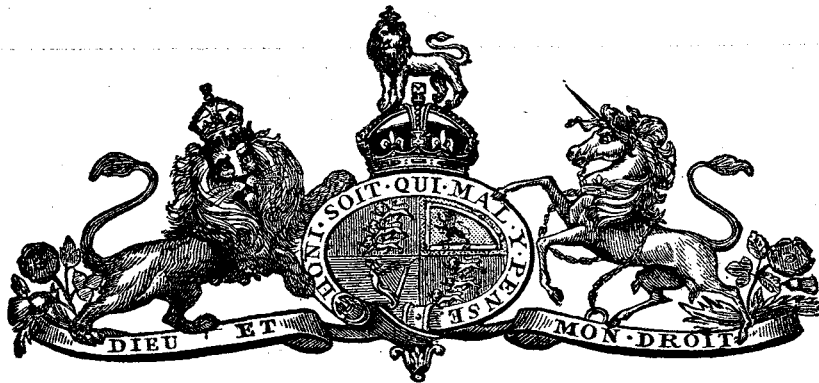


T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 37.

AN ACT to further amend "The Stock Act." A.D. 1905.
[20 November, 1905.]

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 This Act may be cited as "The Stock Act, 1905."

Short title.

2 "The Stock Act, 1903," is hereby repealed.

Repeal.
3 Ed. VII. No. 40.

3 In the construction of this Act—

Interpretation.

"Carrying ticks or lice" means affected by ticks or lice :

"Clean certificate" means a certificate in force and given under Section Four of this Act, and includes any similar certificate in force and given under "The Stock Act, 1903 :"

"Dipped," or "dip," means thoroughly immersed in some effective preparation for destroying ticks and lice :

"Lice" means the insects called *Trichodectes sphærocephalus* :

Stock.

A.D. 1905.

“Shearing,” used in Section Five of this Act in relation to the period of the year when sheep are shorn, means any time between the First day of *July* in any year and the First day of *March* in any succeeding year :

“Ticks” means the insects called *Melophagus ovinus*, and includes the pupæ of such insects.

Sheepowner may obtain clean certificate.

4—(1.) Any sheepowner may at any time apply in writing, in the form in Schedule (1.) hereto, to the Chief Inspector for a certificate that his sheep and lambs, specified in his application, are free from ticks and lice (in this Act called a clean certificate), and thereupon such sheep and lambs shall be examined by the Chief Inspector or by an Inspector authorised by him in that behalf, who shall, if satisfied that the said sheep and lambs are free from ticks and lice, grant a clean certificate in the form in the Schedule (2.) hereto.

(2.) The application shall be supported by a statutory declaration in the form in Schedule (1.), made by such sheepowner before a Justice of the Peace, that such sheep and lambs are free from ticks and lice, and have been so for the preceding Six months.

(3.) Every such clean certificate shall continue in force until cancelled by the Chief Inspector upon his ascertaining that the sheep and lambs to which the certificate relates are no longer free from ticks and lice.

Sheep to be dipped.

5—(1.) Subject to the provisions of Sub-section (4.) of this Section, every sheepowner shall dip all his sheep immediately after shearing, and directly from the shearing-board, in every year, and shall also at the time of dipping his sheep dip all his lambs : Provided that in case such sheep cannot be conveniently dipped directly from the shearing-board, then the said sheep and all lambs shall be placed and kept in a securely fenced paddock, and shall be dipped within Twenty-eight days after such sheep have been shorn. If any sheepowner neglects or fails to comply with any of the provisions of this Sub-section, he shall be liable upon summary conviction to a penalty of not less than One Pound, and not exceeding Twenty Pounds.

(2.) Any sheepowner who refuses to satisfy an Inspector that his sheep and lambs have been duly dipped shall be liable to a penalty of not more than Five Pounds nor less than One Pound.

Owner to make return.

(3.) Every sheepowner shall, within One month after he has dipped his sheep and lambs as aforesaid, make a return to the Chief Inspector, in the form in Schedule (3.); and any sheepowner neglecting or refusing to make such return shall forfeit and pay a penalty not exceeding Five Pounds nor less than One Pound.

Holder of clean certificate in force not compelled to dip.

(4.) No sheepowner holding a clean certificate for sheep or lambs shall be compelled to dip the sheep or lambs for which he holds such certificate whilst such certificate continues in force.

(5.) Any sheepowner who refuses or neglects to shear his sheep and lambs annually (except those lambs that he may intend to keep as hoggets), within the shearing time as defined by this Act, shall be liable to a penalty not exceeding Twenty Pounds nor less than Five Pounds.

Stock.

6 The Chief Inspector, or any Inspector (being an officer of the Stock Department permanently employed in the Public Service of *Tasmania*) authorised by him in writing, shall have power to enter at any time into any conveyance, or upon any land or premises, for the purpose of inspecting or examining any sheep or lambs, and may require the sheepowner, or any person in charge thereof, to muster such sheep or lambs; and such sheepowner or person shall comply with every reasonable request without unnecessary delay; provided that such muster shall not be compulsory from the First day of *May* to the Thirtieth day of *September* inclusive; and the Chief Inspector shall have all such other powers and authorities as may be necessary to enable him to enforce the provisions of this Act.

A.D. 1905

Power of Chief Inspector.

7—(1.) If the Chief Inspector is informed by a sheepowner that any sheep or lambs in his flock are carrying ticks or lice, or ascertains by examination made by himself or by an Inspector that any sheep or lambs in a flock are carrying ticks or lice, he may give the owner notice to dip such flock within Fourteen days to the satisfaction of the Chief Inspector or of an Inspector named by him: Provided that such owner shall not be compelled or obliged to dip any unshorn sheep or lambs in the months of *May, June, July, August, September, October, or November*.

Chief Inspector may notify owner to dip sheep found carrying ticks or lice (certain months excepted).

(2.) Every such owner who refuses, neglects, or fails to comply with such notice on or before the date specified therein, shall upon conviction be liable to a penalty not exceeding Ten Pounds; and if within Seven days after the date of such conviction such flock shall not be dipped to the satisfaction of the Chief Inspector, or of an Inspector named by him (being an officer of the Stock Department permanently employed in the Public Service of *Tasmania*), such owner shall, upon conviction, be liable to a further penalty of not less than Five Pounds, and not exceeding Twenty Pounds; and so on for each and every succeeding conviction.

Penalty for refusal, &c.

8 Wherein any case the Chief Inspector or any Inspector (being an officer of the Stock Department permanently employed in the Public Service of *Tasmania*) orders or directs any sheep or lambs to be collected, dipped, or driven, such sheep or lambs shall be collected, dipped, or driven by or at the cost of the owner thereof; and where the owner of such sheep or lambs, or any person in charge thereof, refuses to collect, dip, or drive them when ordered or directed by the Chief Inspector or any Inspector (being an officer of the Stock Department permanently employed in the Public Service of *Tasmania*), all reasonable expenses incurred in collecting, dipping, or driving such sheep or lambs may be recovered from such owner before any Two Justices of the Peace in a summary way.

Matters to be done at the cost of owner of sheep.

9 If any person driving or in charge of sheep or lambs travelling to market or sale-yards, or from one part of the State to another, finds any of the said sheep or lambs carrying ticks or lice and unable to

Disposal of sheep unable to travel.

Stock.

A.D. 1905.
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travel, he shall either take such sheep or lambs on in a cart or other conveyance, or leave the same in the care of some person who will take charge thereof, so that the said sheep or lambs may not be left upon any road or the land or run of any sheepowner through whose land the same are being driven; and any person infringing this provision shall on conviction forfeit and pay a penalty not exceeding Ten Pounds.

Abandoning
sheep.

10 Any person abandoning any sheep or lambs carrying ticks or lice on any road or land without destroying such sheep or lambs shall forfeit and pay a penalty not exceeding Five Pounds.

Sheep carrying
ticks or lice
found travelling
or in sale-yard.

11 If any sheep or lambs carrying ticks or lice shall be found by any Inspector, either travelling or in any public place or sale-yard, or on any land or other place at which sheep or lambs are offered for sale, the owner of such sheep or lambs shall be liable to a penalty of not more than Five Pounds.

Provision as to
sheep imported
for immediate
slaughter.

12 All sheep and lambs which shall be imported into *Tasmania* for the purpose of immediate slaughter shall be dealt with as prescribed by Regulations to be made by the Governor.

Owner to notify
if sheep found
carrying ticks or
lice after
certificate
granted.

13 The owner of any sheep or lambs for which a clean certificate has been given shall forthwith give notice to the Chief Inspector should such sheep at any time be found to have ticks or lice upon them, and thereupon such certificate shall become null and void. If any such owner fails to comply with this provision, he shall be liable to a penalty of not more than Five Pounds.

Provision in
case of absence
of sheepowner.

14 Whenever a sheepowner is absent from *Tasmania* at the time when any act required by this Act to be done by a sheepowner ought to be done by him, his manager or any other person in charge of his sheep shall do such act, and shall be deemed for the purposes of this Act to be the sheepowner, and be subject to the same liabilities as if he were the sheepowner.

Obstructing
Inspector, &c.

15 If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, any Inspector, or any person duly employed or authorised by the Chief Inspector under this Act in the exercise of his powers or in the performance of his duty, or threatens or assaults, or uses improper or abusive language to any Inspector or any of the persons aforesaid, every person so offending shall for any such offence, if not otherwise specially provided for, forfeit and pay a penalty not less than One Pound nor exceeding Ten Pounds: Provided that no proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to any action at law by any Inspector or any of the persons aforesaid for or in respect of any such assault as aforesaid, but every such action may be commenced and proceeded with as if

Stock.

this Act had not been passed, any law or usage to the contrary notwithstanding. A.D. 1905.

16 Every person who wilfully makes any false declaration or return under this Act shall forfeit and pay a penalty not exceeding Five Pounds. Penalty for false declaration or return.

17 All offences against this Act shall be heard and determined, and all penalties and sums of money imposed or made payable by this Act shall be recovered, in a summary way, by and before any Two Justices of the Peace, in the manner directed by *The Magistrates Summary Procedure Act*; and an information may be laid by an Inspector against any person for any offence against this Act. Recovery of penalties, &c.

Every person who deems himself aggrieved by any summary conviction or order under this Act may appeal therefrom in the manner provided by *The Appeals Regulation Act*. Appeal.

18 All sums of money appropriated under the provisions of any Act of Parliament for and towards the purposes of "The Stock Act" Fund, shall be paid and payable into and towards the Consolidated Revenue Fund, except within a Rural Municipality. Appropriation of moneys payable to Stock Fund.

19 The Governor may, from time to time, make, alter, or repeal such Regulations as he may deem necessary or expedient for all or any of the following purposes :— Power to make Regulations.

- i. For any purpose that may tend to prevent sheep and lambs becoming affected or continuing affected by ticks or lice :
- ii. Prescribing, for the protection of sheep and lambs free from ticks and lice, the conditions to be complied with in relation to any sheep or lambs which shall be imported into the State of *Tasmania*, upon the same being so imported ; and by whom such conditions shall be complied with ; and for imposing any necessary fees and charges, and prescribing by and to whom and when the same shall be paid :
- iii. And generally for such purposes as he may deem necessary or expedient for carrying out the objects and purposes of this Act in all matters of detail whatsoever.

20 In and by any Regulations made under this Act the Governor may prescribe the maximum and minimum penalties for any breach thereof in such manner that the maximum penalty for any offence shall not exceed in any case the sum of Twenty Pounds. Penalties for breach.

21 Every Regulation made by the Governor under the authority of this Act shall be published in the *Hobart Gazette*, and after publication therein shall have the force of law, and be judicially noticed in every Court of Justice. Regulations to be published in Gazette.

Stock.

A.D. 1905.

Copies to be laid
before
Parliament.

22 Copies of all Regulations made under this Act shall be laid before both Houses of Parliament within Fourteen days of the making thereof if Parliament is then in Session, and if not, then within Fourteen days after the commencement of the next sitting thereof for the despatch of business.

Amendment or
repeal of
Regulations.

23 If an Address shall be presented to the Governor by the Legislative Council and House of Assembly respectively in the same Session of Parliament, requesting that any Regulation be amended in any respect or be repealed, the Governor may forthwith amend or repeal such Regulation accordingly.

Acts to be read
together.

24 This Act and "The Stock Act," and every Act amending the same, save as amended by this Act, shall be read and construed together as one and the same Act.

SCHEDULE.

(1.)

Sec. 4.

"THE STOCK ACT, 1905."

APPLICATION FOR CLEAN CERTIFICATE.

To the Chief Inspector.

I, *A.B.*, hereby request you to inspect my flock of Sheep and Lambs depastured at _____ in the District of _____, for the purpose of issuing a Certificate that they are now free from Ticks and Lice.

A.B.,

Owner.

I, the abovenamed *A.B.*, do hereby solemnly and sincerely declare that, to the best of my knowledge and belief, the abovementioned Sheep and Lambs are now free from Ticks and Lice, and have been so for the past Six months: All which matters I conscientiously believe to be true; and I make this Declaration under the provisions of "The Statutory Declarations Act, 1837."

A.B.,

Owner.

Taken before me at
in Tasmania, this
day of

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}
J.P.)

Stock.

(2.)

A.D. 1905.

"THE STOCK ACT, 1905."

Sec. 4.

CLEAN CERTIFICATE.

I, THE undersigned Chief Inspector [or Inspector] of Sheep, having this day carefully examined the Sheep and Lambs mentioned in the Schedule below, and made due enquiry concerning them, do hereby certify that such Sheep and Lambs are now free from Ticks and Lice.

Dated the day of 19 .

Chief Inspector [or Inspector] of Sheep.

This Certificate is to remain in force until cancelled by the Chief Inspector, pursuant to "The Stock Act, 1905."

Schedule referred to above.

| Number. | Description. | Brands or Marks. | Name and Address of Owner and of Person in charge. |
|---------|--------------|------------------|--|
| | | | |

(3.)

RETURN of Sheep dipped by the undersigned in accordance with the provisions of "The Stock Act, 1905."

| Name and Address of Owner or person in charge. | Name of Run. | Date when dipped. | Number of Sheep. | Brands and other Marks. | Nature and Strength of Mixture. |
|--|--------------|-------------------|------------------|-------------------------|---------------------------------|
| | | | | | |

I, A.B., of do hereby solemnly and sincerely declare that the above Return contains a just and true account of the several particulars therein set forth, all of which matters I conscientiously believe to be true; and I make this Declaration under the provisions of "The Statutory Declarations Act, 1837."

A.B.,

Owner.

Taken before me at
in Tasmania, this
day of

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J.P. }

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