

2018

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Planning and Land Management)

## Stock Amendment Bill 2018

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## Stock Amendment Bill 2018

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### A Bill for

An Act to amend the *Stock Act 2005*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Stock Amendment Act 2018*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This Act amends the [Stock Act 2005](#).

**4 New section 26A**

*in part 4, insert*

**26A Meaning of *travel*—pt 4**

In this part:

*travel*, in relation to stock, means drive or transport the stock (other than in a vehicle) outside the holding where the stock is normally kept.

**5 Issue of permits  
Section 28**

*omit*

**6 Offence to travel stock without permit**  
**Section 29 (1) and (2)**

*substitute*

- (1) A person commits an offence if the person—
- (a) travels stock; and
  - (b) does not have a permit to travel the stock—
    - (i) issued by the director-general; or
    - (ii) issued under a corresponding law.

Maximum penalty: 50 penalty units.

- (2) This section does not apply to a person travelling stock if the stock is restrained by the person.

**Example**

person walking a horse using a halter and lead

*Note 1* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**7 Production of permit**  
**New section 30 (1) (aa) and (ab)**

*before paragraph (a), insert*

- (aa) the person is travelling stock; and
- (ab) the person is required to have a permit to travel the stock under section 29; and

**8 Section 32**

*substitute*

**32 Meaning of *impound* and *impoundment area*—pt 5**

In this part:

***impound***—stock is ***impounded*** if it is—

- (a) seized and secured; or
- (b) seized and transported to an impoundment area to be secured.

***impoundment area*** means—

- (a) Territory premises; or
- (b) land owned or controlled by the Territory; or
- (c) any other land if the owner or occupier of the land consents.

**9 Notice of impounded stock  
Section 37 (2) (b)**

*substitute*

- (b) if the owner is identified, give the owner written notice stating—

- (i) that the stock has been impounded; and
- (ii) the location of the stock; and
- (iii) the fees payable for maintaining or travelling the stock; and
- (iv) that the stock must be claimed within 14 days after the day the notice is issued; and
- (v) that if the stock is not claimed within the 14-day period, the director-general may dispose of the stock in accordance with section 39; and

**10 Section 39***substitute***39 Disposing of impounded stock**

(1) This section applies if—

- (a) stock is impounded by the director-general; and
- (b) the director-general gives notice as required under section 37 (2) in relation to the impounded stock; and
- (c) the impounded stock is not released to the owner under section 38 (1) within 14 days after the day the notice was given.

(2) The director-general must—

- (a) sell the stock by public auction; or
- (b) if it is not practicable or desirable because of cost, animal welfare or any other reason to sell the stock by public auction—sell the stock in another way; or
- (c) if the stock cannot be sold, or if it is not practicable or desirable because of cost, animal welfare or any other reason to sell the stock—destroy or dispose of the stock in any other way the director-general considers appropriate.

*Note* Under the [Animal Welfare Act 1992](#), s 86 a veterinary surgeon may destroy an animal humanely if, due to severe injury, disease or its physical condition, it would be cruel to keep the animal alive.

(3) If stock is sold under subsection (2) (b), the director-general must take reasonable steps to obtain the best price possible in the circumstances.

- 1    **11       Dictionary, new definition of *impoundment area***
- 2       *insert*
- 3       *impoundment area*, for part 5 (Impounding stock)—see section 32.
- 4    **12       Dictionary, definition of *travel***
- 5       *substitute*
- 6       *travel*—
- 7       (a) for this Act generally—in relation to stock, means drive or
- 8       transport the stock outside the holding where the stock is
- 9       normally kept; and
- 10      (b) for part 4 (Travelling stock)—see section 26A.



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## Endnotes

**1      Presentation speech**

Presentation speech made in the Legislative Assembly on 7 June 2018.

**2      Notification**

Notified under the [Legislation Act](#) on 2018.

**3      Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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