

# STOCK.

## No. 3 of 1920.<sup>(a)</sup>

### An Ordinance relating to Stock.

**B**E it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910*, as follows:—

1. This Ordinance may be cited as the *Stock Ordinance 1920*.

2. This Ordinance shall commence on a day to be fixed by the Minister by notice in the *Gazette*.

3. This<sup>(b)</sup> Ordinance is divided into Parts, as follows:—

PART I.—Preliminary.

PART II.—Administration.

PART III.—Diseases in Sheep.

Division 1.—Powers, duties, and disabilities of inspectors.

Division 2.—Infected sheep.

Division 3.—Travelling sheep.

Division 4.—Travelling stock.

Division 5.—Sheep brands and marks.

Division 6.—Regulations.

Division 7.—Offences, penalties and damages.

Division 8.—Appeals.

Division 9.—Evidence.

Division 10.—Miscellaneous.

PART IV.—Registration of Brands of Horses and Cattle.

PART V.—Tick.

PART VI.—General Provisions.

4.—(1.) Upon the commencement of this Ordinance the State Acts, referred to in the First Schedule, to the extent therein expressed, shall cease to apply to the Territory, save as to any right, privilege, obligation or liability acquired, accrued or incurred thereunder:

Certain State Acts to cease to apply.

Provided that any proclamation or notice the operation of which is not exhausted at the commencement of this Ordinance, and which was made or given under any of the Acts referred to in the First Schedule, shall continue in force as if made under this Ordinance.

(a) Made on 15th December, 1920; notified in *Gazette* of 23rd December, 1920; affected by No. 12 of 1924, *infra* p. 114.

(b) This section has since been repealed and a fresh section substituted by No. 1 of 1921, *infra*, p. 71.

## PART II.—SEAT OF GOVERNMENT—

(2.) Every piece of ground set apart under any of the Acts referred to in the First Schedule as a quarantine ground or station or for purposes of quarantine, and which at the passing of this Ordinance remains so set apart, shall be deemed to have been so set apart under this Ordinance.

(3.) Any form referring to any of the Acts set out in the First Schedule or validated by any such Acts shall be as good for all purposes under this Ordinance as it would have been under such Act immediately prior to the passing of this Ordinance.

5. In<sup>(a)</sup> this Ordinance, unless the contrary intention appears:—

Definitions.  
N.S.W., No. 35,  
1912, s. 4.

- “ Brand ” means a firebrand on the nose, horn or face in letters, figures or characters not less than one inch in length, or a brand made on the ribs, back, shoulder or rump of any sheep with pitch, tar, paint or pigment in letters, figures or characters not less than three inches in length;
- “ Cattle ” means bulls, cows, oxen, heifers, steers and calves;
- “ Clean sheep ” means sheep in respect of which a clean certificate has been issued in pursuance of this Ordinance or sheep which have never been infected sheep;
- “ Crown lands ” means any land vested in the Commonwealth whether by acquisition or by virtue of the Seat of Government Acceptance Act;
- “ Destroy ” means to entirely consume by fire or to bury at a depth of not less than three feet underground or, having previously consumed by fire the wool and skin, to boil down the remainder of the carcass;
- “ Dressing ” means any dipping, dressing, spotting, rubbing or applying of a medicament used as a cure for scab;
- “ Drover ” means a person in charge of travelling stock;
- “ Flock ” means any number of sheep in one lot or in the charge of one person;
- “ Holding ” means any land or collection of lands constituting and worked as one property, whether held under the same title or different titles or under titles of different kinds;
- “ Horse ” includes any horse, mare, gelding, colt, filly, foal, ass, or mule;
- “ Infected run ” means any run on which infected sheep have been within the next preceding six months and in respect of which a clean certificate has not been issued in pursuance of this Ordinance;
- “ Inspector ” means the inspector of stock appointed or holding office in pursuance of this Ordinance;

(a) This section has since been amended by No. 3 of 1924, *infra*, p. 97.

“ Large stock ” includes cattle, horses, asses, mules, and camels;

“ Market value of sheep ” means the value of sheep calculated upon a sale with delivery on the run where such sheep are when ordered to be destroyed;

“ Notification ” means notification published in the *Commonwealth Gazette*;

“ Occupier ” means the person for the time being entitled to possession of any land, and, where the occupier does not reside on the land, includes the resident manager of the land;

“ Owner ” means—

(a) the holder, or the holder subject to mortgage, of any lease of licence, or promise of any lease or licence, from the Crown; or

(b) the holder, or the holder subject to mortgage, of any purchase, whether conditional or otherwise, from the Crown, or of a homestead selection or homestead grant;

(c) the person entitled at law to an estate of freehold in possession in any land granted by the Crown for other than public purposes;

(d) the person in whom is vested any land taken or appropriated under authority of any Statute authorizing land to be taken or appropriated for the purposes of any private undertaking,

and, for the purposes of Part III. of this Ordinance, includes the trustees of commons and public reserves, and the person for the time being in the authorized possession or charge of land, or of large stock or sheep;

“ Private holding ” and “ private land ” mean respectively a holding and land not including or being public land;

“ Proprietor ” includes any lessee, licensee, occupant, overseer, superintendent, or person in possession or charge of any land;

“ Public land ” means and includes land which is not the subject of any lease or licence, or promise of, or agreement for, any lease or licence under the Crown Lands Acts or under any law authorizing the occupation or use of land vested in the Crown; but which—

(a) is vested in the Crown, and is not the subject of any contract for the sale or grant thereof; or

(b) is the subject of any dedication or permanent reservation for public uses or purposes, not

## PART II.—SEAT OF GOVERNMENT—

being for a road (whether the land has or has not been granted or contracted to be granted for the said uses or purposes);

“ Public road ” or “ road ” means any land proclaimed, dedicated, resumed, or otherwise provided as a public thoroughfare and, for the purposes of Part III. of this Ordinance, includes any road which has been ordinarily used by the public for at least three years;

“ Run ” includes any land, road, place or premises;

“ Sheep ” includes rams, ewes, wethers and lambs, and in Part III. includes any carcass, skin, wool, horn, hoof or other part of a sheep;

“ The Director ” means the Director of Stock appointed under this Ordinance;

“ This Ordinance ” and “ this Part ” respectively include in addition to the enactment of such Ordinance or Part, any regulations or proclamations made or issued under any such enactment;

“ Unacquired holding ” means a holding which has not been acquired or purchased by the Commonwealth.

## PART II.—ADMINISTRATION.

Director of  
Stock.

6.—(1.) The Minister may appoint an officer to be Director of Stock who shall, subject to the control of the Minister, have the general administration of this Ordinance.

(2.) Until the Minister appoints a Director in pursuance of this section the Commonwealth Surveyor-General shall be the Director of Stock.

Senior Inspector  
of Stock.

7.—(1.) The Minister may appoint an Inspector of Stock and such other officers as are necessary to carry out the provisions of this Ordinance.

(2.) Until the Minister appoints an Inspector of Stock in pursuance of this section, the Inspector of Lands shall be the Inspector of Stock.

(3.) The Inspector may, with the consent of the Director, by writing under his hand delegate to any officer appointed under this Ordinance all or any of his powers under this Ordinance (except the power of delegation) so that the delegated powers may be exercised by the delegate as fully and effectually as by the Inspector.

Rates.  
N.S.W., No. 35,  
1912, s. 18.

8.—(1.) The Minister may in each year cause a rate to be struck upon sheep or large stock within the Territory.

(2.) Subject to this Ordinance, the amounts levied under the rate shall be determined by the Director in respect of the holdings within the Territory, and the Director shall assess and rate every

owner or occupier who has ten or more head of large stock or not less than one hundred sheep. Such assessment shall not exceed in the annual aggregate fourpence per head of large stock and two-thirds of a penny per head of sheep.

Provided that where an owner or occupier has large stock and sheep of such number as would but for this proviso not render him rateable under this sub-section, eight sheep may be calculated as one head of large stock, and one head of large stock may be calculated as eight sheep, and, if on such calculation the owner or occupier has ten or more head of large stock or not less than one hundred sheep, he shall be liable to be assessed and rated accordingly under this sub-section.

9.—(1.) For the purpose of assessment and levy of stock rates, each owner or occupier liable to be rated under this Ordinance, and every owner of any large stock or sheep, shall, within one month after the commencement of this Ordinance, forward to the Inspector a return, in the prescribed form, of his large stock or sheep in the Territory on the date of the commencement of this Ordinance, and thereafter, on or before the tenth day of January in each year, deliver personally or send by post by registered letter to the Inspector, Canberra, in the prescribed form, a return of his land and of his large stock or sheep in the Territory on the thirty-first day of December next preceding.

Returns.  
N.S.W., No. 35,  
1912, s. 19.

(2.) Any owner or occupier who fails to furnish the required return in the manner and within the time provided by this section, or supplies incorrect, incomplete or misleading information in any such return shall be liable to a penalty not exceeding Twenty pounds.

10. From the returns so made, and from any other information in his possession, or from one or more of these sources, and whether any return has been furnished or not, the Director shall cause assessments to be made for the purpose of ascertaining the amount of stock rates to be paid.

Assessment.

11.—(1.) In the case of unstocked or partly stocked land rates shall be paid in accordance with its carrying capacity, to be determined by the Director.

Unstocked and  
partly stocked  
land.  
Ib. s. 18.

(2.) Only half rates shall be levied—

(a) in respect of any unacquired holding or portion of an unacquired holding on the external boundaries of which there is a fence which, in the opinion of the Director, is rabbit-proof, or

(b) in respect of any unacquired holding or portion of an unacquired holding within a group formed in pursuance of the *Rabbit Ordinance* 1919.

(3.) Any fence which, in the opinion of the Director, is sufficiently approximate to any boundary shall be deemed to be on such boundary for the purposes of this section.

(4.) For the purposes of this section, the carrying capacity of unstocked or partly stocked land shall be determined by the Director quinquennially on an average basis extending over the preceding five years, the first of such determinations to be made for the first assessment required after the first day of January, One thousand nine hundred and twenty.

Provided that land which has been used for agricultural purposes during the year next preceding that for which the assessment is made shall be assessed at one sheep to three acres.

Provided also that the Director may, in respect of land which has not previously been assessed under this section, make an assessment of the carrying capacity of that land upon its becoming unstocked or partly stocked.

**Exemption.**

12. The Minister may exempt any unstocked or partly stocked lands from taxation under this Ordinance as he deems fit.

Notice of  
assessment and  
payment of  
rates.  
N.S.W., No. 35,  
1912, s. 20.

13.—(1.) When<sup>(a)</sup> the amount payable under the rate in respect of any holding has been determined by the Director, the prescribed notice of such amount shall be given to the person liable to pay the same.

(2.) The amount so determined shall, on such notice being given, be paid to such person or bank, and on or before such date as may be specified in the notice, or, in case of an appeal, within seven days after the determination of the appeal: Provided that the amount may be paid by instalments if the Director so directs.

(3.) The person liable to pay such amount shall be the occupier of the holding.

Stock  
rate-book.  
Ib. s. 21.

14.—(1.) Every rate and every determination by the Director of the amount payable in respect of any holding under such rate shall be entered in a book (to be called the stock rate-book) which shall be kept in the prescribed form and manner, and all persons shall have access thereto at all reasonable times.

(2.) The Director may make such amendments and supply such omissions in the entries in the book as may be necessary.

(3.) Except in the case of formal amendments, an amendment of the rate-book in respect of any holding shall be deemed to be a determination by the Director of the amount so payable under a rate in respect of the holding.

(4.) The stock rate-book shall, on the production thereof, be *prima facie* evidence of the rate and of the amount determined as payable under the rate in respect of the holding.

(a) This section has since been amended by No. 3 of 1924, *infra*, p. 97.

15. If any person is aggrieved by the determination of the Director of the amount payable in respect of his holding he may, within twenty-one days after the receipt of the notice of assessment, appeal to the Minister, whose decision in regard to the matter shall be final and conclusive.

Appeal.  
N.S.W., No. 35,  
1912, s. 22.

16. Any sum due for rates in respect of any holding shall be, and until payment thereof shall remain, a charge upon the lands constituting the holding and on the goods and chattels of the owner or occupier.

Recovery of  
rates.  
Ib. s. 23.

17.—(1) All<sup>(a)</sup> subsidies, fines, penalties, rates, and other moneys received under this Ordinance shall be paid into a fund, to be called the Stock Fund, which shall be applied by the Minister to the payment of any expenses of, or incidental to, the administration of this Ordinance, or of any costs or expenses incurred under this Ordinance, or to the payment of bonuses for scalps of noxious animals granted under section thirty-one of the *Rabbit Destruction Ordinance* 1919, or to the destruction of rabbits or other noxious animals.

Application of  
moneys.  
Ib. s. 24.

### PART III.—DISEASES IN SHEEP.

#### *Division 1.—Powers, Duties and Disabilities of Inspectors.*

18. In this Part unless the contrary intention appears—

Definitions.

“Disease” in relation to sheep means the diseases known as scab, influenza or catarrh;

“Infected sheep” means—

- (a) sheep suffering from, or affected with, scab, influenza or catarrh;
- (b) sheep which have formed part of a flock containing any sheep suffering from or affected with scab, influenza or catarrh; or
- (c) sheep which have been in direct or indirect contact with, or have been on or carried over the same ground, or have been kept in the same yard, as such infected sheep within the next preceding six months or which have within that period been dressed with or dipped in medicaments commonly used for the cure of scab, and includes any sheep referred to in this definition which have not been declared clean;

“Stock” means horses, cattle, sheep or camels;

“Travelling sheep” or “travelling stock” means any sheep or stock, other than stock in actual work, whilst being driven or carried by land or water, or which have

(a) This section has since been repealed by No. 3 of 1924, *infra*, p. 97.

within one month next preceding been so driven or carried along or over any place whatsoever other than the run on which they are ordinarily depastured.

Inspector receiving information of outbreak of disease to visit locality.  
N.S.W., No. 35, 1912, s. 81.

Power of entry, &c.  
Ib. s. 82.

19. On receiving information of the outbreak, or suspected outbreak, of disease in any part of the Territory, the Inspector shall visit the locality in question, and take all necessary steps, and at once report on the matter to the Director.

20.—(1.) The Inspector is hereby empowered to enter at any time upon any run in order—

- (a) to inspect any sheep;
- (b) to take possession of any sheep in respect of which their owner is committing any breach of this Part, and detain such sheep until the requirements of this Part have been complied with or until such sheep are released by order of the Minister on appeal as provided in this Ordinance;
- (c) to carry out, at the expense of the owner of any sheep, when necessary, any of the provisions of this Part with which the owner fails to comply; and
- (d) to exercise and perform the several powers and duties authorized and directed by this Ordinance.

(2.) Every person who —

- (a) refuses to allow the Inspector to enter upon any run in the execution of his duty, or hinders or impedes, or attempts to hinder or impede him therein; or
- (b) refuses or delays when requested to point out to the Inspector any sheep, or to disclose whence any sheep have been taken; or
- (c) refuses to produce to the Inspector when required the flock or sheep book, or to wash or otherwise disinfect any premises, yard, vehicle, or article found or used with or about any infected sheep to the satisfaction of the Inspector; or
- (d) refuses to drive sheep in his charge to any place when required by the Inspector, or to assist the Inspector in the examination thereof,

shall for every such offence be liable to a penalty not exceeding One hundred pounds.

Inspectors may kill sheep for evidence.  
Ib. s. 84.

21.—(1.) In any case, except in that of imported sheep where the fact of the infection of any sheep as declared by the Inspector's notice is disputed by the owner of such sheep, the Inspector may kill one sheep in each flock which he considers infected, and shall take possession of the skin or any portion thereof, and having marked and caused the owner to mark the portion thus taken, he shall pack up the same securely in the presence of the owner,



sealing the package with his own and the owner's seal, and such package shall be produced and opened before any Court or Board as the case may be whenever the fact of any such infection is in issue.

(2.) Every person preventing or impeding or attempting to prevent or impede the Inspector in carrying out any provision of this section shall be liable to a penalty not exceeding Fifty pounds.

22.—(1.) The Director may at the Inspector's request from time to time sanction the occupation of some land being the property of the Crown, and whether the same is then occupied under lease or not as a run, where the Inspector may detain any sheep under the provisions of this Part, and where the sheep may be kept and depastured with the greatest safety while so detained.

Inspectors may place detained sheep on nearest available Crown lands.  
N.S.W., No. 35,  
1912, s. 83.

(2.) The owner of such sheep shall repay and make good to the lessee (if any) of the run on which they are so kept and depastured every loss, damage, or expense he may thereby sustain to be assessed by the Director upon application to him by such lessee.

(3.) Every lessee refusing to permit such sheep to be so kept or depastured, or preventing or attempting to prevent them from being so kept or depastured, shall for every such offence be liable to a penalty not exceeding One hundred pounds.

23. The Inspector may, whenever necessary, employ any persons to assist him in carrying out the provisions of this Part, and the owner through whose neglect, omission, or other default, or by reason of the infection or removal of or other dealing with whose sheep, the expense of such employment has been incurred, shall repay the same to the Inspector on demand.

Inspectors may employ assistants.  
Ib. s. 86.

24.—(1.) The Inspector shall not be either directly or indirectly an owner of or dealer in sheep, or shall act as the agent or an owner of or dealer in sheep.

No inspector to be an owner of or dealer in sheep.  
Ib. s. 87.

(2.) The Inspector shall not receive any payment or consideration for the depasturing of any sheep or the performance of any act, matter, or thing directed or authorized by this Part, under a penalty not exceeding Twenty Pounds.

(3.) Nothing in this section shall prevent any Inspector from demanding and receiving any fees and charges so authorized.

#### *Division 2.—Infected Sheep.*

25. Every owner of infected sheep, whether such sheep have been declared infected by the Inspector or not, shall—

Duties of owner of infected sheep.  
Ib. s. 88.

- (a) write out, date, sign, affix on some conspicuous place and maintain till his run on which such infected sheep are kept or depastured is declared clean, a notice in distinct legible characters not less than one inch in length at each point of entrance of any road

- intersecting such run, and at each point where any road commences to form the boundary line of such run, and also at all other points directed by the Inspector, stating that disease has broken out thereon;
- (b) insert a similar notice in the nearest local newspaper for three successive weeks;
  - (c) send a written notice in the prescribed form to the Inspector that his sheep are or are supposed to be infected, containing a correct account of their number, description, brands, or marks, and the places where such sheep are then running;
  - (d) send a similar notice to the proprietors of adjoining runs;
  - (e) cause his infected sheep to be carefully shepherded by day and securely yarded at night (and in no case by an aboriginal) till they are destroyed or declared clean;
  - (f) brand all his infected sheep above the age of one month with the initials of his name, or with his known station brand, and also in either case with the letter S three inches in length, such letters or brand being branded with paint of a red colour, and when more flocks than one on the same run are infected to use a distinguishing brand or mark for each flock;

and in default thereof every such owner shall be liable to a penalty not exceeding Twenty pounds for each and every day that he neglects or omits to do the same after the day upon which the obligation in each case first attached to him.

When  
obligation  
attaches.

N.S.W., No. 35,  
1912, s. 89.

26.—(1.) The obligation imposed upon an owner of infected or suspected sheep by the next preceding section to do each and every act, matter, and thing therein enumerated, and his liability in default thereof shall commence and continue to attach to him upon the expiration of twenty-four hours from the time when the fact of such infection or suspected infection, as the case may be, came to his knowledge.

(2.) In the absence of direct or other satisfactory evidence to fix the owner with the knowledge, proof that any sheep belonging to the owner have been infected for more than one month shall in all cases be conclusive evidence that the fact of the infection had come to the owner's knowledge.

Inspector to  
define  
quarantine  
boundaries.  
Ib. s. 90.

27.—(1.) The inspector, on being satisfied that any run or part of a run is infected, shall define the boundaries of the same and place it in quarantine by giving written notice to the owner thereof in the prescribed form, and also by posting placards, and by the insertion of a notice in the nearest local paper.

(2.) Such quarantine shall extend for one mile at least in every direction beyond the boundaries of the infected run or part of a run, and shall continue and be in force until the run or part of a run has been released from quarantine in the manner provided in this Ordinance.

(3.) All sheep within the boundaries defined in pursuance of this section shall also be included and kept in such quarantine until released in like manner.

**28.—**(1.) Quarantine shall be binding on all persons whomsoever.

Penalty for violation of quarantine.  
N.S.W., No. 33,  
1912, s. 91.

(2.) Every person who removes or causes to be removed or assists or is in any way concerned in removing any sheep beyond quarantine, or who takes or assists or is in any way concerned in taking any other sheep within quarantine except as hereinafter provided, shall for every such offence be liable to a penalty not exceeding One hundred pounds or to imprisonment for any term not exceeding six months.

(3.) Any person may destroy all sheep taken in or out of quarantine contrary to the provisions of this Part.

**29.** Notwithstanding anything in this Ordinance, the Inspector may, with the approval of the Minister—

Inspector may move infected sheep back from roads.  
Ib. s. 92.

- (a) remove all infected sheep back for any distance not less than two miles from any road on or near which they are kept or depastured, or to any other ground belonging to or occupied under lease by their owner, where they can be kept with greater safety to other sheep than on the ground where they are so kept or depastured;
- (b) where necessary in order to obtain sufficient feed or water for any sheep placed in quarantine, extend the boundaries of quarantine; and
- (c) with the permission of the proprietor of the run placed in quarantine, bring other infected sheep within such quarantine boundaries.

**30.—**(1.) All runs and sheep placed in quarantine under the provisions of this Part may be released therefrom on the certificate of the Inspector that such runs and sheep are clean, and the proprietors or owners thereof may apply for such release to the Director in the prescribed form.

Mode of releasing from quarantine.  
Ib. s. 93.

(2.) Notwithstanding anything in this Ordinance, any run or part of a run may be released from quarantine upon the sheep running thereon being declared clean.

Diseased sheep  
and infected  
sheep to be  
destroyed in  
certain cases.  
N.S.W., No. 35,  
1912, s. 94.

**31.—**(1.) On notice being given by an owner as provided in this Ordinance, or on reasonable ground of suspicion that any sheep are infected, the Inspector shall immediately examine such sheep, and if he decides—

- (a) that such sheep or any of them are suffering from or actually affected with scab; or
- (b) that they have, within the next preceding three months, so suffered or been affected; or
- (c) that they have at any time during that period formed part of a flock wholly or in part so affected ;

the inspector shall make a memorandum of the market value of the sheep, and shall serve the owner thereof with a written notice in the prescribed form to destroy the sheep.

(2.) Unless an appeal against the notice is made by their owner as provided in this Ordinance, the sheep shall be destroyed by him within the period therein stated, and such period shall be computed according to the scale in the Second Schedule hereto.

(3.) Every owner failing to comply with any of the requirements of this section shall incur a penalty not exceeding One hundred pounds.

Mode of service  
of notice to  
destroy  
infected sheep,  
Ib. s. 95.

**32.—**(1.) Any notice to destroy infected sheep shall be held to be duly served upon an owner by being delivered to him personally or left at the head station of the run on which the sheep (not being travelling sheep) have been examined as provided in this Part.

(2.) When the sheep so required to be destroyed are travelling sheep, the notice shall be held to be duly served on their owner on being delivered to the person in charge of the sheep.

(3.) If the owner appeals to the Director against the notice, the giving of a decision by the Director confirmatory of the notice shall be deemed equivalent to the service of the notice upon the owner so appealing.

Owner may  
appeal against  
destruction.  
Ib. s. 96.

**33.—**(1.) The owner may, if he feels aggrieved by the notice to destroy, appeal therefrom to the Minister in the prescribed form, and thereupon the Minister shall make such order in the matter as he thinks fit.

(2.) If the Inspector has not received the notice of appeal within ninety-six hours after service upon the owner of the notice to destroy, the sheep shall be forthwith destroyed by the Inspector at the owner's expense.

Application for  
compensation  
for sheep  
destroyed.  
Ib. s. 97.

**34.** If any sheep are destroyed by an owner under a notice to destroy, the owner may at any time within two months after the destruction of the sheep, lodge with the Inspector, at Canberra, an application for compensation for the loss he has sustained by their destruction.

35.—(1.) If, after the Director has inquired, by examination of the Inspector, and of such other witnesses as are summoned by the Director, the Director is satisfied that the required notices have been given with respect to the sheep, and that the sheep were infected, and have been destroyed in compliance with the provisions of this Part, the Director shall determine the market value of the sheep supposing they had not been infected when destroyed, and upon so doing shall deliver to the owner thereof a certificate in the prescribed form, awarding a sum of money equal to two-thirds of such value as compensation for the destruction of the sheep:

Investigation of application for compensation. N.S.W., No. 35, 1912, s. 98.

Provided that where any of the sheep have been boiled down, the value of the net proceeds thereof shall also be inquired into by the Director at the hearing of the application, and fixed and determined by him, and two-thirds of such proceeds shall be deducted from the amount awarded as aforesaid.

(2.) The amount awarded, after such deduction, if any, shall be paid upon approval by the Minister out of the Stock Fund.

36.—(1.) Whenever sheep have been declared infected by the Inspector, but no notice for their destruction has been served on their owner as provided in this Part, the owner shall dress the sheep at such times and with such medicaments as the Inspector directs, and, upon the owner's default, the Inspector shall dress the sheep at the owner's expense.

Infected sheep not destroyed to be dressed. Ib. s. 99.

(2.) Any owner failing to comply with any of the requirements of this section shall be liable to a penalty not exceeding One hundred pounds.

(3.) No sheep shall be dressed without having been examined by the Inspector, under a penalty not exceeding Fifty pounds.

#### *Division 3.—Travelling Sheep.*

37.—(1.) Any owner intending to travel sheep—

- (a) from any district in which infection exists, or has existed, within a period of twelve months previously; or
- (b) from a district adjoining any district in which infection exists, or has existed, within a like period; or
- (c) from any district adjoining any State notified in the *Gazette* by the Minister as a State in which infection exists,

Travelling sheep starting from infected or suspected district to be certified to be clean. Ib. s. 100.

shall, before doing so, apply for and obtain a certificate from the Inspector in the prescribed form.

(2.) Such owner shall produce the certificate when required to any owner, proprietor, or to the Inspector.

(3.) Any owner intending to travel sheep from any district outside the Territory shall give the Inspector notice of such intention, stating the date of departure, route, and destination of the sheep.

(4.) Every owner failing to comply with any requirement of this section shall be liable to a penalty not exceeding Fifty pounds.

Proprietor may detain and examine travelling sheep until owner gives inspector notice of detention.

N.S.W., No. 35, 1912. s. 101.

**38.**—(1.) Any proprietor may detain and examine travelling sheep approaching, or being upon any part of his run, upon reasonable suspicion of their being infected, and, upon his giving the owner of the sheep a written notice to that effect, he may detain them until the owner calls in the Inspector to examine the sheep and determine whether or not they are infected.

(2.) If the owner prevents the sheep from being detained or examined as aforesaid, or impedes or hinders the proprietor in detaining or examining them, or does not, within twenty-four hours after their detention, give an Inspector written notice thereof by delivering the same to him personally or at his residence, the owner shall, for every such offence, be liable to a penalty not exceeding One hundred pounds.

Proprietor detaining sheep to guard against the spread of infection.

Ib. s. 102.

**39.**—(1.) Any proprietor detaining any travelling sheep in pursuance of the last preceding section, shall, until the arrival of the Inspector, either keep the sheep on his own run or make such arrangements as shall prevent the further spread of the infection under a penalty not exceeding One hundred pounds.

(2.) If the sheep are declared infected, all necessary expenses incurred by the proprietor in the detention and keep of such sheep shall be paid to him by their owner.

(3.) If the sheep so detained are found on examination not to be infected, and it is found that the proprietor detaining them had no reasonable grounds for suspecting them to be infected, he shall pay to the owner of the sheep the loss and expense occasioned by the detention.

Quarantine and coast provisions not to apply to clean sheep while being carried by rail.

Ib. s. 103.

**40.** The provisions of this Part relating to quarantine shall not apply to clean travelling sheep while being carried by railway if the sheep did not start from, nor were stopped in, an infected place:

Provided that all sheep found to be infected in a railway truck or at a railway station shall at once be removed to a quarantine ground or other proper place and dealt with as provided by this Part.

Travelling sheep to be branded with the letter T.

Ib. s. 104.

**41.** Every owner of travelling sheep which are not legibly branded with the letter T, in addition to an owner's recorded brand, shall, for every sheep so unbranded, be liable to a penalty not exceeding One penny:

Provided that it shall not be necessary to brand any clean sheep intended to be driven from any one run to any other run not more than forty miles distant belonging to the same owner, nor clean sheep which are intended to be taken on to a neighbouring run or to a pound.

42. The<sup>(a)</sup> following provisions with respect to travelling sheep shall apply and be in force in the Territory:—

Provisions  
relating to  
travelling sheep.  
N.S.W., No. 35,  
1912, s. 105.

- (1) Every owner intending to travel sheep or large stock from any run shall, before leaving the run, forward to the Inspector a statement in writing of the number, description, brands, and marks of the said sheep or large stock and of their intended route and destination, and shall obtain from the Inspector a permit in the prescribed form to travel the said sheep or large stock as hereinafter provided to their destination by the route specified in such permit:

Provided that such permit shall not be necessary in any case where sheep or large stock are being removed from one run to another run within the Territory belonging to the same owner, such runs being not more than forty miles apart.

- (2) If at any time within four months from the date of the arrival of any sheep or large stock at a destination to which they have travelled under a permit previously granted as aforesaid, it is intended to remove any of the said sheep or large stock from such destination to any other destination, their owner shall obtain from the Inspector a renewed permit for every second or subsequent removal; and the owner shall, for the renewed permit, pay to the Inspector a travelling charge at the rate of twopence per one hundred sheep and twopence for every ten head of large stock per mile for the distance between the two destinations:

Provided that a renewed permit shall not be necessary in respect of the removal of any sheep or large stock sold or *bona fide* offered for sale at a recognized saleyard.

- (3) If any travelling sheep or large stock are brought back to the run from which they started to travel, or to any run in the Territory, the owner of the sheep or large stock shall pay to the Inspector the travelling charges fixed by the last preceding sub-section, for the whole distance the sheep or large stock have travelled from the time they started as aforesaid until they were brought back to either of the runs:

Provided that this sub-section shall not apply to fat sheep or large stock sent *bona fide* to, and returning unsold from market.

- (4) All moneys received by the Inspector for travelling charges or otherwise under this section or for

(a) This section has since been amended by No. 3 of 1924, *infra*, p. 97.

penalties, shall be paid by him to the Stock Fund, but such charges may in any case be refunded by the Director at his discretion.

*Division 4.—Travelling Stock.*

Certain drovers  
to carry a  
"travelling  
statement."  
N.S.W., No. 35,  
1912, s. 106.

**43.**—(1.) Every<sup>(a)</sup> drover in charge of any travelling sheep or large stock shall be provided at the time of his departure with a "travelling statement" in the prescribed form, signed, in the presence of a subscribing witness, by the owner of the sheep or large stock.

(2.) Every drover shall produce the statement, or a permit as hereinbefore provided, upon demand, to the Inspector, or to a police constable, or justice, or to the occupier of any run through which or along the boundary-road of which such travelling stock may be proceeding.

(3.) It shall be deemed to be a compliance with this or the last preceding section or section one hundred and eighty-four of the *Stock Act* 1901 of the State of New South Wales, if the drover is supplied with and produces when required a travelling statement issued under this section, or a permit issued under the last preceding section.

Stock to travel  
by direct route.  
Ib. s. 107.

**44.**—(1.) All<sup>(a)</sup> travelling stock shall be taken by the drover of the stock, by any direct road ordinarily used for the purpose of travelling stock, to the place of destination mentioned in the permit or travelling statement, as the case may be, for the stock:

Provided that where there is a travelling stock route or camping reserve notified or dedicated as such, respectively, by the Minister by notice published in the *Gazette*, leading to the place of destination mentioned in the permit or travelling statements, travelling stock shall, where practicable, be taken by that route or through that reserve.

(2.) Unless *bona fide* prevented by rain or a flood, or other unavoidable cause, such stock, if sheep, shall be moved six miles, and, if large stock, shall be moved ten miles, at least, in one and the same direction during every successive period of twenty-four hours from six o'clock in the morning of one day to six o'clock of the morning of the following day.

(3.) If any travelling stock are sold on the roads, or if from any sufficient cause the route mentioned in any such travelling statement or permit cannot be followed, the drover may, with the approval of the Inspector, change such route or destination; such approval shall be indorsed upon the travelling statement. If, in the opinion of the Inspector, any travelling sheep or large stock, in respect of which the route or destination has been so changed.

(a) This section has since been amended by No. 3 of 1924, *infra*, p. 97.



are travelling in search of grass or of a purchaser, the Inspector shall demand, and the owner of the sheep or large stock shall pay, travelling charges for those sheep or large stock from the point where the change of route begins to the destination.

(4.) Any travelling sheep or large stock may, with the sanction of the Inspector, be kept for any period not exceeding forty-eight hours on any reserve for travelling stock, for the purpose of branding the sheep or large stock, or for carrying out any other necessary provision of this Ordinance or of any other law in force in the Territory.

(5.) Any travelling charges imposed may be paid under protest to the Inspector, and the drover of the sheep or large stock or their owner may, in the prescribed manner, appeal against the charges to the Minister, who may, if he thinks fit, remit the whole or any part of the charges.

45. Whenever a drover intends to take his travelling stock along any road which intersects or forms the boundary of any run containing not less than two hundred acres, and not separated from the road by a sufficient fence, he shall give the occupier of the run not less than twelve nor more than forty-eight hours' notice of such intention by sending the notice by post, telegram or telephone or by leaving it at the homestead or head station of the run:

Drovers to give notice to owners of runs on the route. N.S.W., No. 35, 1912, s. 108.

Provided that such notice shall not be necessary in the case of horses or cattle *bona fide* used for saddle or draught, nor in the case of fat cattle travelling in drafts, not exceeding two hundred in each draft, to a specified market for sale, nor, in the case of sheep, while being carried in a conveyance.

46.—(1.) If the drover of any travelling stock, before or at the time of giving such notice, has any reason to suspect or believe that any of the stock are infected with any disease, he shall give, in writing, the notice in the manner required by the next preceding section, and shall in such notice state with what particular disease he suspects or believes the stock to be infected.

Written notices to be given if stock are suspected of disease. Ib. s. 109.

(2.) The notice shall, in the case last mentioned, be delivered at the homestead or head station of every such run whatever may be the extent thereof, and whether such run is or is not sufficiently fenced from the line of road along which such travelling stock are intended to be taken.

(3.) Every precaution shall be adopted by the drover in such case to prevent contact between his travelling stock and any stock then being on any such run.

(4.) Travelling stock, when so suspected or believed to be infected with any disease, shall be permitted to travel only during the hours of daylight.

(5.) Any person offending against this section shall be liable to a penalty not exceeding Fifty pounds.

None but *bona fide* travelling stock to be depastured on reserve.  
N.S.W., No. 35, 1912, s. 110.

47.—(1.) No person shall drive, take, or depasture any stock, other than *bona fide* travelling stock or working large stock belonging to teamsters, carriers or travellers, upon any Crown lands reserved for travelling stock.

(2.) No person shall drive, take, or depasture any stock, other than stock in transit to the railway, upon reserves set apart for the accommodation of the railway stock traffic.

(3.) Any stock driven, taken, or depastured contrary to this Part or any regulation made thereunder, or any stock found upon a reserve for travelling stock—such stock not being *bona fide* travelling stock nor stock belonging to the occupier of the run on which such reserve is situated—may be impounded by the Inspector or other person authorized by the Minister in that behalf, and the stock may thereupon be dealt with as in the case of stock impounded for trespass upon lands in the lawful possession of any occupier, and the owner shall be liable to a penalty on the first conviction, not exceeding Twenty pounds, and, on any subsequent conviction, not exceeding Fifty pounds.

Carcasses not to be left undestroyed near roads.  
Ib. s. 11.

48. No carcasses of travelling stock shall be left more than twelve hours undestroyed on or within half-a-mile of any road, and the owner of any such travelling stock shall be liable to a penalty not exceeding One pound for every carcase so left undestroyed.

#### *Division 5.—Sheep Brands and Marks.*

All sheep over six months to bear a recorded brand.  
Ib. s. 131.

49. All sheep above the age of six months shall be branded and kept legibly branded by the owner thereof with an "owner's brand", which has been duly recorded as provided in this Ordinance.

Brands allotted to each owner.  
Ib. s. 132.

50.—(1.) Only<sup>(a)</sup> one fire-brand and one paint or tar "owner's brand" and one owner's ear-mark shall be allotted to each sheep-owner for every run held by him, and if two or more runs adjoin they shall, for the purposes of this section, be deemed one run.

(2.) Sheep-owners may use any number of distinctive marks to denote the age or class of their sheep, provided that such distinctive marks shall not be on the same ear as the owner's recorded ear-mark.

(3.) The proprietor of any brand or ear-mark referred to in sub-section (1.) of this section may transfer the brand or ear-mark only to a subsequent owner or occupier on his own behalf of the run to which such brand or ear-mark has been allotted.

(4.) The proprietor of any distinctive mark, referred to in sub-section (2.) of this section, which has been duly recorded as provided in this Ordinance, may transfer the distinctive mark to any person.

(a) This section has since been amended by No. 3 of 1924, *infra*, p. 97.

(5.) To give effect to any such transfer, the proprietor shall join with the person to whom he transfers, in a memorandum of transfer in the prescribed form, and shall deliver or transmit such memorandum, together with the fee specified in the Third Schedule to this Ordinance, to the Inspector, who shall make the necessary entries in his record, and deliver or transmit to the transferee a certificate of the transfer.

(6.) If such proprietor disposes of or abandons any run owned or occupied by him, and does not make the transfer, the Inspector shall cancel the allotment of such brand, ear-mark, or distinctive mark, and notify the Director of the cancellation and the brand, ear-mark and distinctive mark shall on such cancellation become available for re-allotment.

(7.) If such proprietor dies without having made such transfer, the property in such brand, ear-mark, and distinctive mark shall vest in his legal personal representatives for a period of six months after such death. Before the said period elapses such representatives shall, in writing, notify the Inspector for the district whether or not they desire to retain the brands and marks, and if they do so desire on whose behalf the retention is to be made. They shall, if they notify that they desire the brands and marks to be retained, forward to the Inspector with such notification the prescribed particulars, together with the fee for recording and publishing such brands and marks, according to the scale given in the Third Schedule hereto.

Any brand or mark for the recording of which they do not so remit the scheduled fee shall be available for re-allotment.

51. The Inspector shall keep a book in the form approved by the Director, to be called the "sheep brands and marks record" for the entry of all "owner's brands" and marks allotted by him, and also of all distinctive marks as aforesaid which any sheep-owner may desire to record.

Senior Inspector  
to keep a record  
of brands and  
marks.  
N.S.W., No. 35,  
1912, s. 133.

52.—(1.) Every sheep-owner using an "owners' brand" or mark shall transmit to the Inspector an application in the prescribed form, together with the fee for recording and publishing the same according to the scale provided in the Third Schedule to this Ordinance.

Application and  
allotment of  
brands and  
marks.  
Ib. s. 134.

(2.) If such brand or mark is not the same as or similar to or easily convertible into any other brand or mark already recorded in the same district, the Inspector shall record the brand or mark so applied for, as the "owner's brand" or mark of the said applicant, and shall deliver or transmit to him a certificate to that effect.

(3.) If there is any objection to the allotment of the brand or mark applied for, the Inspector shall forthwith intimate the same to the applicant and suggest to him a modification thereof.

(4.) If within twenty-one days of the date of such intimation the Inspector does not receive from such applicant an acceptance of the said modification, or some other modification, of the brand or mark so applied for which is not objectionable as aforesaid, the Inspector shall record the brand or mark as modified by himself, and the same shall be the "owner's brand" or mark of such applicant accordingly.

(5.) Every brand or mark recorded under any State Act in force in the Territory at the time of the passing of this Ordinance shall be deemed to have been recorded under this Part.

Inspector if required by owner may record distinctive marks.

N.S.W., No. 35, 1912, s. 135.

53. The Inspector, if so required by any sheep-owner who has recorded an "owner's brand" or mark, shall, together with such brand or mark, also record the distinctive marks used by such owner to denote the age, or class of, or any other particular respecting, his sheep.

Inspector may modify recorded brands or mark found to be objectionable. Ib. s. 136.

54.—(1.) If it is found that any brands or marks, liable to any of the objections hereinbefore mentioned, have been allotted in the same district, or in different districts but in the same locality, the Inspector shall allot such modifications to the owners of the said brands or marks as shall render them dissimilar.

(2.) Such owners shall, on receiving notice to that effect from the Inspector, adopt and use such modifications of their brands or marks accordingly.

How sheep brands and marks to be applied and marked. Ib. s. 138.

55. Every fire-brand shall be imprinted on the face or horn, and every pitch, tar, or paint brand on the shoulder, ribs, back, or rump of the sheep, and all such brands and all distinctive ear and other marks on sheep shall be branded and made thereon as the Minister directs by any regulations made in that behalf.

Brands and marks in certain cases to be evidence. Ib. s. 139.

56. For the purposes of this Part, or any regulation issued thereunder, proof that the recorded brand or mark of any owner is branded or marked upon any sheep, and that such brand or mark is recorded in the district in which such sheep then are, and is the only recorded brand or mark imprinted or marked thereon, shall be evidence of the ownership of such sheep.

Penalties for offences relating to sheep brands or marks. Ib. s. 140.

57.—(1.) Every person who—

- (a) wilfully or negligently brands or marks with his own recorded brand or mark any sheep of which he is not the owner, or wilfully or negligently permits any such sheep to be branded or marked with his recorded brand or mark; or
  - (b) wilfully destroys, defaces, or alters any brand or ear or other mark on sheep, or permits or is privy to the destruction, defacement, or alteration thereof; or
  - (c) cuts off more than one-fourth of the ear of any sheep:
- or

- (d) uses on any sheep the brand or mark of any other person; or
- (e) uses any unrecorded brand or mark on any sheep; or
- (f) in any other way offends against any other provision of this Part connected with the branding or marking of sheep,

shall be liable to a penalty not exceeding One hundred pounds.

(2.) The fact of any such sheep being on the run of such person for two months without his having given notice to the rightful owner of such sheep, or to the officer in charge of the nearest police station, or to the Inspector, of such misbranding, defacing, altering, cutting, or marking, or the fact that any sheep bearing any such brand or mark as aforesaid had been claimed or dealt with by any person as his property, shall be evidence of such person having committed a breach of this section.

(3.) Any person having in his possession sheep with such misbranding, defacing, altering, cutting or marking, who fails within the time specified in the preceding section to give notice thereof to the Inspector or to the officer-in-charge of the nearest police station, shall be liable to a penalty not exceeding One hundred pounds.

*Division 6.—Offences, Penalties and Damages.*

58. Every person who wilfully communicates or attempts to communicate, or aids or is concerned in communicating, any infectious disease to or among any sheep shall be guilty of an offence, and be liable to imprisonment for any term not exceeding seven years with or without hard labour.

Penalty for wilfully communicating disease.  
N.S.W., No. 35, 1912, s. 142.

59.—(1.) Any owner or proprietor may seize and destroy any infected sheep (provided they do not exceed two hundred in number) found straying off their own run without a shepherd or other person in charge of them, and the owner of the sheep shall, if such straying arose from his culpable negligence, be liable to a penalty not exceeding One hundred pounds.

Stragglings infected sheep may be destroyed.  
Ib. s. 143.

(2.) The owner or proprietor seizing such sheep shall, within twenty-four hours after seizure, give notice thereof in writing to the Inspector under a penalty not exceeding Ten pounds.

60. Every owner whose sheep (being infected sheep) come in contact or mix with any other sheep, or are put into the yard or driven on to the run occupied by such other sheep, whereby the owner of such other sheep incurs any loss, damage or expense, shall make good and defray to such last-mentioned owner such loss, damage or expense to be fixed and determined by the Minister as provided in this Ordinance.

Liability of owner whose infected sheep mix with other sheep.  
Ib. s. 144.

61. If any person casts any infected sheep into any stream or water, or if the owner of any such sheep leaves the same undestroyed for twenty-four hours on any road or within half-a-mile of a road, he shall be liable to a penalty not exceeding One hundred pounds.

Penalty for leaving carcasses in water on or near roads.  
Ib. s. 145.

Penalty for slaughtering or selling infected sheep.

N.S.W., No. 35, 1912, s. 146.

62.—(1.) Every person who has in his possession for the purpose of sale, or who slaughters or causes to be slaughtered for sale, or exposes in any public shop, stall, market, or other place any infected sheep, knowing the same to be infected, shall for every such offence be liable to a penalty not exceeding Twenty pounds.

(2.) Upon any conviction under this section the Court shall order and direct such infected sheep to be seized and destroyed.

Penalty for introducing infected wool or skins.

Ib. s. 147.

63.—(1.) No wool, skins, or other portion of a sheep shall be introduced or imported into the Territory from any State which the Governor-General by proclamation published in the *Commonwealth Gazette* declares to be infected.

(2.) All wool, skins, or other portions of a sheep introduced contrary to the provisions of this section, may be seized and destroyed, or otherwise disposed of as the Minister directs.

(3.) Every carrier or other person conveying or being in charge of such wool, skins, or other portions of any sheep as aforesaid shall be liable to a penalty not exceeding Twenty pounds.

Penalty for removing infected wool or skins not securely packed.

Ib. s. 148.

64.—(1.) Every owner intending to pack or remove any wool, skins, or other portion of any infected sheep shall give the Inspector three clear days' notice of such intention.

(2.) If the owner fails to give the notice, or removes or carries away otherwise than in bags or bales securely packed and branded "infected" in letters not less than three inches in length, any such wool, skins, or other portion of such sheep (not liable under this Part to be destroyed), he shall be liable to a penalty not exceeding One hundred pounds.

(3.) If the Inspector has just cause for suspecting that any such wool, skins, or other portion of such sheep has been removed, or is intended to be removed, or is being exposed contrary to the provisions of this section, may detain and examine, and may also enter upon any premises and search for and examine any wool, skins, or other portion so suspected of belonging to infected sheep.

Penalty for allowing infected sheep to travel.

Ib. s. 149.

65.—(1.) Any owner who knowingly permits, or connives at, the travelling of any infected sheep (except with the sanction of the Inspector as provided in this Ordinance), shall be guilty of an offence, and be liable to be imprisoned for any term not exceeding two years.

(2.) Such infected sheep, wherever found, shall be destroyed at the owner's expense without compensation.

Penalty for abandoning sheep.

Ib. s. 150.

66.—(1.) Any owner wilfully leaving or abandoning any sheep on any run without the consent of the proprietor of the run shall be liable to a penalty not exceeding One pound for every sheep so left or abandoned, and the sheep may be destroyed without compensation to the owner thereof.

(2.) Any sheep left or abandoned on any road intersecting or forming the boundary line of any run shall be deemed and taken to be left and abandoned on such run.

67. Whosoever conveys into the Territory without the sanction of the Inspector, any wool, skins, or other portion of any sheep from any port in the Commonwealth, or from any place in a district in which disease is known to exist, shall be liable to a penalty not exceeding Five pounds.

Penalty for introducing wool or skins from the coast. N.S.W., No. 35 1912, s. 151.

68. If the Inspector or any person makes any return or report required or authorized by this Part, or signs any false certificate respecting any sheep, knowing such return, report, or certificate respectively to be false, or forges or alters or utters or puts off any return, report, notice, certificate, permit, brand, or mark, knowing the same to be forged or altered, shall be guilty of an offence, and shall be liable to imprisonment for any term not exceeding three years.

Penalty for making false report or forging. Ib. s. 153.

69. Every owner who puts sheep on a run on which sheep have not been depastured within the next preceding six months, with the intention of keeping such sheep thereon for any period over two months, shall, within ten days of the arrival of such sheep on such run, give the Inspector notice of such arrival under a penalty not exceeding Ten pounds.

Owner putting sheep on a run for the first time to give notice to Inspector. Ib. s. 155.

Provided that when any owner has registered his run, as required by section eighty of this Ordinance, such notice may be dispensed with.

70. Any person who pulls down, defaces, or otherwise destroys any notice or placard required by this Part to be posted, shall for every such offence be liable to a penalty not exceeding Twenty pounds.

Penalty for destroying notices. Ib. s. 156.

#### *Division<sup>(a)</sup> 8.—Appeals and Applications.*

71.—(1.) Any owner aggrieved by any notice or decision or refusal to issue any certificate or permit by the Inspector may appeal therefrom in the prescribed form to the Director.

Owners may appeal to Director on giving notice within certain time. Ib. s. 158.

(2.) In the case of an appeal against any notice, decision, or refusal of the Inspector, other than a notice to destroy infected sheep, the appellant shall give notice of such appeal to the Inspector, and shall lodge the notice with the Director within seven days after the time when such notice has been served on him, or such decision or refusal has been notified to him.

72. Any owner making any application for compensation for the destruction of infected sheep, or any other application authorized under this Ordinance, shall make and lodge the same with the Inspector in the prescribed form.

Applications to Inspector. Ib. s. 159.

73.—(1.) The Director may receive, hear, and determine any appeal or application under this Part, and issue summonses directing the Inspector, a witness, or other person to attend the hearing of such appeal and application, and receive and examine evidence upon oath.

Power to receive and deal with appeals and applications. Ib. s. 160.

<sup>(a)</sup> This heading has since been altered by No. 1 of 1921, *infra*, p. 71.

(2.) On any such appeal or application being lodged as provided in this Ordinance against the destruction of infected sheep, the Director shall appoint some day not earlier than the third nor later than the fifth day after the lodging of such appeal—and in the case of any other appeal or application some day not earlier than the seventh not later than the fourteenth after the lodging of such appeal or application—and some convenient hour and place for the hearing thereof.

(3.) Written notice of such day, hour, and place shall be given by the Director to the appellant or applicant, and also to the Inspector, and to any witness whose evidence may be required at the hearing, by causing the same to be delivered to them personally, or left at their respective places of abode.

Mode of  
hearing appeals  
and applications  
and forms of  
decisions.  
N.S.W., No. 35,  
1912, s. 161.

**74.—(1.) The Director—**

- (a) shall hear and determine any such appeal or application;
- (b) shall assess and tax the costs thereof, and the expenses of the witnesses attending the appeal or application, as well as the travelling expenses of the Inspector;
- (c) may inflict any penalty not exceeding Twenty pounds for the non-attendance of any witnesses so summoned as aforesaid; and
- (d) shall cause a competent record to be taken of the whole proceedings.

(2.) Such decisions on appeals and applications brought before them shall be in the prescribed forms.

Director to  
visit localities  
in hearing  
appeals and  
applications.  
Ib. s. 162.

**75.** In hearing an appeal or application relating to the infection or cleanness of any run or sheep, the Director may visit and examine such run or sheep, and may then and there take evidence, and such appeal or application shall be heard and determined as near as may be to the place where such run or sheep is or are situated.

*Division<sup>(a)</sup> 9.—Evidence.*

Brands to be  
evidence.  
Ib. s. 163.

**76.** In and for the purposes of any prosecution under this Part, any station brand on a sheep shall be evidence of the ownership of the sheep, and any such brand taken in conjunction with the form, colour or other character thereof, shall be evidence that the sheep bearing the brand is of the description in this Ordinance required to be denoted by such brand.

*Prima facie*  
evidence as to  
infected,  
introduced, or  
imported sheep  
to be conclusive  
unless  
disproved.  
Ib. s. 164.

**77.—(1.)** In all questions as to whether or not any sheep are infected or imported sheep, evidence adduced by the Inspector to show that such sheep belong to one or other of such classes shall in each case be conclusive unless the owner thereof shall satisfactorily prove the contrary.

(a) This heading has since been altered by No. 1 of 1921. *infra*, p. 71.



(2.) The certificate or notice of the Inspector shall in every case, for the purposes of this Part, be *prima facie* evidence of the truth of the matter contained in such certificate or notice.

78. If it is uncertain who is the owner of any sheep in respect of which any proceedings for the recovery of a penalty have been taken or commenced, the justices before whom any such proceedings have been so taken or commenced, may make an adjudication against the owner of such sheep by their description merely, and may order that the penalty and the costs attending the recovery thereof shall be levied by seizure and sale by auction of the sheep, or of so many of the sheep as may be necessary to satisfy the penalty and costs.

Where the ownership is uncertain, levy may be made on the sheep for the penalty.  
N.S.W., No. 35  
1912, s. 165.

Provided that no such sale shall take place of any sheep which are required to be destroyed under the provisions of this Part.

*Division<sup>(a)</sup> 10.—Miscellaneous.*

79.—(1.) Every owner of fifty or more sheep or twenty head or more of large stock shall give the occupier of any adjoining run, who has a like number of sheep or large stock, not less than twenty-four hours', nor more than five clear days' notice in writing of any muster intended to be made by such owner on his run, for the purpose of shearing or weaning of any sheep, or of branding, marking, or removing any sheep or large stock from the run on which they are ordinarily depastured, and such owner shall permit the said occupier or his employees to attend at any such muster:

Owners mustering to give notice.  
Ib. s. 166.

Provided that any such owner may, with the consent of the occupier, omit such notice.

(2.) Any owner failing to send such notice shall, unless he has obtained such consent, for every offence be liable to a penalty not exceeding Fifty pounds.

80. Every owner not liable to contribute, as provided by this Ordinance, who keeps sheep, and every salesman and dealer in sheep, and every butcher, shall, on or before the fourteenth day of January in each year, register his run and premises and the number of sheep at the time on such run and premises (if any) in the register book of the Inspector.

Non-contributing owners, butchers, and others to register their premises and sheep.  
Ib. s. 167.

PART IV.—REGISTRATION OF BRANDS OF HORSES AND CATTLE.

81. In the application to the Territory of Part VI. of the *Stock Act* 1901 of the State of New South Wales, the Inspector shall for the purposes of that Part, be deemed to be a Deputy Registrar of Brands.

Inspector to be deemed Deputy Registrar of Brands.

(a) This heading has since been altered by No. 1 of 1921, *infra*, p. 71.

## PART II.—SEAT OF GOVERNMENT—

### PART V.—TICK.

Definitions.  
Cf. N.S.W., No.  
11, 1902, s. 2.

82. In this Part, unless the contrary intention appears—

“Diseased,” as applied to stock, means that the stock have Texas or tick fever, or have cattle ticks on them;

“Infected,” as applied to stock, means that the stock are diseased, or are in a flock or herd in which are diseased stock, or have been kept, pastured, or travelled upon any land upon which diseased stock have been kept pastured, or travelled within the next preceding three months;

“Stock” means horses, cattle, asses, mules, camels, sheep, swine or goats, or any animals to which the Minister, by notice in the *Gazette*, may apply the provisions of this Part;

“Travelling stock” means stock taken, driven or carried along any road or on any land other than that on which they are ordinarily kept or pastured.

Part may be  
extended so as  
to apply to  
other diseases.  
N.S.W., No. 11,  
1902, s. 3,

83. The Minister, by notice published in the *Commonwealth Gazette*, may declare that any disease therein mentioned, not being scab in sheep, shall be a disease to which the provisions of this Part mentioned or set out in the notice shall, on the day named therein, apply, and thereupon, on the said day, the said provisions shall apply to that disease, and for that purpose the meaning of the word “diseased” shall be extended so as to apply to stock having any such disease.

Notice that  
stock are  
diseased.  
Ib. s. 4.

84.—(1.) Where stock are diseased, written notice thereof shall be given to the inspector, and the diseased stock shall, as far as practicable, be drafted out and kept separate from the stock which are not diseased.

(2.) Where the diseased stock are kept or pastured on any land, the notice shall be given by the occupier of the land or his manager, agent, or superintendent; and where such stock are travelling, the notice shall be given by the person in charge of them.

(3.) If the occupier or his manager, agent, or superintendent fails to give the notice within forty-eight hours after he knew that the stock were diseased, or if the person in charge of travelling stock fails to give such notice within twenty-four hours after he knew that the stock were diseased, or if the occupier or his manager, agent, or superintendent or the person in charge fails within a reasonable time to separate, so far as practicable, the diseased stock from the stock which are not diseased, he shall be liable to a penalty not exceeding Fifty pounds.

Disinfection of  
infected stock  
hides and  
vehicles.  
Ib. s. 5.

85. Where, in the opinion of the Inspector, any stock are infected, he may—

(a) order the owner or any person having control or in charge of such stock to cause the stock to be disinfected, dressed, dipped, tested, vaccinated, inoculated, or otherwise treated as prescribed;

- (b) order the owner or any person in possession of any hides, skin, hair, or wool of the stock, or any articles of things used in connexion with the stock to cause the same to be disinfected or otherwise treated as prescribed; and
- (c) order the owner or any person in possession of any vehicle or vessel which has been used for conveying the stock, hides, skins, hair, wool, articles or things, to cause the vehicle or vessel to be disinfected as prescribed.

86.—(1.) Where, in the opinion of the Inspector, any stock are infected, he may order the owner or person having control or in charge of the stock to remove them, together with any fodder, fittings, and things used in connexion with the stock, from the place where they are to any other locality, and may, with the approval of the Minister, by notification in the *Commonwealth Gazette* and in two newspapers circulating in the locality where such stock then are, place the stock in quarantine, and declare any land where the stock are or recently have been kept or pastured to be a quarantine area.

Quarantine of infected stock.  
N.S.W., No. 11,  
1902, s. 6.

(2.) The Minister may, by notification in the *Commonwealth Gazette* and in two newspapers circulating in the locality of the land, declare any land to be a quarantine area.

(3.) Any notification placing stock in quarantine or declaring land to be a quarantine area shall have effect for the period therein named:

Provided that the Minister may by notification as aforesaid suspend for any period, or cancel, or extend for any period any such notification.

87. The Minister may order the destruction, as prescribed, of infected stock, or the carcass or part of a carcass, or any hide, skin, hair, or wool of the stock, or any articles or things used in connexion with the stock, or any manure or fodder, whenever, in his opinion, such destruction would tend to prevent the spread of disease or the cause of disease.

Destruction of infected stock.  
Ib. s. 7.

88.—(1.) The Inspector may at any time—

- (a) with or without assistants, enter any land, building, vehicle, or vessel for the purpose of examining stock;
- (b) take possession of infected stock, or stock which he suspects to be infected, or in respect of which, in his opinion, an offence against this Ordinance or the regulations has been committed, and order any person to produce any documents or papers in his possession or under his control, or to truly answer any questions put to him relating to the stock;

Powers of Inspectors.  
Ib. s. 8.

## PART II.—SEAT OF GOVERNMENT—

- (c) order the owner or any person in charge of stock to muster them for the purpose of examination, and to provide crushes or such other means as he may deem necessary for such purpose;
- (d) detain travelling stock or order them to be detained for the purpose of examination or until the provisions of this Ordinance and the regulations are complied with to his satisfaction;
- (e) order the owner or person in charge of travelling stock which are infected or which he suspects to be infected to forthwith take them back to any place from which they have been or are being removed.

Work ordered to be done may be carried out by Inspector. N.S.W., No. 11, 1902, s. 10.

89. If any person directed by an order under this Ordinance to do or cause to be done any work, on being served with a copy of such order, refuses or neglects to obey such order, the Inspector may carry out the work, and recover from the said person in any Court of competent jurisdiction the expenses thereby incurred. Any such expenses so incurred in the treatment of stock shall be and remain a charge upon the stock, notwithstanding any change that may take place in the ownership of them.

Seizure of stock. Cf. N.S.W. No. 11, 1902, s. 11.

90. Where any stock have been moved contrary to any order or regulation under this Ordinance such stock may be seized by the Inspector, and on the conviction under this Ordinance of any person so contravening the order or regulation may, in the discretion of the Minister, be sold, or destroyed. The proceeds of every such sale shall, after deducting expenses, be disposed of as the Minister directs.

Offences. Ib. s. 12.

91. Every person who—

- (a) wilfully or negligently abandons or allows to stray from his charge any stock which he knows to be infected; or
- (b) leaves, or causes or permits to be left, the carcass of any stock on any public road, or within half-a-mile of such road, or in any creek or water-hole; or
- (c) sells or offers for sale, or purchases or receives on purchase, any stock which he knows to be infected; or
- (d) wilfully communicates or attempts to communicate to stock any disease otherwise than by *bona fide* testing, vaccination, or inoculation; or
- (e) breaks down or damages any fence, gate, or fastening on or near the boundaries of a quarantine area or within such area, used for confining stock; or
- (f) refuses or neglects to carry out any order in pursuance of this Part, a copy of which has been duly served on him; or

(g) obstructs an Inspector in the execution of the powers conferred upon him by this Part; or

(h) contravenes any enactment of this Part;

shall, unless some different pecuniary penalty is provided by this Part, be liable to a penalty not exceeding One hundred pounds.

92. For the purpose of proving in any prosecution or proceeding under this Ordinance or the regulations that any person knew that stock were infected or diseased—

*Proof of knowledge that stock are diseased.*

*Cf. N.S.W., No. 11, 1902, s. 13.*

(a) the fact that stock kept or pastured on any land have been diseased for a period of one month shall be evidence that at the expiration of such period the occupier of the land or his manager, agent, or superintendent knew that the stock were diseased; and

(b) the fact that travelling stock have been diseased for a period of seven days shall be evidence that, at the expiration of that period, the person in charge of the stock knew that they were diseased; and

(c) the fact that stock have been diseased for a period of one month shall be evidence that, at the expiration of that period, the person who during that period was the owner or the person who during that period was in control or charge of the stock, knew that they were diseased.

#### PART VI.—GENERAL PROVISIONS.

93.—(1.) Any<sup>(a)</sup> proceedings for the recovery of penalties or punishment of offences under this Ordinance or any regulation made thereunder shall be heard and determined in a summary way before a Court of Petty Sessions in accordance with the provisions of the *Justices Act* 1902, of the State of New South Wales.

*Recovery of penalties.*  
*Cf. N.S.W., No. 35, 1912, s. 168.*

(2.) Any person may take proceedings for the punishment of any offence under this Ordinance, and any penalty imposed for any such offence shall belong and be paid to the Stock Fund, any law to the contrary notwithstanding, and the Court imposing the penalty shall order accordingly.

(3.) Any sum of money which any person is in pursuance of this Act, required or made liable to pay may be recovered in a Court of Petty Sessions, under the *Small Debts Recovery Act* 1912, of the State of New South Wales, or in a district Court.

94. Every person who commits a breach of any of the provisions of this Ordinance, or of any regulation made hereunder, for which a penalty is not specially provided, shall, on conviction for every such offence, incur a penalty not exceeding Ten pounds.

*General penalty.*  
*ib. s. 169.*

(a) This section has since been amended by No. 3 of 1924, *infra*, p. 97.

Penalty for  
not making  
return or giving  
information.  
Gt. N.S.W., No.  
35, 1912, s. 170.

**95.** Any person who neglects or delays to make any return, or to give any information with respect to any large stock or sheep required for the purposes of this Ordinance, or who wilfully makes any false statement in any return, or gives any incorrect or misleading information with respect thereto shall, on conviction for every such offence, be liable to a penalty not exceeding Twenty pounds.

Obstructing  
persons  
authorized  
under this  
Ordinance.  
Ib. s. 171.

**96.** Any person who obstructs, hinders, or interrupts the Inspector or any person appointed by the Minister, in the exercise of any power of authority vested in any such person by this Ordinance or threatens or assaults any such person whilst in the performance of his duty under this Ordinance shall, on conviction, for every such offence, be liable and pay a penalty not exceeding Twenty 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 for or in respect of any such assault.

Authentication  
of documents,  
&c.  
Ib. s. 172.

**97.**—(1.) Any notice, information, complaint, agreement, or other document, by or from the Minister or the Director shall be sufficiently authenticated if it is signed by an officer authorized by the Minister or the Director under a general authority.

(2.) Any notice or other document to be given to or served upon the Minister or the Director may, unless otherwise specially provided, be given to or served upon the Inspector.

Service of  
notices.  
N.S.W., No. 35,  
1912, s. 173.

**98.**—(1.) Any notice given under or for the purposes of this Ordinance may, unless otherwise specially provided, be given in any one of the following ways:—

- (a) personally to the person to whom the notice is addressed; or
- (b) by registered letter sent through the post and directed to the last-known place of abode or of business of the person to whom the notice is addressed; or
- (c) by advertising the same twice at least in some newspaper published or circulating in the district in which the lands the subject of notice are situated, an interval of a week or more being allowed to lapse between such advertisements:

Provided that notice shall only be given as last aforesaid when the whereabouts, or the last place of abode or of business of the person to whom such notice is addressed cannot be discovered by the person issuing the notice.

(2.) Any notice required by this Ordinance to be given to the occupier or the owner (as the case may be) of any holding or land shall, in cases where several persons are the occupiers or the owners of the land, be deemed to be duly given if given to one of the occupiers or owners.

99. For the purposes of any proceeding under this Ordinance the description of any holding or land need not be a description by metes and bounds, but shall be sufficient if it makes such reference to the holding or land either by name, situation, boundaries or otherwise, as allows no reasonable doubt as to what holding or land is referred to.

General description of land sufficient. N.S.W., No. 35, 1912, s. 174.

100. Where the name of the occupier or owner of any holding or land is unknown to any person giving notice or taking proceeding under this Ordinance, any such notice may be addressed to the occupier or owner as such, and any such proceedings may be taken and any order or decision therein may be made or given against the aforesaid occupier or owner as such.

Proceedings when occupier or owners unknown. Ib. s. 175.

101. All notices of proclamations, regulations, appointments, elections, rates, bonuses, or assessments hereunder, or of any other matter or thing done under the authority of this Ordinance, and published in the *Commonwealth Gazette*, and all entries duly made in any rate-book, shall be taken to be evidence of the facts or matters therein stated, and in any proceedings under this Ordinance it shall not be necessary to prove the appointment of the complainant or defendant to the office in the name of which any proceedings have been taken.

Notices, &c., in *Gazette* to be received as evidence. Ib. s. 176.

102.—(1.) The<sup>(a)</sup> Minister may make regulations not inconsistent with this Ordinance prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Ordinance, and in particular for prescribing matters providing for and in relation to—

Regulations.

- (a) the movement and management of stock placed in quarantine, or of infected stock ordered to be removed;
- (b) the movement of stock and persons into, within, and out of, and the taking of things into and out of a quarantine area, and the management of such areas;
- (c) the branding, in addition to any branding provided for in Part III. of this Ordinance, of any infected stock or stock which the Inspector suspects to be infected;
- (d) the manner of disinfection, dressing, dipping and other treatment in pursuance of this Ordinance;
- (e) the testing, vaccination, and inoculation of stock in pursuance of this Ordinance;
- (f) the destruction of stock, carcasses, and things in pursuance of this Ordinance;
- (g) the holding of shows or public sales of stock;

<sup>(a)</sup> This section has since been amended by No. 3 of 1924, *infra* p. 97, and repealed by No. 12 of 1924, *infra* p. 114.

## PART II.—SEAT OF GOVERNMENT—

- (h) the sending or carriage of cattle ticks, eggs of cattle ticks, skins or hides of diseased stock, virus or contagium of disease or any thing that may cause or tend to cause the spread of disease;
- (i) the forms of orders and notices under this Ordinance and the regulations;
- (j) the duties of the Inspector in carrying out this Ordinance and the regulations; and
- (k) the fixing of penalties not exceeding Fifty pounds for breaches of the regulations.

(2.) All regulations made by the Minister under this Ordinance shall be notified in the *Gazette*, and shall come into operation on the day of the notification or on a later day to be specified in the notification.

## SCHEDULES.

## FIRST SCHEDULE.

Number of Act.	Title or Short Title.	Part to cease to apply to the Territory.
No. 11, 1902 ..	<i>Stock Diseases (Tick) Act 1901</i> .. ..	The whole
No. 111, 1902 ..	<i>Pastures Protection Act 1902</i> .. ..	Part IV.
No. 20, 1906 ..	<i>Pastures Protection (Amendment) Act 1906</i>	Sections 1-5, 36-39 inclusive

## SECOND SCHEDULE.

TIME TO BE ALLOWED FOR DESTRUCTION OF SHEEP DIRECTED UNDER SECTION 31 TO BE DESTROYED.

In a lot not exceeding 100 .. .. .	3 days
In a lot exceeding 100 and not exceeding 500 .. .. .	4 days
In a lot exceeding 500 and not exceeding 1,000 .. .. .	7 days
In a lot exceeding 1,000 and not exceeding 5,000 .. .. .	14 days
In a lot exceeding 5,000 and not exceeding 10,000 .. .. .	21 days
In a lot exceeding 10,000 and not exceeding 20,000 .. .. .	28 days

## THIRD SCHEDULE.

## SCALE OF FEES FOR RECORDING SHEEP BRANDS AND MARKS.

	s.	d.
For 1 sheep and not exceeding 100 sheep .. .. .	2	6
For 100 sheep and not exceeding 500 sheep .. .. .	5	0
For 500 sheep and not exceeding 1,000 sheep .. .. .	7	6
And for every additional 1,000 sheep or part of 1,000 .. .. .	1	0
For every ear-mark or other "owner's mark" .. .. .	5	0
For every distinctive brand or mark .. .. .	1	0
For the transfer of any brand or mark half the above rates for recording the same.		
For the publication of every brand or mark in the <i>Commonwealth Gazette</i> or the <i>Gazette</i> of the State of New South Wales .. .. .	1	0