



Australian Capital Territory

Stock Act 1991

A1991-10

Republication No 4

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About this republication

The republished law

This is a republication of the *Stock Act 1991* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 9 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 9 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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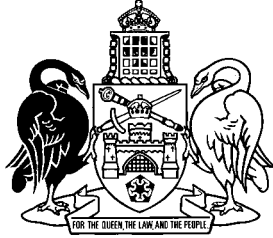
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Australian Capital Territory

Stock Act 1991

An Act relating to stock and ruminants

Part 1 Preliminary

1 Short title

This Act may be cited as the *Stock Act 1991*.

4 Interpretation for Act

(1) In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

cattle includes any bovine species of animal.

controller means the Controller of Stock under section 5.

deputy controller means a Deputy Controller of Stock under section 6.

drover means a person in charge of travelling stock.

earmark means a shape cut into the ear of large stock, other than cattle or horses, or small stock, in accordance with this Act.

holding means any parcel or parcels of land worked as one property, whether held under the same or different titles.

horse includes an ass and a mule.

inspector means an inspector under section 7.

large stock means cattle, horses and any other animals declared by the regulations to be large stock for this definition.

mark means an earmark or permanent brand.

occupier, in relation to land, means the person for the time being entitled to the possession of that land, and, if the occupier does not reside on the land, includes a person in charge of that land as manager for, or agent of, the owner.

owner, in relation to stock, includes a person for the time being having the custody or control of that stock on behalf of the owner as manager for, or representative or agent of, the owner.

permanent brand means a mark, other than an earmark, made on the skin of stock by burning or freezing.

permit means a permit to travel stock issued by the owner of the stock or by a person authorised by the Minister for the purpose.

register means the small stock register or the large stock register, as the case requires, kept under section 23.

registered mark means a mark registered under section 25.

registered proprietor, in relation to a mark, means the person for the time being entered in the relevant register under section 25 as the proprietor of the mark.

small stock means sheep, goats, pigs and any other animals declared by the regulations to be small stock for this definition.

stock means—

- (a) large stock; and
- (b) small stock.

stock levy means the levy payable under division 3.1.

stock unit means a stock unit determined in accordance with section 13.

travelling stock means stock being driven or transported otherwise than on the holding where they are ordinarily depastured.

- (2) A reference in this Act to an animal, being a reference consisting of a generic term that describes an animal of a particular kind and sex is a reference to an animal of that kind and sex irrespective of age.

Part 2 Administration

5 Controller

- (1) There shall be a Controller of Stock.
- (2) The chief executive shall create and maintain an office in the public service the duties of which include exercising the functions of the controller.
- (3) The controller shall be the public servant for the time being exercising the duties of the public service office referred to in subsection (2).

6 Deputy controller

- (1) There may be 1 or more Deputy Controllers of Stock.
- (2) A deputy controller may exercise any function of the controller, subject to any direction of the controller.
- (3) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include exercising the functions of a deputy controller.
- (4) A deputy registrar shall be a public servant for the time being exercising the duties of the public service office referred to in subsection (3).

7 Inspectors

- (1) There may be 1 or more inspectors for this Act.
- (2) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include exercising the functions of an inspector.
- (3) An inspector is any public servant for the time being exercising the functions of a public service office referred to in subsection (2).

8 Identity cards

- (1) The chief executive shall issue to an inspector an identity card that specifies the inspector's name and office, and on which appears a recent photograph of the inspector.
- (2) On ceasing to occupy, or to act in, an office of inspector, a person shall not, without reasonable excuse, fail to return his or her identity card to the chief executive.

Maximum penalty: 1 penalty unit.

Part 3 Stock levy and marks

Division 3.1 Stock levy

13 Determination of stock levy

- (1) The Minister may, in writing, determine—
 - (a) in respect of each kind of stock, the number of stock units represented by a specified number of that kind of stock; and
 - (b) the levy for 1 stock unit.
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

14 Stock carrying capacity

The controller may, in writing, determine, from time to time, the stock carrying capacity, expressed in terms of stock units, of land held under a lease the terms of which authorise the carrying of stock on the land.

15 Imposition of stock levy

A person who, on any day in a financial year, was the occupier of land under a lease, the terms of which authorised the carrying of stock on the land, is liable to pay, in respect of that year, a stock levy calculated in accordance with the formula—

$$UL \times SCC \times \frac{DO}{365}$$

where:

UL means the levy for 1 stock unit determined under section 13.

SCC means the stock carrying capacity, expressed in stock units, of the land, as determined by the controller under section 14.

DO means the number of days in that year when the person was the occupier.

16 Returns

- (1) A person who is liable to pay a stock levy in respect of a financial year shall not, without reasonable excuse, fail to lodge with the controller a return before the next 31 July.

Maximum penalty: 10 penalty units.

- (2) A return under this section must specify—
- (a) the land in the ACT occupied by the person under a lease the terms of which authorised the carrying of stock on the land; and
 - (b) in respect of each day when that land was occupied by the person, the stock—
 - (i) owned by the person on that land; and
 - (ii) not owned by the person on that land.

Note If a form is approved under s 43 (Approved forms) for a return, the form must be used.

17 Inspectors—powers of entry

- (1) An inspector may, at any reasonable time, enter premises where the inspector has reasonable grounds for believing there is stock, or there are kept any books, documents or other records relating to a return for the purposes of verifying the correctness of a return made in accordance with section 16.
- (2) An inspector who enters premises under subsection (1) is not authorised to remain in or on the premises if, on request by the occupier of the land, the inspector does not show his or her identity card to the occupier.

- (3) An inspector who enters premises under subsection (1) may inspect, make copies of, or take extracts from any books, documents or other records relating to a return.
- (4) An inspector may require the occupier of land to give the inspector reasonable assistance to enable the inspector to exercise his or her powers under this section.
- (5) A person who, without reasonable excuse, contravenes a requirement made of the person under subsection (4) commits an offence.

Maximum penalty: 50 penalty units.

- (6) In this section:

premises includes land.

18 Stock levy notice

The controller shall, as soon as practicable after the expiration of a financial year, cause to be given to a person who is liable under section 15 to pay a stock levy in respect of that year, written notice of the amount of stock levy payable by that person and the due date for the payment of the levy.

19 Payment of stock levy

- (1) A stock levy imposed by section 15 is payable to the Territory.
- (2) The due date for the payment of a stock levy in respect of a financial year by a person is 28 days after the date of the notice under section 18.

20 Unpaid stock levy

- (1) A lease the terms of which authorise the carrying of stock on the land the subject of the lease shall be deemed to include a covenant by the occupier to pay the stock levy imposed under section 15.

- (2) Subsection (1) does not derogate from any right of the Territory to recover, as a debt due, any amount of unpaid stock levy.

Division 3.2 Marks

21 Offence—use of marks

- (1) The owner of stock shall not, without reasonable excuse, mark or cause to be marked the stock with a mark of which he or she is not the registered proprietor.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person shall not, without reasonable excuse, earmark large stock with a registered mark, except with the permission of the controller.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

22 Offence—earmarking certain small stock

- (1) A person—

(a) who is the owner of a sheep or goat that attains the age of 6 months; or

(b) who becomes the owner of a sheep or goat that has attained the age of 6 months;

shall, if the sheep or goat has not previously been earmarked, within 14 days of—

(c) the sheep or goat attaining the age of 6 months; or

(d) the person becoming the owner;

respectively, cut the registered earmark of which he or she is the registered proprietor—

(e) for a male or desexed sheep or goat—into the left ear; or

(f) for a female sheep or goat—into the right ear.

- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence.

Maximum penalty: 10 penalty units.

23 Registers

For this division, the controller shall keep 2 registers—

- (a) a small stock register; and
- (b) a large stock register.

24 Application for registration

An application for the registration of a mark shall—

- (a) be in writing; and
- (b) be signed by the applicant; and
- (c) contain a description, or description and diagram, of the mark to which the application relates; and
- (d) contain the other particulars (if any) as are prescribed.

Note 1 A fee may be determined under s 42 (Determination of fees) for this section.

Note 2 If a form is approved under s 43 (Approved forms) for an application, the form must be used.

25 Registration of mark

- (1) The controller shall approve an application under section 24—
- (a) unless satisfied that—
 - (i) the design of the mark is the same as or could be confused with, or easily modified to resemble, the design of a mark registered under this Act or a brand or mark registered under the *Rural Lands Protection Act 1989* (NSW); or

- (ii) the design and proposed method of application of the mark would not be suitable for its purpose; or
 - (b) for a permanent brand—if the mark consists of alphanumeric or symbolic characters, or both, each character being—
 - (i) not less than 35mm and not more than 75mm in height; and
 - (ii) located not less than 10mm from another character.
- (2) If the controller approves an application for the registration of a mark, the controller shall issue the applicant with a certificate of registration of the mark and shall register the mark by entering—
- (a) for an application for the registration of a mark for small stock—the name of the proprietor and the mark in the small stock register; or
 - (b) for an application for the registration of a mark for large stock—the name of the proprietor and the mark in the large stock register.
- Note* If a form is approved under s 43 (Approved forms) for a certificate, the form must be used.
- (3) The controller shall, by written notice, inform the applicant of the controller's decision to refuse to register the mark.

26 Effect of registration

The registration of a mark in a register kept under section 23, if valid, gives to the registered proprietor the exclusive use of that mark.

27 Use of registered mark by personal representative

- (1) A personal representative of a deceased person who was, immediately before his or her death, entitled to the exclusive use of a registered mark, is entitled to the exclusive use of that mark during the period commencing on the date of the grant of probate of the

will, or letters of administration of the estate, of that person and ending when the distribution of the estate of that person or of that part of the estate that comprises or includes the stock bearing the mark, is completed.

- (2) A personal representative of a deceased person referred to in subsection (1) shall notify the controller when the distribution of the estate of that person or of that part of the estate that comprises or includes stock bearing the mark of which the deceased person was registered proprietor, is completed.

28 Cancellation of registered mark

- (1) The controller may cancel a registered mark—
- (a) if the controller is satisfied, on reasonable grounds, that—
 - (i) the mark is not in use or is not required for use by the registered proprietor; or
 - (ii) the registration was obtained by fraud or misrepresentation; or
 - (b) if the controller is requested to do so by the registered proprietor; or
 - (c) if the registered proprietor is a body corporate—on the winding-up of the body corporate.
- (2) If the controller cancels a registered mark, the controller shall give the registered proprietor of that mark written notice of the cancellation.

29 Alteration of register

The controller shall, at the written request of a registered proprietor or on the controller's own initiative, make any necessary alterations to the register.

30 Placement of brands

- (1) The owner of large stock that has not been previously branded who marks the stock with a permanent brand shall brand the stock—
 - (a) for a horse—on the portion specified in schedule 1, part 1.1, item 1; or
 - (b) in any other case—on the portion specified in schedule 1, part 1.2, item 1.
- (2) The owner of large stock that has been previously branded who marks the stock with a permanent brand shall brand the stock—
 - (a) for a horse—on the first portion specified in schedule 1, part 1.1 that has not been branded; or
 - (b) in any other case—on the first portion specified in schedule 1, part 1.2 that has not been branded.
- (3) A person who, without reasonable excuse, contravenes subsection (1) or (2) commits an offence.

Maximum penalty: 10 penalty units.

31 Earmarking—stock with valuable fleece

- (1) A person who is the owner of large stock kept for the commercial value of its fleece or hide may apply in writing to the controller for permission to earmark the stock.

Note 1 A fee may be determined under s 42 (Determination of fees) for this section.

Note 2 If a form is approved under s 43 (Approved forms) for an application, the form must be used.
- (2) The controller shall grant permission to earmark large stock if satisfied that the large stock is kept for the commercial value of its fleece or hide.

- (3) The controller shall, by written notice, inform the applicant of his or her decision to grant or refuse to grant permission under this section.
- (4) A person who cuts an earmark into large stock under this section shall—
 - (a) for male or desexed male stock—cut the earmark into the left ear; or
 - (b) for female stock—cut the earmark into the right ear.
- (5) A person must not, without reasonable excuse, contravene subsection (4).

Maximum penalty: 10 penalty units.

32 Unauthorised use of mark

A person shall not, without reasonable excuse—

- (a) use a registered mark without the authority of the registered proprietor; or
- (b) apply any registered mark to stock without the authority of the owner; or
- (c) alter or destroy an earmark that has been cut; or
- (d) in the course of cutting a registered mark into the ear of stock under section 22 or 31, cut off more than $\frac{1}{4}$ of—
 - (i) the left ear of male or desexed male stock; or
 - (ii) the right ear of female stock.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Part 4 Travelling stock

33 Permits to travel stock

- (1) A person shall not travel stock unless, before the person moves the stock from a holding or run, he or she has obtained—
- (a) a permit to travel the stock—
 - (i) issued to the owner by a person authorised in writing by the controller for the purpose; and
 - (ii) signed by the owner; or
 - (b) a permit to travel the stock issued by the owner of the stock.
- Note* If a form is approved under s 43 (Approved forms) for a permit, the form must be used.
- (2) A drover in charge of travelling stock, when delivering the stock to another drover, shall deliver to the other drover the permit issued under subsection (1) (a) or (b) and shall endorse on the permit the name of the drover to whom the permit and the stock are being delivered.
- (3) Subsection (1) does not apply to the movement of stock—
- (a) between 2 parts of the same holding situated not more than 16km apart; or
 - (b) to or from a shearing shed or dip.
- (4) A person who, without reasonable excuse, contravenes subsection (1) or (2) commits an offence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

34 Issue of permits

A person shall not, without reasonable excuse, issue a permit to travel stock unless the person is—

- (a) the owner of the stock; or
- (b) a person authorised by the controller for the purpose of issuing permits to travel stock.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

35 Production of permit

- (1) A drover travelling stock shall not, if requested to do so by an inspector or a police officer, or the occupier of any land where the stock is being travelled, without reasonable excuse, fail to produce the permit issued in respect of the movement of that stock.

Maximum penalty: 5 penalty units.

- (2) A drover is not required to comply with subsection (1) if, on being requested to do so, the inspector fails to produce to the drover his or her identity card.

36 Movement of travelling stock

A person shall not, without reasonable excuse, move travelling stock, otherwise than by the most direct route that is reasonable in the circumstances.

Maximum penalty: 10 penalty units.

Part 4A Feeding of restricted feed material to ruminants

36A Interpretation for pt 4A

(1) In this part:

analyst means an analyst under section 36N.

bag includes a container or package.

bulk, in relation to feed or meal, means sold or supplied other than in a bag.

compounded feed means feed that includes material of animal origin.

meal means meat meal, bone meal, meat and bone meal or any other meal of animal origin.

non-restricted feed material statement means a statement that is a non-restricted feed material statement because of section 36B (2).

restricted feed material means—

- (a) fishmeal; or
- (b) meal derived from poultry tissue; or
- (c) mammalian tissue or meal of mammalian origin other than—
 - (i) tallow; and
 - (ii) gelatine; and
 - (iii) milk, milk products or milk protein.

restricted feed material statement means a statement that is a prohibited material statement because of section 36B (1).

tag means a tag with dimensions of at least 45mm by 120mm.

- (2) For this part, a thing is *connected* with a particular offence if—
- (a) the offence has been committed with respect to it; or
 - (b) it will afford evidence of the commission of the offence; or
 - (c) it was used, is being used, or is intended to be used, for the purpose of committing the offence.

36B Warning statements

- (1) For this part, a restricted feed material statement is any of the following statements or a statement to the effect of any of the following statements:
- (a) ‘This product contains restricted feed material—DO NOT FEED TO CATTLE, SHEEP, GOATS, DEER OR OTHER RUMINANTS’;
 - (b) ‘This product contains restricted feed material—DO NOT FEED TO RUMINANTS’;
 - (c) ‘DO NOT FEED TO RUMINANTS’;
 - (d) ‘For non-ruminant use only’.
- (2) For this part, a non-restricted feed material statement is the following statement or a statement to the effect of the following statement:
- ‘This product does not contain restricted feed material’.

36C Manufacture of ruminant food

- (1) A person shall not manufacture compounded feed or meal intended for ruminant use that includes restricted feed material.
- Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that he or she took all reasonable precautions

to prevent the inclusion of restricted feed material in the feed or meal.

36D Sale or supply of compounded feed and meal

- (1) A person shall not, without reasonable excuse, sell or supply compounded feed, or meal, in bulk to a person unless—
- (a) if the feed or meal contains restricted feed material—the invoice or other document relating to the sale or supply contains a prominently displayed restricted feed material statement that complies with subsections (3) and (4); or
 - (b) in any other case—the invoice or other document relating to the sale or supply contains a prominently displayed non-restricted feed material statement that complies with subsections (3) and (4).

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person shall not, without reasonable excuse, sell or supply compounded feed, or meal, in a bag to a person unless—
- (a) if the feed or meal contains restricted feed material—a statement on the bag, a label on the bag or a tag attached to the bag contains a prominently displayed restricted feed material statement that complies with subsections (3) and (4); or
 - (b) in any other case—a statement on the bag, a label on the bag or a tag attached to the bag contains a prominently displayed non-restricted feed material statement that complies with subsections (3) and (4).

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) For this section, a statement referred to in this section shall be produced—
- (a) in letters at least 3mm high; and

- (b) in dark print on a light background.
- (4) If a statement, or part of a statement, referred to in subsection (1) or (2) is in upper case letters in section 36B and is reproduced for this section, that statement or part shall be reproduced in upper case letters.
- (5) This section does not apply to—
 - (a) material sold or supplied as pet food, including food for aquarium fish and caged birds other than poultry; or
 - (b) food sold or supplied for feeding to non-ruminant laboratory animals.

36E Obscuring of statements

A person shall not, without reasonable excuse, mark or deface an invoice or other document relating to compounded feed, or meal, so as to obscure a restricted feed material statement or a non-restricted feed material statement contained in that invoice or document.

Maximum penalty: 10 penalty units.

36F Removal of tags or labels

A person shall not, without reasonable excuse, remove, or cause or permit to be removed, a label or tag containing a restricted feed material statement or a non-restricted feed material statement from a bag containing compounded feed or meal.

Maximum penalty: 10 penalty units.

36G Feeding restricted feed material to ruminants

- (1) A person shall not, without reasonable excuse, feed restricted feed material to a ruminant.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person shall not, without reasonable excuse, feed bulk compounded feed or bulk meal to a ruminant if the invoice or other document relating to the purchase of the feed or meal contains a restricted feed material statement.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) A person shall not, without reasonable excuse, feed bagged compounded feed or bagged meal to a ruminant if a statement on the bag, a label on the bag, or a tag attached to the bag contains a restricted feed material statement.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (4) This section does not apply to a person who feeds restricted feed material to a ruminant in accordance with an approval under subsection (5).

- (5) The Minister may, in writing, approve the feeding of restricted feed material to a ruminant for research purposes if the Minister is satisfied the research is in the public interest.

36H Inspectors—powers of entry

- (1) If an inspector has reasonable grounds for believing that there may be on any premises a thing of a particular kind connected with an offence against this part, the inspector may enter premises—
- (a) with the consent (obtained under section 36I) of the occupier or a person apparently in charge of the premises; or
 - (b) under a search warrant under section 36J.
- (2) An inspector may enter premises under subsection (1) with the assistance and force that is necessary and reasonable.

36I Inspectors—consent to entry

- (1) Before obtaining the consent of a person for section 36H (1) (a), an inspector shall—
 - (a) produce his or her identity card; and
 - (b) inform the person that he or she may refuse to give consent.
- (2) If an inspector obtains the consent of a person for section 36H (1) (a), the inspector shall ask the person to sign a written acknowledgment of—
 - (a) the fact that the person has been informed that he or she may refuse to give consent; and
 - (b) the fact that the person has voluntarily given consent; and
 - (c) the day and time when the consent was given.
- (3) An entry by an inspector under a person's consent is not lawful unless the consent was voluntary.
- (4) If it is material in any proceedings for a court to be satisfied that the consent of a person for section 36H (1) (a) was voluntary and a signed acknowledgment in accordance with subsection (2) is not produced in evidence, the court shall assume, unless the contrary intention is proved, that the consent was not voluntary.

36J Inspectors—search warrants

- (1) If—
 - (a) an information is laid on oath before a magistrate alleging that an inspector has reasonable grounds for believing that there may be on any premises a thing of a particular kind connected with a particular offence against this part; and
 - (b) the information sets out those grounds;

the magistrate may issue a search warrant authorising the inspector named in the warrant, with the assistance and force that is necessary and reasonable—

- (c) to enter the premises described in the warrant; and
 - (d) to search the premises for things of the kind mentioned in paragraph (a); and
 - (e) to exercise any of the powers listed in section 36L in relation to those things.
- (2) A magistrate shall not issue a warrant unless—
- (a) the informant or another person has given the magistrate, either orally on oath or by affidavit, any further information that the magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
 - (b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.
- (3) A warrant shall—
- (a) state the purpose for which it is issued, including a reference to the nature of the offence in connection with which the entry and search is authorised; and
 - (b) state that the entry is authorised at any time of the day or night, or specify the hours when the entry is authorised; and
 - (c) include a description of the kind of things in relation to which the powers listed in section 36L may be exercised; and
 - (d) specify a date, not later than 1 month after the date when the warrant is issued, when the warrant ceases to have effect.
- (4) If, in the course of searching under a warrant for things of a particular kind connected with a particular offence, an inspector finds a thing that the inspector has reasonable grounds for believing to be—

(a) connected with the offence, although not a thing of the kind specified in the warrant; or

(b) connected with another offence against this part;

the warrant shall be taken to authorise the inspector to exercise the powers listed in section 36L in relation to that thing.

36K Inspectors—identity cards must be produced

An inspector who enters premises under section 36H (1) is not authorised to remain on the premises if, on request by the occupier or a person apparently in charge of the premises, the inspector does not produce his or her identity card.

36L Inspectors—inspection of premises

(1) An inspector who enters premises under section 36H (1) may do any of the following:

(a) inspect or examine the premises or anything on the premises;

(b) take samples for analysis;

(c) take photographs, films, or audio, video or other recordings;

(d) take copies of, or extracts from, any document;

(e) subject to subsection (2), seize anything on the premises.

(2) An inspector may seize anything under subsection (1) (e) if he or she has reasonable grounds for believing that it is connected with an offence against this part and the seizure is necessary to prevent the thing being—

(a) concealed, lost, damaged or destroyed; or

(b) used to commit the offence.

36M Inspectors—procedure if samples taken

If an inspector takes a sample under section 36L, the inspector shall—

- (a) divide the sample into 3 parts; and
- (b) place each of those parts in a separate container and seal each container; and
- (c) attach to each container a label bearing the signature of the inspector and particulars of the date and time when, and the place where, the sample was taken; and
- (d) deliver 1 of the 3 containers to each of the following persons:
 - (i) the occupier or the person apparently in charge of the premises;
 - (ii) an analyst;
 - (iii) the controller.

36N Analysts

- (1) There shall be 1 or more analysts for this Act.
- (2) The following persons shall be analysts:
 - (a) the government analyst under of the *Drugs of Dependence Act 1989*, section 183A (2);
 - (b) any other person appointed in writing by the controller.

36O Appointment of analysts

The controller may, in writing, appoint a person to be an analyst for section 36N (2) (b).

36P Evidence of analysis

- (1) An analyst may make a certificate stating the following matters in relation to a sample taken under this part:
 - (a) that he or she has analysed, or caused to be analysed, a sample from a sealed container to which was affixed a label purporting to be signed by the inspector named in the certificate and

bearing particulars of the date and time when, and the place where, the sample was taken by the inspector;

(b) to what analysis the sample was subjected;

(c) the results of the analysis.

(2) In a prosecution for an offence against this part, a certificate under subsection (1) purporting to be signed by an analyst is evidence of the matters stated in the certificate and of the facts on which they are based.

(3) For subsection (1), a certificate that purports to be signed by an analyst shall, unless the contrary is proved, be taken to have been signed by the analyst who purports to have signed it.

36Q Seized items

(1) The controller shall hold a thing seized under this part for the purpose of adducing evidence in a prosecution for an offence against this part.

(2) The controller may authorise the release of a thing held under subsection (1) to its owner or the person who had possession, custody or control of the thing immediately before it was seized.

(3) If a thing is seized under this part and—

(a) a prosecution for an offence against this part involving the thing is instituted within 6 months; and

(b) the defendant is found guilty;

the court may make any order in relation to the thing.

(4) If a thing is seized under this part and—

(a) a prosecution for an offence against this part is not instituted within 6 months; or

(b) a prosecution is instituted within that period and—

(i) the prosecution is discontinued; or

(ii) the defendant is found not guilty; or

(iii) the court does not make an order under subsection (2);

the controller shall release the thing to its owner or the person who had possession, custody or control of the thing immediately before it was seized.

Part 5 Miscellaneous

38 Evidence

In any proceedings under this Act, a certificate purporting to be signed by the controller and stating that—

- (a) the person specified in the certificate was on a specified date or during a specified period registered as proprietor of a mark; or
- (b) the person specified in the certificate was authorised to issue a permit in respect of stock; or
- (c) the person specified in the certificate had not lodged a return under section 16 in relation to stock;

is evidence of the matters so stated.

39 Notification of decisions

- (1) A notice under section 18, 25 (3), 28 (2) or 31 (3) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

40 Review of decisions

Application may be made to the administrative appeals tribunal for a review of a decision of the controller—

- (a) determining the stock carrying capacity of land under section 14; or
- (b) refusing to approve an application under section 25; or
- (c) cancelling a registered mark under section 28 (1); or
- (d) refusing to grant permission under section 31.

41 Notice—if more than 1 occupier

If 2 or more persons are occupiers of the same land, a notice required by this Act to be given to an occupier shall, in relation to that land, be deemed to have been duly given if given to 1 of those persons.

42 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

43 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

44 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

45 Transitional

- (1) An earmark recorded under the *Stock Act 1934*, or registered under the *Rural Lands Protection Act 1989* (NSW), being a record or registration having effect immediately before the commencement of this Act, shall be deemed to have been registered under this Act.
- (2) A brand registered under the *Rural Lands Protection Act 1989* (NSW), being a registration having effect immediately before the commencement of this Act shall for a period of 12 months after that commencement be deemed to have been registered as a permanent brand under this Act.

Schedule 1 Placement of brands

(see s 30)

Part 1.1 Horses

Item	description of portion
1	near-shoulder
2	off-shoulder
3	near-rump, hip and thigh
4	off-rump, hip
5	near-ribs and saddle
6	off-ribs and saddle

Part 1.2 Large stock, other than horses

Item	description of portion
1	near-rump, hip or thigh
2	off-rump, hip or thigh
3	near-back and ribs
4	off-back and ribs
5	near-shoulder
6	off-shoulder
7	near-loin
8	off-loin

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Stock Act 1991 No 10

notified 3 April 1991 (Gaz 1991 No S19)
s 1, s 2 commenced 3 April 1991 (s 2 (1))
remainder commenced 3 October 1991 (s 2 (3))

as amended by

Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38 sch 1 pt 74

notified 30 June 1994 (Gaz 1994 No S121)
s 1, s 2 commenced 30 June 1994 (s 2 (1))
sch 1 pt 74 commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S142)

Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

Statute Law Revision (Penalties) Act 1994 No 81 sch

notified 29 November 1994 (Gaz 1994 No S253)
s 1, s 2 commenced 29 November 1994 (s 2 (1))
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1

notified 15 December 1994 (Gaz 1994 No S280)
s 1, s 2 commenced 15 December 1994 (s 2 (1))
sch pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994 No S293)

Annual Reports (Government Agencies) (Consequential Provisions) Act 1995 No 25 sch

notified 5 September 1995 (Gaz 1995 No S212)
commenced 5 September 1995 (s 2)

Statute Law Revision Act 1995 No 46 sch

notified 18 December 1995 (Gaz 1995 No S306)
commenced 18 December 1995 (s 2)

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
 s 1, s 2 commenced 27 November 1998 (s 2 (1))
 sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Stock (Amendment) Act 1999 No 14

notified 14 April 1999 (Gaz 1999 No S16)
 commenced 14 April 1999 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 371

notified 26 July 2001 (Gaz 2001 No 30)
 s 1, s 2 commenced 26 July 2001 (IA s 10B)
 pt 371 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Stock Amendment Act 2001 No 79

notified 10 September 2001 (Gaz 2001 No S66)
 commenced 10 September 2001 (s 2)

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.87

notified LR 26 March 2004
 s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
 sch 2 pt 2.87 commenced 9 April 2004 (s 2 (1))

4 Amendment history**Title**

title sub 1999 No 14 s 4

Commencement

s 2 om 2001 No 44 amdt 1.3923

Repeal

s 3 om 2001 No 44 amdt 1.3923

Interpretation for Act

s 4 def **controller** sub 1994 No 97 sch pt 1
 def **deputy controller** sub 1994 No 97 sch pt 1
 def **determined fee** om 2001 No 44 amdt 1.3924
 def **inspector** sub 1994 No 97 sch pt 1

Administration

pt 2 hdg sub 1994 No 97 sch pt 1

Endnotes

4 Amendment history

Controller	
s 5	sub 1994 No 97 sch pt 1
Deputy controller	
s 6	sub 1994 No 97 sch pt 1
Inspectors	
s 7	sub 1994 No 97 sch pt 1
Identity cards	
s 8	sub 1994 No 97 sch pt 1 am 1998 No 54 sch
Stock levy	
div 3.1 hdg	(prev pt 3 div 1 hdg) renum R3 LA
Termination	
s 9	om 1994 No 97 sch pt 1
Inspectors	
s 10	om 1994 No 97 sch pt 1
Identity cards	
s 11	om 1994 No 97 sch pt 1
Return of identity cards	
s 12	am 1994 No 81 sch om 1994 No 97 sch pt 1
Determination of stock levy	
s 13	am 2001 No 44 amdt 1.3925, amdt 1.3926
Returns	
s 16	am 1994 No 81 sch; 2001 No 44 amdt 1.3927, amdt 1.3928
Inspectors—powers of entry	
s 17	am 1994 No 81 sch
Marks	
div 3.2 hdg	(prev pt 3 div 2 hdg) renum R3 LA
Offence—use of marks	
s 21	am 1994 No 81 sch
Offence—earmarking certain small stock	
s 22	am 1994 No 81 sch
Application for registration	
s 24	am 2001 No 44 amdts 1.3929-1.3932
Registration of mark	
s 25	am 2001 No 44 amdts 1.3933- 1.3935
Placement of brands	
s 30	am 1994 No 81 sch

Earmarking—stock with valuable fleece

s 31 am 1998 No 54 sch; 2001 No 44 amdts 1.3936-1.3940

Unauthorised use of mark

s 32 am 1994 No 81 sch

Permits to travel stock

s 33 am 1994 No 81 sch; 2001 No 44 amdts 1.3941-1.3943

Issue of permits

s 34 am 1994 No 81 sch

Production of permit

s 35 am 1994 No 81 sch

Movement of travelling stock

s 36 am 1994 No 81 sch

Feeding of restricted feed material to ruminantspt 4A hdg ins 1999 No 14 s 5
am R3 LA**Interpretation for pt 4A**s 36A ins 1999 No 14 s 5
def **analyst** ins 1999 No 14 s 5
def **animal** ins 1999 No 14 s 5
om 2001 No 79 s 4
def **bag** ins 1999 No 14 s 5
def **bulk** ins 1999 No 14 s 5
def **compounded feed** ins 1999 No 14 s 5
def **mammalian material** ins 1999 No 14 s 5
om 2001 No 79 s 4
def **mammalian material statement** ins 1999 No 14 s 5
om 2001 No 79 s 4
def **meal** ins 1999 No 14 s 5
def **non-mammalian material statement** ins 1999 No 14 s 5
om 2001 No 79 s 4
def **non-restricted feed material statement** ins 2001 No 79 s 5
def **restricted feed material** ins 2001 No 79 s 5
def **restricted feed material statement** ins 2001 No 79 s 5
def **tag** ins 1999 No 14 s 5**Warning statements**s 36B ins 1999 No 14 s 5
am 2001 No 79 s 6, s 7**Manufacture of ruminant food**s 36C ins 1999 No 14 s 5
am 2001 No 79 s 8

Endnotes

4 Amendment history

Sale or supply of compounded feed and meal

s 36D ins 1999 No 14 s 5
am 2001 No 79 s 9, s 10

Obscuring of statements

s 36E ins 1999 No 14 s 5
am 2001 No 79 s 12

Removal of tags or labels

s 36F ins 1999 No 14 s 5
am 2001 No 79 s 13, s 14

Feeding restricted feed material to ruminants

s 36G ins 1999 No 14 s 5
am 2001 No 79 s 15

Inspectors—powers of entry

s 36H ins 1999 No 14 s 5

Inspectors—consent to entry

s 36I ins 1999 No 14 s 5

Inspectors—search warrants

s 36J ins 1999 No 14 s 5

Inspectors—identity cards must be produced

s 36K ins 1999 No 14 s 5

Inspectors—inspection of premises

s 36L ins 1999 No 14 s 5

Inspectors—procedure where samples taken

s 36M ins 1999 No 14 s 5

Analysts

s 36N ins 1999 No 14 s 5

Appointment of analysts

s 36O ins 1999 No 14 s 5

Evidence of analysis

s 36P ins 1999 No 14 s 5

Seized items

s 36Q ins 1999 No 14 s 5

Obstruction

s 37 om A2004-15 amdt 2.179

Notification of decisions

s 39 am 1994 No 60 sch 1; 2001 No 44 amdt 1.3944

Determination of fees

s 42 sub 2001 No 44 amdt 1.3945

Approved forms

s 43 am 1994 No 38 sch 1 pt 74
om 1995 No 25 sch
ins 2001 No 44 amdt 1.3945

Regulation-making power

s 44 am 1994 No 81 sch; 1995 No 46 sch
sub 2001 No 44 amdt 1.3945

Schedule 1

sch 1 hdg (prev sch) renum R3 LA
pt 1.1 hdg (prev pt 1 hdg) renum R3 LA
pt 1.2 hdg (prev pt 2 hdg) renum R3 LA

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1994 No 97	31 January 1995
2	Act 1999 No 14	14 April 1999
3	A2001-79	12 March 2002

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