

# STOCK ROUTES AND TRAVELLING STOCK ORDINANCE 1954-1960.\*

2165

An Ordinance to provide for the Maintenance and Control of Stock Reserves and Stock Routes, for the Construction, Maintenance and Control of Watering Places and Dips for Stock, for the Control of Travelling Stock, and for other purposes.

Title amended  
by No. 2, 1956,  
s. 3.

## PART I.—PRELIMINARY.

1 This Ordinance may be cited as the *Stock Routes and Travelling Stock Ordinance 1954-1960*.\*

Short title.  
Short title  
amended:  
No. 17, 1938,  
s. 4.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.†

Commence-  
ment.

3 This Ordinance is divided into Parts, as follows:—

Parts.  
Amended by  
No. 2, 1956,  
s. 4.

Part I.—Preliminary (Sections 1-4).

Part II.—Administration (Sections 5-13).

Part III.—Management of Stock Reserves, Stock Routes and Public Dips (Sections 14-17).

Part IV.—Permits to Travel Stock (Sections 18-26B).

Part V.—Movement of Stock across Crown Lands (Sections 27-30).

The *Stock Routes and Travelling Stock Ordinance 1954-1960* comprises the *Stock Routes Ordinance 1954* as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date of—		Date of Commencement.
		Notification of Governor-General's Assent in <i>N.T. Government Gazette</i> .	Assent by Administrator.	
<i>Stock Routes Ordinance 1954</i>	No. 5, 1955	30th March, 1955	..	1st March, 1956
<i>Stock Routes and Travelling Stock Ordinance 1955</i>	No. 2, 1956	20th January, 1956	..	1st March, 1956
<i>Stock Routes and Travelling Stock Ordinance 1957</i>	No. 13, 1957	..	12th April, 1957	10th October, 1957
<i>Stock Routes and Travelling Stock Ordinance (No. 2) 1957</i>	No. 25, 1957	..	28th June, 1957	28th June, 1957
<i>Administrator's Council Ordinance 1959</i>	No. 22, 1959	..	7th July, 1959..	28th April, 1960
<i>Stock Routes and Travelling Stock Ordinance 1960</i>	No. 9, 1960	..	2nd September, 1960	2nd September, 1960

† The date fixed was 1st March, 1956—see table above.

*Stock Routes and Travelling Stock  
Ordinance 1954-1960.*

Part VI.—Watering Places (Sections 31-36).

Part VII.—General Offences and Penalties (Sections 37-55).

Part VIII.—Miscellaneous (Sections 56-67).

**Definitions.**

Amended by  
No. 2, 1956,  
s. 5; and No. 9,  
1960, s. 2.

4. In this Ordinance, unless the contrary intention appears—
- “carcass” includes the hide, skin, hair, wool, viscera or any portion of the carcass of an animal;
  - “cattle” means animals of the bovine species;
  - “Chief Inspector” means the person appointed and holding office as the Chief Inspector of Stock Routes under this Ordinance and includes an Acting Chief Inspector so appointed;
  - “dip” means a bath for the dipping, or a device for the spraying, of stock;
  - “drover” means the person for the time being in charge of travelling stock;
  - “equipment” includes pumps, engines, windmills, tanks, troughs, piping, fences and mechanical devices, belonging to the Commonwealth, associated with the provision, storage or reticulation of water;
  - “gate” includes any device designed to close an opening in a fence;
  - “grid” means a device placed across an opening in a fence which allows of the passage of vehicles but not of stock on the hoof;
  - “holding” means land held by a person whether in fee simple or under lease or licence granted under the *Crown Lands Ordinance 1931-1959*, the *Mining Ordinance 1939-1959* or the *Special Purposes Leases Ordinance 1953-1956*, but does not include land within the boundaries of a town or land used ordinarily for purposes other than the pasturing of stock;
  - “horse” includes ass, mule and hinny;
  - “inspector” means a person appointed and holding office as an Inspector of Stock Routes under this Ordinance;
  - “installation” includes buildings and other structures, belonging to the Commonwealth, on a stock reserve or stock route;
  - “mob” means a congregation of stock;
  - “on the hoof”, in relation to stock, means that the stock are being driven on their hooves and are not being transported in a vehicle, vessel or aircraft;

- “owner”, in relation to a holding, includes the person who holds a lease or licence over land comprising the holding, and as well his manager, agent or representative;
- “permit” means a permit issued and in force under this Ordinance, whether in its original or in an amended form;
- “permit officer” means a person appointed and holding office as a permit officer under this Ordinance;
- “plant” includes horses, vehicles and equipment used, or intended to be used, for the purpose of driving other stock on the hoof;
- “public dip” means a dip which has been notified as a public dip pursuant to this Ordinance;
- “public watering place” means a watering place that has been notified as a public watering place pursuant to this Ordinance;
- “regulations” means regulations under this Ordinance;
- “stock” means cattle, horses, sheep, goats, camels and such other species of animals as are declared to be stock pursuant to section fifty-six of this Ordinance;
- “stock reserve” means land reserved under the *Crown Lands Ordinance 1931-1954* as a reserve for travelling stock;
- “stock route” means land which, under the *Crown Lands Ordinance 1931-1954*, is declared to be or is reserved as a route for the passage of travelling stock;
- “Superintendent” means the person appointed and holding office as the Superintendent of Stock Routes under this Ordinance and includes an acting-superintendent so appointed;
- “this Ordinance” includes the regulations;
- “travelling stock” includes stock driven on the hoof, and stock on a railway, vehicle, vessel or aircraft, outside the boundaries of the holding on which the stock are ordinarily kept or depastured or are placed for agistment;
- “water-hole” means a hole or creek in which natural water lies or flows from time to time;
- “watering place” means a bore, well, dam or water-hole together with any equipment installed for use in connexion with the watering place and any fencing protecting it.

## PART II.—ADMINISTRATION.

Appointment  
of Chief  
Inspector.

5.—(1.) The Minister shall appoint a Chief Inspector of Stock Routes.

(2.) In the event of—

- (a) the illness of the Chief Inspector;
- (b) the temporary inability of the Chief Inspector to perform the duties of his office;
- (c) the absence of the Chief Inspector from the Territory; or
- (d) the death, retirement or dismissal of the Chief Inspector, and pending the appointment of a new Chief Inspector, the Administrator may appoint a person to be Acting Chief Inspector of Stock Routes during the illness, temporary inability or absence of the Chief Inspector, or following the death, retirement or dismissal of the Chief Inspector.

(3.) An Acting Chief Inspector has all the powers and may perform all the functions of the Chief Inspector.

Responsibilities  
of Chief  
Inspector.

6.—(1.) The Chief Inspector, under the Administrator, is responsible for the administration of this Ordinance.

(2.) The Chief Inspector has the control and management of all equipment and installations on stock reserves and stock routes.

(3.) The Chief Inspector has all the powers conferred upon an inspector by this Ordinance.

Delegation.

7.—(1.) The Chief Inspector may, by instrument in writing, delegate to a person or authority all or any of his powers and functions under this Ordinance (except this power of delegation) in relation to any particular matter or class of matters or to a district or part of the Territory so that the delegated powers and functions may be exercised by the delegate with respect to the matter or class of matters or to the district or part of the Territory specified in the instrument of delegation.

(2.) A delegation under this section is revocable at will and no delegation prevents the exercise of a power or function by the Chief Inspector.

Appointment of  
Superintendent,  
&c.

8.—(1.) The Minister may appoint a person to be the Superintendent of Stock Routes.

(2.) In the event of—

- (a) the illness of the Superintendent;
- (b) the temporary inability of the Superintendent to perform the duties of his office;
- (c) the absence of the Superintendent from the Territory; or

- (d) the death, retirement or dismissal of the Superintendent, and pending the appointment of a new superintendent,

the Administrator may appoint a person to be Acting-Superintendent of Stock Routes during the illness, temporary inability or absence of the Superintendent, or following the death, retirement or dismissal of the Superintendent.

(3.) An Acting-Superintendent has all the powers and may perform all the functions of the Superintendent.

**9.**—(1.) The Superintendent is responsible to the Chief Inspector for the administration of this Ordinance. Duties, &c., of Superintendent.

(2.) The Superintendent has all the powers conferred upon an inspector by this Ordinance.

**10**—(1.) The Minister shall appoint a person to be the Registrar of Stock Routes. Appointment of Registrar, &c.

(2.) In the event of—

- (a) the illness of the Registrar;
- (b) the temporary inability of the Registrar to perform the duties of his office;
- (c) the absence of the Registrar from the Territory; or
- (d) the death, retirement or dismissal of the Registrar, and pending the appointment of a new Registrar,

the Administrator may appoint a person to be Acting-Registrar of Stock Routes during the illness, temporary inability or absence of the Registrar, or following the death, retirement or dismissal of the Registrar.

(3.) An acting-registrar has all the powers and may perform all the functions of the Registrar.

**11.**—(1.) The Registrar is responsible to the Chief Inspector for the performance of his duties under this Ordinance. Duties, &c., of Registrar.

(2.) The Registrar shall keep a Register of Stock Routes in which he shall enter— Amended by No. 2, 1956, s. 6.

- (a) the name and a description of the position and the limits of every stock route;
- (b) the name and the location of every public watering place;
- (c) the distances in miles between adjoining public watering places;
- (d) the name, the position and the area of every stock reserve;
- (e) the name and the location of every public dip;
- (f) particulars of all equipment and installations on stock reserves and stock routes and at public watering places and public dips; and
- (g) such other matters as are prescribed.

(3.) The Registrar shall keep a record of stores and equipment available for use on stock reserves, stock routes and at public watering places and public dips, together with particulars of the location of those stores and equipment.

(4.) The Registrar shall arrange for copies of the Register of Stock Routes and of amendments to the Register, containing particulars of the matters referred to in paragraphs (a), (b), (c), (d) and (e) of sub-section (2.) of this section and of such other matters as are prescribed—

- (a) to be available for inspection at prescribed times and places; and
- (b) to be available for sale upon payment of a prescribed fee.

Inspectors.

**12.**—(1.) The Minister may appoint such Inspectors of Stock Routes as he sees fit.

Amended by No. 9, 1960, s. 3.

(2.) The Minister shall not appoint a person to be an inspector unless that person is an officer or employee of the Public Service of the Territory or of the Commonwealth.

Permit officers.

**13.**—(1.) The Administrator may appoint such persons as he sees fit to be permit officers for the purposes of this Ordinance.

Added by No. 9, 1960, s. 4.

(2.) The member of the Police Force for the time being in charge of a prescribed police station shall be a permit officer for the purposes of this Ordinance.

### PART III.—MANAGEMENT OF STOCK RESERVES, STOCK ROUTES, AND PUBLIC DIPS.

Contr l of stock reserves, &c.

**14.** Subject to this Ordinance, stock reserves, stock routes and public dips are under the control and management of the Chief Inspector.

Construction of dips, &c.

**15.** The Administrator may cause to be constructed such dips, fences and grids as he sees fit—

- (a) on stock reserves and stock routes; and
- (b) subject to the consent of a person who holds land under a lease or licence granted under the *Crown Lands Ordinance 1931-1954*, on land so held, together with such installations and equipment as is necessary for their effective operation and maintenance.

Declaration of public dips.

**16.** The Administrator may, by notice in the *Gazette*, declare—

- (a) dips owned by the Commonwealth which have been constructed before the date when this Ordinance comes into operation; and
  - (b) dips constructed pursuant to the last preceding section,
- to be public dips.

17. When, in the opinion of the Chief Inspector, it is desirable that, by reason of drought, the destruction of pasture or other reason, a stock reserve, a stock route or a part of a stock route should not be used by travelling stock, the Chief Inspector may, by notice in the *Gazette*, close the stock reserve, stock route or the part of the stock route for such period as he sees fit.

Power to close stock route, &c.

PART IV.—PERMITS TO TRAVEL STOCK.

Heading amended by No. 2, 1956, s. 7.

18. A person may apply to a permit officer or to an inspector for a permit in respect of stock which—

Application for permit.

(a) are to be driven on the hoof, or to be transported by railway, vehicle, vessel or aircraft, outside the boundaries of the holding on which the stock are ordinarily kept or depastured or are placed for agistment; or

Substituted by No. 2, 1956, s. 8; amended by No. 9, 1960, s. 5.

(b) are to be driven on the hoof on a stock reserve or stock route.

19.—(1.) Subject to this section, the owner of stock which are driven on the hoof on a stock reserve or stock route, is responsible for payment of fees at such rates as are prescribed in respect of the stock of the species which are so driven.

Owner responsible for payment of permit fees.

(2.) An owner of stock which are driven on the hoof on a stock reserve or stock route is exempt from fees under this section where—

Amended by No. 2, 1956, s. 9; and No. 9, 1960, s. 6.

(a) the number of stock driven in a mob does not exceed twenty-five;

(b) the stock are driven within the boundaries of a holding or land on which the stock are ordinarily kept or depastured or are placed for agistment and are not driven more than fifteen miles along a stock route;

(c) there are less than two public watering places on the portion of the stock reserve or stock route on which the stock are driven; or

(d) the stock, consisting of not more than a prescribed number of horses, constitutes part of a drover's plant which is moving to a place in the Territory for the purpose of driving other stock from that place.

(3.) For the purposes of this section, unweaned foals, unweaned calves and unweaned lambs, under the age of six months which are with their mothers, are deemed not to be stock.

20.—(1.) Upon application being made to him for a permit, a permit officer or an inspector may issue or refuse to issue a permit.

Issue or refusal of permit.

Substituted by  
N. 2, 1956,  
s. 10.

(2.) When a permit officer or an inspector issues a permit he shall forward a duplicate copy of the permit to the Chief Inspector.

Form of permit.  
Substituted by  
No. 2, 1956,  
s. 11.

21. When a permit officer or an inspector issues a permit he shall sign the permit in the prescribed form—

- (a) specifying the number and a description of the stock to which the permit applies;
- (b) stating the name and address of the owner of the stock;
- (c) stating the name of the person who will be in charge of the stock whilst they are travelling;
- (d) specifying the date upon which and the place from which the stock are expected to commence their journey;
- (e) specifying the date upon which and the place at which the stock are expected to end their journey;
- (f) specifying the route by which the stock will travel;
- (g) specifying the means by which the stock will travel;
- (h) specifying, where the stock will travel on the hoof on a stock reserve or stock route, the stock reserve or stock route or the part of a stock route to which the permit applies; and
- (i) containing such other matters as are prescribed.

Application to  
amend permit.  
Sub-section (1.)  
amended by  
No. 2, 1956,  
s. 12.

22.—(1.) A person in charge of stock in respect of which a permit has been issued, or the owner of the stock, may apply to a permit officer or an inspector for the permit to be amended—

- (a) as to the number of stock covered by a permit;
- (b) as to the description of the stock;
- (c) as to the stock reserve, a stock route or the part of the stock route to which the permit applies;
- (d) as to the destination of the stock; or
- (e) as to the name of the person in charge of the stock whilst they are travelling.

(2.) A permit officer or an inspector may amend a permit, in respect of which an application is made under this section, in such manner as he sees fit.

Inspector may  
amend permit.  
Amended by  
N. 2, 1956,  
s. 13.

23. Where an inspector is of the opinion that—

- (a) by reason of drought, the destruction of pasture or other reason, it is undesirable that stock should be driven on the hoof on a stock reserve, stock route or a part of a stock route, he may—
  - (i) require the person in charge of the stock to produce to him the permit issued in respect of the stock; and



- (ii) amend the permit by specifying another stock reserve, stock route or a part of a stock route to be the stock reserve, stock route or part of a stock route to which the permit applies; or
- (b) by reason of the condition of travelling stock, it is undesirable that the stock should continue their journey, he may order the person in charge of the stock to hold the stock on a stock reserve specified by him or to take the stock to a stock reserve specified by him and to keep them there for such period as he considers to be necessary.

**24.—(1.)** Upon receiving the duplicate copy of a permit the Chief Inspector shall cause to be calculated, in accordance with the particulars of the stock and of their journey shown on the permit, the amount of fees, if any, for the payment of which the owner of the stock to which the permit applies is responsible.

Calculation of fees.  
Substituted by No. 2, 1956, s. 14.

(2.) The Chief Inspector, by registered letter addressed to the owner at the owner's last known address, shall notify the owner of the amount of fees calculated pursuant to the last preceding sub-section.

**25.** Where a permit has been amended pursuant to the provisions of this Ordinance and, if the permit had been issued in the first instance in its amended form, the amount of fees, for the payment of which the owner would have been responsible under section nineteen of this Ordinance, would have been greater or smaller than the amount of fees calculated pursuant to the last preceding section, the Chief Inspector, by registered letter addressed to the owner at the owner's last known address, shall notify the owner of the amount by which the fees, for the payment of which he is responsible, is increased or diminished, as the case may be.

Adjustment of fees where permit amended.  
Substituted by No. 2, 1956, s. 14.

**26.—(1.)** Subject to this section, where stock are placed upon a reserve pursuant to an order made under section twenty-three of this Ordinance and the stock remain there for longer than seven days, the person who is the owner of the stock when they leave the reserve is responsible for payment to the Commonwealth of fees, at such rate as is prescribed, for the use of the reserve, for each period of seven days during which the stock have been on the reserve.

Responsibility for fees where stock placed on stock reserve.

(2.) Where, pursuant to the *Stock Diseases Ordinance 1954* or any other Ordinance, an inspector has ordered stock to be placed on a reserve for the purpose of preventing the spread of

disease, the Chief Inspector may exempt the owner from payment of fees under this section for such period, not exceeding three months, as the stock remain on the reserve.

Fees recoverable by Commonwealth.  
Inserted by N. 2, 1956, s. 15; amended by No. 9, 1960, s. 7.

**26A.** The amount of fees, for the payment of which an owner of stock is responsible under section nineteen or section twenty-six of this Ordinance, is a debt due by the owner to the Commonwealth one month after the date when the stock end their journey, whether or not they reach the destination shown on the permit.

Remuneration of permit officers.  
Inserted by No. 2, 1956, s. 15.

**26B.** A permit officer, who is not an officer of the Public Service of the Territory or of the Commonwealth, is entitled to receive from the Commonwealth five per centum of the fees payable by an owner in respect of stock driven on the hoof on a stock reserve or stock route pursuant to a permit issued by the permit officer.

#### PART V.—MOVEMENT OF STOCK ACROSS CROWN LANDS.

Right to drive stock across Crown lands where no stock route available.

**27.—(1.)** Where stock are being driven on the hoof and there is no stock route onwards towards their destination, or a stock route onwards towards their destination has been closed pursuant to this Ordinance, the person in charge of the stock may, subject to this Part, enter upon Crown land with the stock, whether or not that land is held under a licence or lease granted under this or any other Ordinance, and drive the stock across the land by the shortest reasonable route, being not more than one mile wide, from the point of entry upon to the point of exit from the land.

**(2.)** Subject to the next succeeding sub-section, where stock are driven across Crown land pursuant to this section, the provisions of section forty-eight of this Ordinance apply as though the stock were being driven on a stock route.

**(3.)** The owner of a holding may exempt the person in charge of stock, which enter on his holding pursuant to this Part, from the effect of the last preceding sub-section.

Notice to be given to owner of holding.  
Sub-section (1.) amended by No. 13, 1957, s. 3.

**28.—(1.)** Where a person proposes, pursuant to the last preceding section, to drive stock across land which is a holding or to drive stock along a stock route through a holding, the person in charge of the stock shall, before entering the holding, give notice in accordance with the next succeeding sub-section to the owner of the holding of his intention to drive stock across or through the holding.

Penalty: One hundred pounds.

(2.) A notice under this section—

(a) may be given—

- (i) by telegram or radiogram addressed to the owner of the holding;
- (ii) in writing delivered personally to the owner of the holding; or
- (iii) in writing addressed to the owner of the holding and left at the principal place of residence on the holding;

(b) shall be given not less than two days and not more than ten days before the stock enter the holding; and

(c) shall specify—

- (i) the name of the owner of the stock;
- (ii) the name of the person in charge of the stock;
- (iii) the number and type of the stock;
- (iv) the place from which the stock have travelled;
- (v) the destination of the stock;
- (vi) the respective dates upon which the stock are expected to enter and to leave the holding; and
- (vii) the places at which the stock will enter and leave the holding, and the proposed route by which the stock will travel between those places.

**29.** The provisions of section twenty-seven of this Ordinance apply only for the purpose of enabling the person in charge of stock—

Limitation of operation of section 27.

- (a) to drive the stock onwards in order to reach a stock route which leads to or towards the destination to which the stock are being driven; or
- (b) to drive the stock to or towards their destination where there is no reasonably practicable stock route which leads to or towards that destination.

**30.** Where a notice has been served pursuant to section twenty-eight of this Ordinance, the owner of the holding to be crossed shall move stock depastured on the holding to such a distance from the proposed route of the travelling stock as is reasonably necessary to prevent the stock mingling with the travelling stock.

Owner to shift stock away from proposed route.

Penalty: Fifty pounds.

## PART VI.—WATERING PLACES.

Construction of watering places.

31. The Administrator may cause to be constructed such watering places as he sees fit—

- (a) on stock reserves and stock routes; and
- (b) subject to the consent of a person who holds land under a lease or licence granted under the *Crown Lands Ordinance 1931-1954*, on land so held, together with such fences, installations and equipment as is necessary for their protection, effective operation and maintenance.

Declaration of public watering places.

32. The Administrator may, by notice in the *Gazette*, declare—

- (a) watering places owned by the Commonwealth which have been constructed before the date when this Ordinance comes into operation; and
- (b) watering places constructed pursuant to the last preceding section to be public watering places for the use of travelling stock.

Control of public watering places.

33. Subject to this Ordinance, public watering places are under the control and management of the Chief Inspector.

Administrator's power to grant licence over public watering place.

Sub-section (1.) amended by N. 2, 1956, s. 16.

34.—(1.) Where the Chief Inspector certifies in writing to the Administrator that, during the last preceding five years, the average number of travelling horses, cattle, and camels which have been watered at a particular public watering place has not exceeded fifteen thousand head per annum, the Administrator may, notwithstanding the provisions of any other law in force in the Territory, but subject to this section, grant a licence to a person to water stock at the public watering place.

Substituted by No. 2, 1956, s. 16.

(2.) A licence granted under this section—

- (a) shall not be for a period of less than one year nor for a period of more than five years;
- (b) shall specify the maximum number of stock to be watered at the public watering place in a specified period by the licensee, his agents or his employees;
- (c) shall provide that the licensee, his agents or employees will not prevent or hinder travelling stock from watering at the public watering place; and
- (d) shall be subject to such conditions and restrictions as are prescribed, and such other conditions and restrictions as the Administrator considers necessary.

(3.) When granting a licence under this section, the Administrator shall give preference, over other persons, to a person who holds a lease of, or licence over, land adjoining or adjacent to the public watering place.

Amended by No. 2, 1956, s. 16.

**35.**—(1.) Where a public watering place is not subject to a licence under the last preceding section, the Chief Inspector may, notwithstanding the provisions of any other law in force in the Territory, but subject to this section, grant a licence to a person who owns or occupies a holding adjacent to the public watering place, to water stock at the public watering place.

Chief Inspector's power to grant licence over public watering place.

Sub-section (1.) amended by No. 2, 1956, s. 17.

(2.) A licence granted under this section—

- (a) shall not be for a period exceeding six months;
- (b) shall specify the maximum number of stock to be watered at the public watering place in a specified period by the licensee;
- (c) shall provide that the licensee will not hinder or prevent travelling stock from watering at the public watering place; and
- (d) shall be subject to such conditions and restrictions as are prescribed and such other conditions and restrictions as the Chief Inspector thinks necessary in a particular case.

**36.** Notwithstanding the provisions of any other law in force in the Territory, the Administrator may, subject to such conditions and restrictions as are prescribed, in writing authorize a person to use any equipment and water at a public watering place for garden or domestic purposes, or both, if he is satisfied that the use of the equipment and water will not prejudicially affect the watering of travelling stock at that public watering place.

Licence to use water for garden, &c., purposes.

#### PART VII.—GENERAL OFFENCES AND PENALTIES.

**37** A person shall not drive stock on the hoof on a stock reserve or stock route—

Drover to have permit.

Amended by No. 9, 1960, s. 8.

- (a) unless he carries a permit—
  - (i) which applies to those stock;
  - (ii) which applies to the journey on which the stock are being driven; and
  - (iii) which applies to the stock reserve, stock route or part of a stock route, on which the stock are driven; or
- (b) unless the stock are driven within the boundaries of a holding or land on which the stock are ordinarily kept or depastured or are placed for agistment and are not driven more than fifteen miles along a stock route.

Penalty: Two hundred pounds.

Stock not to be travelled until permit issued.

Substituted by No. 2, 1956, s. 18; and No. 9, 1960, s. 9.

**38.** An owner of stock shall not cause or suffer stock to be driven on the hoof, or transported by railway, vehicle, vessel or aircraft unless—

- (a) the stock are within the boundaries of a holding on which the stock are ordinarily kept or depastured or are placed for agistment; or
- (b) a permit which applies to those stock and to their journey has been issued and is in force.

Penalty: Two hundred pounds.

**38A.** A person shall not drive stock on the hoof, or transport stock by railway, vehicle, vessel or aircraft, unless—

- (a) the stock are within the boundaries of a holding on which the stock are ordinarily kept or depastured or are placed for agistment; or
- (b) a permit which applies to the stock and to their journey has been issued and is in force and the person carries the permit and drives the stock in accordance with the permit.

Penalty: Two hundred pounds.

**38B.** A person shall not—

- (a) purchase or receive from a person in charge of travelling stock any stock which are incorrectly described or are not fully described in a permit carried by the person in charge of the stock; or
- (b) purchase or receive stock from a person in charge of travelling stock unless that person produces an authority signed by the owner of the stock, authorizing the person in charge of the stock to sell or otherwise dispose of the stock.

Penalty: Two hundred pounds.

**39.** The person in charge of travelling stock, in respect of which a permit has been issued, shall produce the permit—

- (a) to an inspector who lawfully demands the production of the permit; and
- (b) to the owner or occupier of a holding through which the stock are being driven, upon demand by that owner or occupier.

Penalty: One hundred pounds.

**40.** The person in charge of travelling stock on a stock reserve or stock route—

- (a) shall move the stock to such place on a stock route or stock reserve as an inspector lawfully orders within such time as the inspector specifies; and
- (b) shall, within such time as an inspector specifies, destroy the carcasses of any stock from the mob

Drover to carry permit. Inserted by No. 2, 1956, s. 18; substituted by No. 9, 1960, s. 9.

Offence to purchase travelling stock without production of authority from owner. Inserted by No. 2, 1956, s. 18.

Drover to produce permit on demand.

Drover to comply with directions by inspector.

in his charge which have died or have been killed, when lawfully ordered so to do by the inspector.

Penalty: Two hundred pounds.

41. A person shall clean up and destroy, within such time as an inspector specifies, any litter or refuse left by him, or by persons employed by him, on a stock reserve or stock route when lawfully ordered so to do by the inspector.

Litter and refuse on stock reserve, &c.

Penalty: Fifty pounds.

42. A person shall not—

(a) damage; or

(b) except with the written authority of an inspector, interfere with or remove,

Damage to equipment, &c.

any installation or equipment on a stock reserve or stock route.

Penalty: One hundred pounds.

43. A person shall not, except with the written authority of an inspector—

Offences in connexion with buildings, &c.

(a) enter any building, belonging to the Commonwealth, on a stock reserve or stock route;

Amended by No. 2, 1956, s. 19.

(b) erect any building, structure or fence on a stock reserve or stock route.

Penalty: One hundred pounds.

44. The person in charge of stock which pass through a gate on a stock reserve or stock route shall, within fifteen minutes from and including the time when the last beast or person accompanying the stock passes through the gate, personally inspect the gate and ensure that it is closed and securely fastened.

Leaving gates open.

Penalty: One hundred pounds.

45. The person in charge of stock which water at a public watering place shall, within fifteen minutes from and including the time when the last beast or person accompanying the stock leaves the public watering place, personally inspect all taps and gate valves at the public watering place and ensure that they are turned off or adjusted in such a way as to prevent the flow of water.

Leaving taps, &c., turned on.

Penalty: Three hundred pounds.

46. A person who lights a fire on a stock reserve or stock route shall not make that fire, or allow that fire to cover or spread, over an area greater than ten square yards.

Fires on reserve, &c.

Penalty: Three hundred pounds.

47. A person shall not drive stock on the hoof on a stock reserve, stock route or a part of a stock route during a period for which it has been closed pursuant to section seventeen of this Ordinance.

Closed stock reserve, &c.  
Amended by No. 2, 1956, s. 20.

Penalty: Two hundred pounds.

Rate of travel.  
Sub-section (1.)  
substituted by  
No. 2, 1956,  
s. 21.

**48.—(1.)** The person in charge of stock travelling on the hoof on a stock route or part of a stock route shall, subject to this Ordinance, cause the stock to travel onwards towards their destination along the stock route—

(a) in the case of cattle—

(i) where the total distance to be travelled is fifty-six miles or more, not less than fifty-six miles in each successive period of seven days; and

(ii) where the total distance to be travelled is less than fifty-six miles, not less than eight miles each day;

(b) in the case of horses—

(i) where the total distance to be travelled is seventy miles or more, not less than seventy miles in each successive period of seven days; and

(ii) where the total distance to be travelled is less than seventy miles, not less than ten miles each day; and

(c) in the case of sheep and goats—

(i) where the total distance to be travelled is thirty-five miles or more, not less than thirty-five miles in each successive period of seven days; and

(ii) where the total distance to be travelled is less than thirty-five miles, not less than five miles each day.

Penalty: Fifty pounds.

(2.) An inspector may in writing authorize the person in charge of travelling stock to travel the stock for such shorter distance than is prescribed in the last preceding sub-section as he sees fit in one, or more than one, period of seven days where, in the opinion of the inspector, the stock, by reason of weakness, immaturity or disease, are physically incapable of travelling the prescribed distance in such a period.

(3.) The provisions of sub-section (1.) of this section do not apply to a person in charge of travelling stock during the period for which an authority, granted to him by an inspector, applies.

Abandoning  
cattle.

**49.** A person shall not abandon any travelling stock on a holding, or on a stock reserve or stock route which is not separated from the adjoining holding by a fence sufficient to prevent the passage of stock, without the consent of the owner or occupier of that holding.

Penalty: Five pounds for every head of stock so abandoned.



**50.** The person in charge of travelling stock shall not leave stock unattended on a stock reserve or stock route.

Unattended stock.

Penalty: Fifty pounds.

**51.** The person in charge of travelling stock—

(a) shall not camp or permit any person employed by him to camp; and

(b) shall not, whilst he is camped, leave his plant or the stock,

Camping near public watering place.  
Amended by No. 9, 1960, s. 10.

within one mile of a public watering place, except with the permission of an inspector.

Penalty: Fifty pounds.

**52.—**(1.) A person shall not—

(a) bathe in or pollute any water at a public watering place;

(b) remove more than fifty gallons of water from a public watering place in any one day except—

(i) with the written permission of an inspector; or

(ii) in pursuance of a lease, licence or authority granted under or pursuant to this Ordinance; or

(c) cause or suffer stock to consume water at a public watering place unless the stock are travelling stock in respect of which a permit applies, except in pursuance of a licence or authority granted under, or pursuant to, this Ordinance.

Offences in connexion with water.  
Sub-section (1.) amended by No. 2, 1956, s. 22.

Penalty: Two hundred pounds.

(2.) The provisions of paragraph (b) of the last preceding sub-section do not apply with respect to the amount of water consumed by travelling stock at a public watering place.

**53.** A person shall not obstruct, resist, assault or threaten the Chief Inspector, Superintendent or an inspector acting in the course of or exercising his powers or duties under this Ordinance.

Obstructing, &c., inspector.

Penalty: One hundred pounds.

**54.—**(1.) A person shall not—

(a) hinder or obstruct travelling stock from watering at a public watering place; or

(b) hinder or obstruct the person in control of travelling stock when watering or attempting to water the stock at a public watering place.

Obstructing, &c., stock when watering.

Penalty: Two hundred pounds.

(2.) This section does not apply to the Chief Inspector, the Superintendent or an inspector acting in the course of exercising his powers or duties under this Ordinance.

Persons to obey  
orders by  
Inspector.

**55.** A person shall not fail to comply with the requirements of an order lawfully made by an inspector pursuant to paragraph (a) or to sub-paragraphs (i), (ii), (iii) or (viii) of paragraph (b) of section fifty-seven of this Ordinance.

Penalty: Fifty pounds.

PART VIII.—MISCELLANEOUS.

Administrator  
may declare  
animals to be  
stock.  
Amended by  
No. 22, 1959,  
s. 6 and First  
Schedule.

**56.** The Administrator in Council may, by notice in the *Gazette*, declare a species of animal to be stock for the purposes of this Ordinance.

**57.** An inspector may, for the purposes of this Ordinance—

(a) order a person who is accompanying travelling stock to state the name of the person who is in charge of the stock;

(b) order the person in charge of travelling stock—

(i) to state the place from which the stock have been brought;

(ii) to state the place to which the stock are being taken;

(iii) to give such other information concerning the stock as the inspector requires for the purposes of this Ordinance;

(iv) to produce a permit in respect of the stock;

(v) to drive the stock to a place specified by the inspector on a stock reserve or stock route within such time as the inspector specifies;

(vi) to destroy, within such time as the inspector specifies, the carcasses of any stock from the mob in his charge which have died or have been destroyed on or near a stock route or stock reserve;

(vii) to clean up and destroy, within such time as the inspector specifies, any litter or refuse left by him or by any persons accompanying the stock; and

(viii) to repair, within such time as the inspector specifies, any damage to installations or equipment on a stock reserve or stock route which has been caused by the stock, by him or by a person accompanying the stock;

(c) alter a permit; and

(d) regulate the use of water at a public watering place.

Powers of  
inspector.

**58.—(1.)** Where, in pursuance or for the purposes of this Ordinance, an inspector orders a person to do any act and that person fails to comply with the requirements of that order, the inspector may do, or cause to be done, that act.

Inspector may carry out requirement and recover cost.

(2.) Where an inspector incurs expense pursuant to this section, the amount of that expense may be recovered from the person who failed to comply with the requirements of the inspector's order as a debt due by that person to the Commonwealth.

**59.** Where stock have been abandoned on a holding or on a stock reserve or stock route, which is not separated from the adjoining holding by a fence sufficient to prevent the passage of stock, without the consent of the owner or occupier of that holding, the owner or occupier or an inspector may destroy the stock so abandoned.

Abandoned stock.

**60.—(1.)** An inspector who finds straying stock on a stock reserve or stock route, which is enclosed by a fence, whether the gates in that fence are open or shut, may—

Straying stock.

(a) where he is unable to ascertain who is the owner of the stock, seize and dispose of the stock in such manner as is prescribed;

(b) where he knows or is able to ascertain who is the owner of the stock, order the owner to remove the stock within a time specified by the inspector.

(2.) Where an owner who has been ordered, pursuant to this section, to remove stock from a stock reserve or stock route, fails to remove the stock within the specified time, the inspector may seize and remove the stock and dispose of them in such manner as is prescribed.

(3.) This section does not apply to stock which are found on a stock reserve or at a public watering place, where the owner of the stock holds a lease or licence, granted pursuant to this or any other Ordinance, of, over or in respect of land comprised in the stock reserve or the land on which the public watering place is situated.

Substituted by No. 2, 1956, s. 23.

(4.) The provisions of the last preceding sub-section, and anything done under this section, do not affect the liability of the owner of stock for trespass.

**61.** Where no fence sufficient to prevent the passage of stock exists along the boundary of a stock reserve or stock route—

Fencing. Amended by No. 9, 1960, s. 11.

(a) the owner of a holding or land adjoining the stock reserve or stock route may erect such a fence or cause such a fence to be erected along that boundary; and

- (b) the Administrator may cause such a fence to be erected along that boundary.

Maintenance of fences, &c., and construction of grids, &c.  
Amended by No. 9, 1960, s. 12.

**62.** Where, at any time after the commencement of this Ordinance, a fence sufficient to prevent the passage of stock exists or is constructed along the boundary of a stock reserve or stock route—

- (a) the owner of a holding or land adjoining the stock reserve or stock route may—
- (i) construct grids or gates or cause grids or gates to be constructed through the fence; and
  - (ii) maintain or cause to be maintained the fence and any grids or gates through the fence; and
- (b) the Administrator may—
- (i) cause grids or gates to be constructed through the fence; and
  - (ii) cause the fence and any grids or gates through the fence to be maintained.

Contribution to cost of fencing, &c.  
Amended by N. 2, 1956, s. 24; and No. 9, 1960, s. 13.

**63.** Where expense is incurred in erecting or maintaining a fence sufficient to prevent the passage of stock, pursuant to either of the last two preceding sections—

- (a) by the owner of the holding or land adjoining the stock reserve or stock route, he may recover one half of that expense from the Commonwealth; or
- (b) by the Administrator, he may, on behalf of the Commonwealth, recover one half of that expense from the owner of the holding or land adjoining the stock reserve or stock route.

Contribution to value of fence existing at commencement of Ordinance.  
Inserted by No. 2, 1956, s. 25; and amended by No. 9, 1960, s. 14.

**63A.** Where, at the commencement of this Ordinance, or at the time when a stock reserve is reserved as a reserve for travelling stock or a stock route is reserved as a route for the passage of travelling stock, a fence sufficient to prevent the passage of stock exists along the boundary or a part of the boundary of a stock reserve or stock route—

- (a) an owner of a holding or land which is separated from the stock reserve or stock route by the fence may, if the Commonwealth has not erected or contributed to the erection of the fence or part of the fence, recover from the Commonwealth one half of the value, at the date of the commencement of this Ordinance, or at the date of the reservation, as the case may be, of the fence or such part of the fence as will prevent the passage of stock; and

- (b) the Commonwealth, if it has erected the fence or part of the fence, may, if it has not received any contribution to the cost of erection from the owner of the holding or land which is separated from the stock reserve or stock route by the fence or part of the fence, recover from the owner of that holding or land one half of the value, at the date of the commencement of this Ordinance, or at the date of the reservation, as the case may be, of the fence or such part of the fence as will prevent the passage of stock.

**63B.**—(1.) Where, in pursuance of an authority granted under this Ordinance, a person causes a fence to be erected across a stock reserve or stock route, he shall cause such gates and grids to be constructed through the fence as the Chief Inspector requires and maintain them in a manner to prevent the uncontrolled passage of stock.

Erection of grids or gates on stock routes or stock reserves.  
Inserted by No. 2, 1956, s. 25.

(2.) Where a person fails to maintain a gate or grid in the manner required by the last preceding sub-section, the Chief Inspector may cause the gate or grid to be repaired.

(3.) Where expense is incurred pursuant to the last preceding sub-section the amount of that expense may be recovered from the person who failed so to maintain the gate or grid as a debt due by that person to the Commonwealth.

**64.** Where stock are treated at a public dip, whether by dipping or spraying, the owner of the stock is responsible for payment of fees at such rates as are prescribed in respect of the stock so treated.

Dipping fees.

**65.**—(1.) A prosecution under this Ordinance shall be instituted only by the Chief Inspector or in the name of the Chief Inspector by a person authorized in writing by the Chief Inspector for the purposes of the particular prosecution.

Prosecutions.  
Substituted by No. 25, 1957, s. 2.

(2.) Where a prosecution under this Ordinance has been instituted by a person in the name of the Chief Inspector, the person shall, in the absence of evidence to the contrary, be deemed to have been authorized in writing by the Chief Inspector for the purposes of the particular prosecution.

(3.) The production of a telegram or letter purporting to be signed by the Chief Inspector and purporting to authorize a person to institute a particular prosecution under this Ordinance shall be admissible in evidence in the prosecution and shall be accepted as evidence that the person is authorized in writing by the Chief Inspector for the purposes of the particular prosecution.

Chief Inspector  
to cause notices  
to be published  
in newspaper.

**66.**—(1.) Where, pursuant to this Ordinance, any notice is published in the *Gazette*, the Chief Inspector shall immediately cause a copy of that notice to be published in at least one newspaper printed or published in the Territory and in such other newspapers as he sees fit.

(2.) Failure on the part of the Chief Inspector to comply with the requirement of the last preceding sub-section does not in any way affect the validity of a notice published in the *Gazette*.

Regulations.  
Amended by  
No. 2, 1956,  
s. 26.

**67.** The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and in particular—

- (a) prescribing the manner in which, and the persons or authorities by which, stock routes shall be maintained;
- (b) prescribing the rates to be charged for stock of different species travelling on the hoof on stock reserves and stock routes by reference to the number of public watering places to be passed by the stock;
- (c) prescribing the manner in which licences under this Ordinance may be applied for or granted;
- (d) prescribing fees for the dipping or spraying of stock of different species;
- (e) prescribing the manner in which inspectors may order or require persons to do things in pursuance of this Ordinance; and
- (f) prescribing penalties not exceeding One hundred pounds for offences against the regulations.