

No. XIX.

DISEASES IN SHEEP
ACTS AMENDMENT.

—
An Act to amend the “Diseases in Sheep Act of 1866” and the “Diseases in Sheep Act Amendment Act of 1876” to regulate the driving of Stock and to protect the Reserves for Travelling Stock from Trespass. [16th May, 1878.]

Preamble.

WHEREAS it is expedient to amend the “Diseases in Sheep Act of 1866” and the “Diseases in Sheep Act Amendment Act of 1876” to regulate the driving of stock and to protect the reserves for travelling stock from trespass Be it therefore enacted by the Queen’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

I.—PRELIMINARY.

Short title &c. of
Act.

1. This Act may be cited as the “Diseases in Sheep Acts Amendment Act of 1878” and shall be construed together with the “Diseases in Sheep Act of 1866” hereinafter termed the Principal Act in connection with the Acts sixteenth Victoria number one and twenty-second Victoria number twenty-two made and passed for shortening Acts of the Legislature.

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2. The fifth twelfth forty-first forty-second seventy-second and Repeal of sections 5
seventy-fourth sections and the Schedule L of the Principal Act and the 12, 11, 42, 72 and 74
“Diseases in Sheep Act Amendment Act of 1876” are hereby repealed. and Schedule L of
Principal Act and
Sheep Act of 1876.

3. In the construction of this Act the following words within Definition of terms.
inverted commas shall have the meanings and include the persons or things set against them respectively unless inconsistent with the context—

- “Cattle”—Any bull cow ox heifer steer or calf.
- “Drover”—Any person in charge of any travelling stock.
- “Horse”—Any horse mare gelding colt filly foal ass or mule.
- “Occupier”—The owner of any run or his superintendent or any person in the authorized charge of any run.
- “Owner”—Any proprietor whether jointly or in severalty superintendent consignee or person in possession or charge of any stock.
- “Run”—Any land road place or premises.
- “Stock”—Any horses cattle or sheep.
- “Travelling Stock”—Any stock travelling to any place upwards of forty miles distant from that on which they were when their permit to travel or travelling statement was granted.

II.—SHEEP DISTRICTS.

4. No division or alteration of a district shall in any way affect the appointment or powers of Inspectors appointed under this Act. But Inspectors shall in all such cases be and be deemed to be duly appointed to such districts or portions of districts as the Minister shall notify in the *Gazette*. And any Inspector may by direction of the Minister do duty in any district in the Colony. Alterations not to affect Inspectors. Inspectors may act in any district.

III.—ELECTION AND DUTIES OF DIRECTORS.

5. Any person shall be qualified to vote at the election of Directors and to be elected a director who is at the time of such election the owner of more than five hundred sheep *bond side* kept and depastured on any run within the district for which such election is held or who shall be the *bond side* superintendent of any run so situated then depasturing not less than five thousand sheep and shall hold the written authority of the proprietor of such run to act for him at such election. Provided that if the qualification of any person claiming to be an elector or that of any candidate be challenged on any ground other than that relating to the ownership or number of any sheep or the locality of any run the chairman presiding at such meeting may require such person to make a solemn declaration as to the validity of his qualification and upon so proving the same he shall be entitled to vote or to be elected as the case may be. Qualifications of electors and candidates. Proviso.

6. Alphabetical lists of the owners of sheep in the several sheep districts together with the names of the runs held by such owners and the number of sheep on each of such runs shall between the thirty-first day of January and the fourteenth day of February in each year be prepared by the Sheep Inspectors for such districts from the returns of sheep made by the said owners to the several Clerks of Petty Sessions who shall examine and certify to the correctness of such lists and when so certified they shall be held and deemed to be the electoral lists of owners eligible to vote at the election of directors in the several sheep districts and shall lie on the table at such elections for reference by any elector or candidate. And all questions arising at the election as to the ownership or number of sheep owned or depastured or the locality of any run shall be settled by reference to such lists. Electoral lists to be prepared.

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Joint owners to vote
as one owner.

Voting to be cumu-
lative.

Directors to nominate
Inspector in
accordance with
regulations.

If one Inspector be
sufficient for two or
more districts
Directors to nominate
accordingly.

The Minister may
appoint acting
inspector.

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

Travelling sheep to
be branded with the
letter T.

Exceptions.

Regulations for
travelling sheep in
certain districts.

Travelling
sheep to obtain
permit from
Inspector.

7. Where any sheep are jointly owned by two or more persons such persons shall be entitled to no more votes either jointly or severally than if the said sheep were owned by one individual. And where sheep are running together in one flock or in one paddock they shall be held to belong to one and the same owner.

8. The voting at all elections of Directors as aforesaid shall be cumulative and the number of votes to be given by an owner or superintendent shall be according to the scale contained in the First Schedule hereto.

9. A quorum of Directors in any district present at a meeting specially called for that purpose of which not less than fourteen days notice shall have been given in some newspaper circulating in the district shall nominate some fit person as Inspector for such district. But the Governor may decline to confirm such nomination if the person nominated does not possess the qualifications prescribed by the regulations which may be issued by the Governor in that behalf or if an Inspector shall not in the opinion of the Minister be required for such district.

10. Whenever the Minister may consider that the services of one Inspector are sufficient for two or more districts the Directors shall meet in their respective districts upon a day to be fixed by the Minister by notice in the *Gazette* and having nominated one or more persons for the office of Inspector they shall forthwith transmit such nominations with the result of the voting at their respective meetings to the Minister. And the person who shall be found to have received the greatest number of votes shall be held to be duly nominated for the appointment subject to the confirmation of the Governor as aforesaid. But if there be an equal number of votes for two or more candidates the nomination shall be made by the Minister from such candidates.

11. The Minister may where necessary on the absence resignation removal on leave or death of an Inspector appoint some fit person to act temporarily as Inspector until the return of such Inspector or the appointment of another as hereinbefore provided.

IV.—TRAVELLING STOCK.

1.—Sheep.

12. The provisions of the principal Act relating to quarantine and to the coast district shall not apply to clean travelling sheep while being carried by railway if such sheep did not start from the coast district nor were stopped in an infected place. Provided that all sheep found to be infected in a railway truck or at a railway station shall at once be removed to a quarantine ground or other proper place and dealt with as provided by this Act.

13. Every owner of travelling sheep which are not legibly branded with the letter T (in addition to an owner's recorded brand) shall for every such sheep so unbranded be liable to a penalty not exceeding one penny. Provided that it shall not be necessary to brand with such letter any clean sheep intended to be driven from any one run to any other run not more than forty miles distant belonging to the same owner nor clean sheep which are intended to be taken on to a neighbouring run or to a pound.

14. The following regulations with respect to travelling sheep shall apply and be in force in such sheep districts as the Governor may at any time declare by notice in the *Gazette* :—

(1.) Every owner intending to travel three hundred or more sheep from any run shall before leaving the Sheep district in which such run is situated forward to the Inspector of the district

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district a statement in writing of the number description brands and marks of the said sheep and of their intended route and destination and shall obtain from the Inspector a permit containing the particulars set forth in the Second Schedule hereto to travel the said sheep as hereinafter provided to their destination by the route specified in such permit. And every owner introducing sheep from any of the adjoining Colonies shall in like manner obtain a permit to travel as aforesaid from the Inspector for the district into which such sheep shall first pass on crossing the Border—

(2.) If at any time within four months from the date of the sheep starting from arrival of any sheep at a destination to which they shall have travelled under a permit previously granted as aforesaid it is intended to remove any of the said sheep from such destination to any other their owner shall obtain from the Inspector for the district in which such sheep shall then be a renewed permit for every second or subsequent removal for which the owner shall pay to the said Inspector a travelling charge at the rate of two pence per one hundred sheep per mile for the distance between the two destinations—

(3.) If any travelling sheep be brought back to the run from which they started to travel or to any run in the same district the owner of such sheep shall pay to the Inspector for such district the travelling charges fixed by the next preceding regulation for the whole distance such sheep shall have travelled from the time they started as aforesaid until they were brought back to either of such runs. Provided that this *Proviso.* sub-section shall not apply to fat sheep sent *bona fide* to and returning unsold from market.

(4.) All moneys received by Inspectors for travelling charges or moneys collected otherwise under these regulations or for penalties shall be paid by them into the "sheep account" at the Treasury and shall be used for the purposes of this and the Principal Act.

2.—*Horses Cattle and Sheep.*

15. Every drover in charge of any travelling sheep and every drover in charge of any travelling horses or cattle shall be provided at the time of his departure with a "travelling statement" containing the particulars set forth in the Third Schedule hereto signed by the owner of such sheep horses or cattle in the presence of a subscribing witness. And every drover shall produce such statement and a permit as hereinbefore provided upon demand to any Inspector of Stock Police constable or Justice or to the occupier of any run through which or along the boundary-road of which such travelling stock may be proceeding.

16. All travelling stock shall be taken by the drover thereof by any direct road ordinarily used for the purpose of travelling stock to the place of destination mentioned in the permit or travelling statement as the case may be for such stock. And unless *bona fide* prevented by rain or a flood such stock if the same be sheep shall be moved six miles and if horses or cattle ten miles at least in one and the same direction every successive period of twenty-four hours. Provided that if any travelling stock be sold on the road or if from any sufficient cause the route mentioned in any such travelling statement or permit cannot be followed the drover may with the approval (to be endorsed upon the statement) of any Director or Inspector of Stock change

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change such route or destination Provided also that any travelling sheep may (with the sanction of an Inspector or Director) be kept for any period not exceeding forty-eight hours on any reserve for travelling stock for the purpose of branding such sheep or for carrying out any other necessary provision of this or any other Act.

Drovers to give notice to owners of runs on the route.

17. Whenever a drover intends to take his travelling stock along any road which may intersect or form the boundary of any run containing not less than two hundred acres and not separated from such road by a sufficient fence he shall give the occupier of such run not less than twelve nor more than forty-eight hours notice of such intention by leaving the same at the homestead or head station of such run Provided always that such notice shall not be necessary within thirty miles of the sea-coast nor in the case of horses or cattle *bond fide* used for saddle or draught nor in that of fat cattle travelling to a specified market for sale nor in that of sheep while being carried in a conveyance nor while travelling in the coast scab district.

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

18. If the drover of any travelling stock before or at the time of giving such notice shall have any reason to suspect or believe that any of such stock are infected with any disease he shall give the notice in the manner required by the last section in writing and shall in such notice state with what particular disease he suspects or believes such stock to be so infected And such notice shall in the case last-mentioned be so delivered at the homestead or head station of every such run whatever may be the extent thereof and whether such run be or not sufficiently fenced from the line of road along which such travelling stock are intended to be taken And every precaution shall be adopted by the drover in such case to prevent contact between his travelling stock and any stock then being on any such run Provided always that travelling stock when so suspected or believed to be infected with any disease shall be permitted to travel only during the hours of daylight.

None but *bond fide* travelling stock to be depastured on Reserves.

19. No person shall drive take or depasture any stock unless they be *bond fide* travelling stock upon any Crown lands reserved for travelling stock And no person shall drive take or depasture any stock other than stock in transit to the railway upon reserves set apart for the accommodation of the railway stock traffic And any stock driven taken or depastured contrary to this Act or any Regulation made hereunder or any stock found upon a reserve for travelling stock—such stock not being *bond fide* travelling stock nor stock belonging to the occupier of the run on which such reserve is situated —may be impounded by any Inspector of Stock or Justice or other person authorized by the Minister in that behalf and may thereupon be dealt with as in the case of stock impounded for trespass upon lands in the lawful possession of any occupier.

Carcasses not to be left undestroyed near roads.

Governor may make Regulations for travelling stock.

20. No carcasses of travelling stock shall be left more than twelve hours undestroyed on or within half a mile of any road.

21. The Governor may make Regulations for carrying into effect the several provisions of this Act and for the protection and management of reserves for travelling stock All such Regulations shall on being published in the *Gazette* have the full force of law And copies of the same shall without unnecessary delay be laid before Parliament if at the time in Session otherwise within one month after the commencement of its then next Session.

Penalty for breach of travelling regulations not exceeding £25.

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22. Every person offending against any of the provisions of this Act or of any regulation made under its authority with respect to travelling stock shall on conviction for every such offence be liable to a penalty not exceeding twenty-five pounds Provided that any person offending against section eighteen of this Act on conviction thereof shall be liable to a penalty not exceeding fifty pounds.

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V.—INTRODUCED SHEEP.

23. The Governor may set apart a piece of ground at any place to be a quarantine for introduced sheep.

Quarantines may be proclaimed on the Borders for introduced sheep.

24. If in the opinion of the Minister there be any reason to suspect that introduced sheep are infected or likely to be infected they shall forthwith be placed and remain in quarantine for such length of time and shall undergo such dressing and disinfecting as shall be prescribed by regulations made under this Act. And any person who shall take or assist in taking any introduced sheep in or out of quarantine contrary to this Act or any Regulations hereunder or who shall offend against any of the provisions thereof shall on conviction for every such offence be liable to a penalty not exceeding one hundred pounds and not less than five pounds or be liable to be imprisoned for any term not exceeding six months.

Suspected sheep may be quarantined and dressed.

25. If any introduced sheep placed in quarantine as hereinbefore provided shall be kept or dressed or disinfected while in quarantine at the public expense the owner of such sheep shall pay to the Inspector of the district such fees for any such services as shall be fixed by the Governor. But if the owner of such sheep shall himself have borne the expense no fees shall be required or payable.

If sheep be kept at public expense owner to pay fees.

VI.—IMPORTED SHEEP.

26. Besides the quarantine stations which may be established under the Principal Act for the reception of imported sheep it shall be lawful for the Governor to set apart such pieces of ground at or near any seaport as may be considered necessary for special quarantines where imported sheep may be safely kept and dressed at their owners expense. But such sheep shall in every case be kept and dressed under the direction and to the satisfaction of the Chief Inspector.

Special quarantines may be established and imported sheep kept at owner's expense.

27. The Governor may from time to time appoint the fees to be charged for the sustenance and dressing of imported sheep while in quarantine.

Quarantine charges to be fixed by the Governor.

28. Notwithstanding the provisions contained in the Principal Act the duration of the quarantine for imported sheep shall hereafter be twenty-one days. Provided that this section shall not apply to sheep from places other than the Australian and New Zealand Colonies.

Quarantine for imported sheep to be reduced to 21 days.

29. Notwithstanding anything contained in the "Sheep Act of 1866" the Governor may from time to time by proclamation in the *Gazette* suspend for any period not exceeding six months such of the provisions of the said or this Act relating to the introduction of imported sheep from neighbouring Colonies as will admit of fat sheep arriving by sea from any Colony in which disease is not known nor suspected to exist being taken direct to the Abattoirs on Glebe Island in Port Jackson for slaughter under such Regulations as may be set forth in the said Proclamation.

Provisions relating to imported sheep may be so far suspended where sheep are to be slaughtered.

VII.—COASTWISE AND COAST DISTRICT SHEEP.

30. The Governor may by Proclamation in the *Gazette* suspend all or any of the provisions of sections fifty-five and fifty-eight of the Principal Act for any period not exceeding twelve months.

Provisions relating to coastwise and coast sheep may be suspended.

VIII.—SHEEP BRANDS AND MARKS.

31. All sheep above the age of six months shall be branded and kept legibly branded by the owner thereof with an "owner's brand" which shall have been duly recorded as hereinafter provided.

All sheep over six months to bear a recorded brand.

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Brands allotted to each owner.

Inspector to keep a record of brands and marks.

Application and allotment of brands and marks.

If brand or mark be objectionable Inspector will suggest modification.

Inspector if required by owner may also record distinctive marks.

The Chief Inspector may modify recorded brands or marks found to be objectionable.

Mode of transfer of sheep brands or marks.

How sheep brands and marks are to be applied and marked.

Brands and marks in certain cases to be *prima facie* evidence.

32. Only one fire brand and one paint or tar "owner's brand" and one owner's ear-mark shall be allotted to each sheepowner for every run held by him and if two or more adjoin they shall be deemed one run. But sheepowners may use any number of distinctive marks to denote the age or class of their sheep provided that such distinctive marks shall not be on the same ear as the owner's recorded ear-mark.

33. Each District Inspector shall keep a book in the form directed by the Chief Inspector to be called the "Sheep Brands and Marks Record" for the entry of all "owner's brands" and marks allotted by him and also of all distinctive marks as aforesaid which any sheep-owner may desire to record.

34. Every sheepowner using an "owner's brand" or mark shall transmit to the Inspector for the district an application in the form given in the Fourth Schedule hereto together with the fee for recording and publishing the same according to the scale given in the Sixth Schedule hereto. And if such brand or mark shall not be the same or similar or easily convertible into any other brand or mark already recorded in the same district the Inspector shall record the brand or mark so applied for as the "owner's brand" or mark of the said applicant and shall deliver or transmit to him a certificate to that effect. But if there be any objection to the allotment of the brand or mark applied for the Inspector shall forthwith intimate the same to the applicant and suggest to him a modification thereof. And if within twenty-one days of the date of such intimation the Inspector shall not receive from such applicant an acceptance of the said modification or some other modification of the brand or mark so applied for which shall not be objectionable as aforesaid the Inspector shall record the brand or mark as modified by himself and the same shall be the "owner's brand" or mark of such applicant accordingly.

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

36. If it shall be found that any brands or marks liable to any of the objections hereinbefore mentioned have been allotted in the same district or in different districts but in the same locality the Chief Inspector shall allot such modifications to the owners of the said brands or marks as shall render them dissimilar. And such owners shall on receiving notice to that effect from the Chief Inspector adopt and use such modifications of their brands or marks accordingly.

37. If the proprietor of any such recorded brand or mark desires to transfer the right thereof to any other person he shall join with such person in a memorandum of transfer in the form given in the Fifth Schedule hereto and shall deliver or transmit the same together with the fee for recording the same mentioned in the Sixth Schedule hereto to the Inspector who shall make the necessary entries in his record and deliver or transmit to such person a certificate of such transfer.

38. Every firebrand shall be imprinted on the face or horn and every pitch tar or paint brand on the shoulder ribs back or rump of the sheep. And all such brands and all distinctive ear and other marks on sheep shall be branded and made thereon as the Governor may from time to time direct by any Regulations made in that behalf.

39. For the purposes of this Act or any Regulations issued hereunder proof that the recorded brand or mark of any owner is branded or marked upon any sheep and that such brand or mark is recorded in the district in which such sheep then are and is the only recorded brand or mark imprinted or marked thereon shall be *prima facie* evidence of the ownership of such sheep.

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40. Every person found guilty of any of the following acts relating to the branding or marking of any sheep shall on conviction for every offence be liable to a penalty not exceeding one hundred pounds namely—

(1.) Wilfully or negligently branding or marking with his own recorded brand or mark any sheep of which he is not the owner or wilfully or negligently permitting any such sheep to be branded or marked with his recorded brand or mark— Misbranding.

(2.) Wilfully destroying defacing or altering any brand or ear or other mark on sheep or permitting or being privy to the destruction defacement or alteration thereof— Destroying defacing or altering brands or marks.

(3.) Cutting off more than one-fourth of the ear— Ear-cropping.

(4.) Using on any sheep the brand or mark of any other person without his authority— Using brand or mark without owners authority.

(5.) Using any unrecorded brand or mark on any sheep— Using an unrecorded brand or mark.

(6.) Or in any other way offending against any other of the provisions of this Act connected with the branding or marking of sheep—

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

IX.—MISCELLANEOUS.

41. Every owner possessed of fifty or more sheep shall give the occupants who are possessed of fifty or more sheep and whose runs adjoin the run occupied by such owner not more than five clear days nor less than twenty-four hours notice in writing delivered personally or sent by registered letter through the post of any muster intended to be made by such owner on his run for the purpose of shearing branding marking or weaning any sheep and such owner shall permit the said occupants or their employés to attend at any such muster. Provided that any such owner may with the consent in writing of any such occupant omit such notice and any owner or other person failing to comply with any of the provisions of this section shall on conviction for every such offence incur a penalty not exceeding fifty pounds.

42. Every owner not liable to contribute as provided by the Principal Act who shall keep sheep and every salesman and dealer in sheep and every butcher shall on or before the fourteenth day of January in each year register his run and premises and the number of sheep at the time on such run or premises (if any) in the register book of the Inspector for the district.

43. Every person who shall commit a breach of any of the provisions of this Act or of any Regulations issued hereunder for which a penalty is not specially provided shall on conviction for every such offence be liable in a penalty not exceeding ten pounds.

X.—CONTRIBUTIONS AND EXPENSES.

44. Notwithstanding anything in the Principal Act to the contrary all contributions fees penalties and other moneys receivable thereunder or under this Act shall be paid to the Colonial Treasurer or such other person as he may authorize to receive the same and shall be Contributions to be paid into the Trust Fund.

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be paid into the Trust Fund and carried to the credit of a special account to be called the "sheep account" together with any balance which may at the passing of this Act be at the credit of the present sheep account at the Treasury.

Expenses to be paid under warrant of the Governor.

Proviso as to loans from Consolidated Revenue.

Expenses but no moiety of penalty to be paid to informer or prosecutor.

45. The Colonial Treasurer shall under warrant of the Government pay out of the Sheep Account hereinbefore described (or in the event of such account being inadequate out of such moneys as may be appropriated by Parliament for the purposes of this Act) all claims which may arise hereunder and all necessary expenses which may be incurred in carrying out this Act. Provided that all payments under such special appropriations shall be recouped to the Consolidated Revenue when there is a sufficient balance to the credit of the said sheep account.

XI.—LEGAL PROCEDURE.

46. All offences against this Act may be heard and determined in a summary way by any two Justices and notwithstanding anything contained in the Principal Act or this Act no informer or prosecutor shall hereafter be entitled to receive any moiety of any penalty recovered under this Act but the whole penalty shall be paid to the Colonial Treasurer to be placed to the credit of the "sheep account" at the Treasury. And in every case where a conviction is obtained the Justices may adjudge the defendant to pay to the prosecutor all necessary expenses incurred in carrying through the prosecution.

SCHEDULES.**THE FIRST SCHEDULE.**

SCALE of votes which owners or superintendents of sheep stations shall under the above-named Act be entitled to record at elections of Sheep Directors according to the number of sheep on such stations.

Over 500 and under 10,000 sheep	shall entitle an owner to	1 vote
" 10,000 "	20,000 "	" owner or superintendent to	2 votes
" 20,000 "	30,000 "	" "	3 "
30,000 and over	" "	" "	4 "

THE SECOND SCHEDULE.*Permit to Travel.*

This is to certify that the sheep more particularly described to in the Schedule below are hereby permitted to travel to their destination by the route specified in the said Schedule.

SCHEDULE REFERRED TO ABOVE.

Number.	Description.	Brands and Marks.	Name and address of owner and of person in charge.	From what District and Run.	Route permitted to travel.	Consignee and destination.

