

Act No. 23, 1900.

An Act to consolidate the enactments relating NOXIOUS MICROBES
to the communication of Infectious Diseases
to Animals. [22nd September, 1900.]

BE it 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:—

1. This Act may be cited as the “Noxious Microbes Act, 1900.” Short title.

2.

Noxious Microbes.

Repeal.
Savings.

2. The Act fifty-first Victoria number thirty is hereby repealed.

3. (a) Every license granted under the Act hereby repealed and existing at the passing of this Act shall continue in existence as if it had been granted under this Act, and shall be deemed to have been granted hereunder.

(b) Every notification made under the Act hereby repealed, the operation of which is not exhausted at the passing of this Act, shall be deemed to have been made under this Act.

Interpretation.

51 Vic. No. 30, s. 2. indicates or requires,—

“Infectious” when used in reference to microbes, means capable of passing by natural means, whether by contact, infection, hereditary transmission, or through air, food, or water, or otherwise howsoever from animal to animal, whether such animals are of the same or different kinds, or from man to man, or from any animal to man, and whether such microbes pass and are propagated in the same or in altered forms.

“Medium” means any matter or preparation used to keep microbes alive.

“Microbe” means any micro-organism, mite, parasite, or other minute form of life.

“Minister” means the Minister for Lands.

“Noxious” means capable of producing any disease or pestilence in man, or in any animal.

Introduction and
keeping of certain
microbes declared
illegal.

Ibid. s. 3.

5. It shall be unlawful for any person, not holding a license from the Minister as hereinafter provided, to introduce into New South Wales, or to receive when introduced, or to keep or distribute any noxious and infectious microbes or any substance or medium impregnated therewith, or to rear and propagate any such microbes.

Inoculation of
animals declared
illegal.

Ibid. s. 4.

6. It shall be unlawful for any person, not holding a license from the Minister as hereinafter provided, to inoculate or otherwise infect any animal with any noxious and infectious microbes; or to keep any animal when so inoculated or otherwise infected.

Removal of
inoculated animals
declared illegal.

Ibid. s. 5.

7. It shall be unlawful for any person, not holding a license from the Minister as hereinafter provided, to let loose, or to send, or remove, or to drive from place to place an animal inoculated or otherwise infected with any noxious and infectious microbes; or to transport or remove the dead body, or any portion of the dead body, of any such animal when inoculated or otherwise infected as aforesaid, or to dispose of the same otherwise than by burning or boiling.

License to introduce
and keep microbes.

Ibid. s. 6.

8. The Minister may grant to any person whom he considers qualified a license to introduce into New South Wales, or to receive when introduced, and to keep any noxious and infectious microbes specified in such license, or any substance or medium impregnated therewith, and to rear and propagate and distribute the same:

Provided

Noxious Microbes.

Provided that no license under this section shall extend to the keeping of any such microbes in any other place than is specified therein, or to the sending or distributing of such microbes to any person not holding a similar license.

9. The Minister may grant to any person whom he considers qualified a license to inoculate or otherwise infect, with any noxious and infectious microbes specified in such license, any animals of the kinds therein mentioned, and to keep such animals when so infected:

License to inoculate animals.
51 Vic. No. 30, s. 7.

Provided that such animals shall be kept in security or confinement at such place or places as may be mentioned in such license, and shall not be sent or delivered to any person not holding a similar license.

10. Every license granted under either of the two next preceding sections shall contain and be subject to all such reasonable conditions as the Minister may think fit to insert therein, and may at any time be withdrawn; and upon notice of such withdrawal, the person to whom such license was granted shall immediately destroy all such noxious and infectious microbes, and all such animals infected with the same, together with the microbes wherewith they may be infected, as may have been kept or reared in pursuance of the license so withdrawn as aforesaid.

Conditions in and withdrawal of license.
Ibid. s. 8.

11. The Minister after such inquiry and experiment as to him may seem sufficient may approve by notification in the Gazette of the introduction, keeping, propagation, and application of any kind of microbes for the purpose of destroying rabbits or other wild animals:

Approval of methods of destroying rabbits, &c.
Ibid. s. 9.

Provided that no such approval shall be notified until copies of the proposed notification have lain for thirty days upon the tables of both Houses of Parliament without being objected to by a specific resolution:

Provided further that any such approval may in like manner be revoked.

12. After an approval of the use and application for the purpose aforesaid of any kind of microbes has been duly notified as hereinbefore provided, and until the same is revoked, any person may introduce, keep, propagate, use, and otherwise deal with such kind of microbes for the purpose aforesaid, as if this Act had not been passed; subject, however, to any regulations in that behalf which may be made under the Rabbit Act of 1890, or any Act repealing or amending the same.

Approved methods to be exempt from operation of the Act.
Ibid. s. 10.

13. (1) Any person not holding a valid license from the Minister who knowingly and wilfully does anything forbidden, or neglects to do anything enjoined by this Act, shall be guilty of a misdemeanour, and shall be liable to a term of imprisonment not exceeding two years, or to a fine not exceeding one hundred pounds.

Offences against Act to be misdemeanours.
Ibid. s. 11.

(2) The burden of proving the holding of such license shall be upon the person claiming to hold the same.

14.

Noxious Microbes.

Indictment and
proof.
51 Vic. No. 30, s. 12.

14. (1) In any indictment or information it shall be sufficient to describe any given microbes as noxious and infectious microbes within the meaning of this Act without specifying the kind or the scientific name thereof, and such general description shall include and extend to any microbe or forms of microbes by which any given microbes may, in the course of nature, be succeeded.

(2) Subsequent existence in the same or any substituted medium or substance shall be evidence of such succession.

Evidence that
microbes are
noxious and
infectious.
Ibid. s. 13.

15. (1) The Minister may by notification in the Gazette declare that any specified kinds of microbes are noxious and infectious within the meaning of this Act.

(2) Upon any proceedings against any person not holding a license as hereinbefore provided for any offence committed after the issue of such notification the same shall be evidence that the kinds of microbes therein described or referred to are noxious and infectious.

Burden of proof in
certain cases.
Ibid. s. 14.

16. If it is proved upon the trial of any person not licensed as hereinbefore provided that any microbes have been found in his possession, and that he has reared and propagated the same, or that he has habitually reared and propagated microbes of the same or of a similar kind, the burden of proving that such microbes are not noxious and infectious shall be upon such person.

Search warrants.
Ibid. s. 15.

17. Any injustice of the peace, on information upon oath that there is reasonable ground to believe that any offence is being committed in any place against this Act, may issue his warrant authorising any officer or constable of police to enter such place, and to search the same, and to take possession of any animals, vessels, substances, or media which are reasonably suspected of being infected with or of containing any noxious and infectious microbes.

Seizure and
destruction of
microbes and
infected animals.
Ibid. s. 16.

18. Upon the conviction of any person for an offence against this Act, all animals, vessels, substances, and media in his possession, which are reasonably suspected of being infected with, or of containing, any noxious or infectious microbes, shall be forfeit to the Crown; and the Minister may authorise any person to enter any premises where the same are, and to destroy the same.

Restriction of
application of this
Act.
Ibid. s. 17.

19. Nothing in this Act shall be held to apply to the introduction, receiving, keeping, propagation, or use of any lymph or other substance heretofore ordinarily used for the prevention of disease in man or in any domestic animal or of the like kind therewith, or to any microbes existing otherwise than in a state of artificial cultivation or preservation.