

Act No. 11, 1902.

An Act to make provision for the prevention and cure of certain diseases in stock; and to amend the Diseases in Sheep Act of 1866; the Diseases in Sheep Acts Amendment Act of 1878; and the Diseases in Sheep Acts Amendment Act of 1882. [15th January, 1902.]

STOCK DISEASES  
(TICK).  
—

AMENDED AND REPRINTED UNDER  
AMENDMENTS INCORPORATION ACT 1908.

**B**E it enacted by the King'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:—

*Preliminary.*

**1.** This Act shall commence and take effect on the first day of February, one thousand nine hundred and two, and may be cited as the "Stock Diseases (Tick) Act, 1901." Short title.

**2.**

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## Definitions.

2. In this Act, unless the context indicates another meaning—
- “Cattle” means bulls, cows, oxen, heifers, steers, or calves.
  - “Diseased,” as applied to stock, means that the stock have Texas or tick fever, or have cattle ticks on them.
  - “Horse” means horse, mare, gelding, colt or filly.
  - “Infected,” as applied to stock, means that the stock are diseased, or are in a flock or herd in which are diseased stock, or have been kept, pastured, or travelled upon any land upon which diseased stock have been kept, pastured, or travelled within the next preceding three months.
  - “Inspector” means inspector appointed in pursuance of the Diseases in Sheep Act of 1866, and includes any inspector as defined by the Imported Stock Act of 1871.
  - “Large stock” means horses, cattle, asses, mules, or camels.
  - “Prescribed” means prescribed by this Act or the regulations.
  - “Sheep” means rams, ewes, wethers, or lambs.
  - “Stock” means horses, cattle, asses, mules, camels, sheep, swine, or goats, or any animals to which the Governor, by proclamation in the Gazette, may apply the provisions of this Act.
  - “Travelling stock” means stock taken, driven, or carried along any road or on any land other than that on which they are ordinarily kept or pastured.

Act may be extended so as to apply to other diseases.

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

*Diseased and infected stock.*

Notice that stock are diseased.

4. (1) Where stock are diseased, written notice thereof shall be given to the nearest inspector and the nearest member of the police force, and the diseased stock shall, so far as practicable, be drafted out and kept separate from stock which are not diseased.

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

(3) If such occupier or his manager, agent, or superintendent fails to give such notice within forty-eight hours after he knew that the stock were diseased, or if the person in charge of travelling stock fails to give such notice within twenty-four hours after he knew that the stock were diseased, or if such occupier or his manager, agent, or superintendent or such person in charge fails within a reasonable time to

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to separate, so far as practicable, the diseased stock from the stock which are not diseased, he shall be liable to a penalty not exceeding fifty pounds.

5. Where, in the opinion of an inspector, any stock are infected, he may— Disinfection of infected stock, hides, and vehicles.

- (a) order the owner or any person having control or in charge of such stock to cause the stock to be disinfected, dressed, dipped, tested, vaccinated, inoculated, or otherwise treated (subject to the Animals Infectious Diseases Act of 1888) as prescribed; and
- (b) order the owner or any person in possession of any hides, skin, hair, or wool of such stock, or any articles or things used in connection with such stock to cause the same to be disinfected or otherwise treated as prescribed; and
- (c) order the owner or any person in possession of any vehicle or vessel which has been used for conveying any such stock, hides, skins, hair, wool, articles or things, to cause such vehicle or vessel to be disinfected as prescribed.

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

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

(3) Any notification placing stock in quarantine or declaring land to be a quarantine area shall have effect for the period therein named: Provided that the Minister may by notification as aforesaid suspend for any period, or cancel, or extend for any period any such notification. Duration of order of quarantine.

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

*Powers of inspectors.*

8. (1) An inspector may at any time,— Powers of inspectors.
- (a) with or without assistants, enter any land, building, vehicle or vessel for the purpose of examining stock;
  - (b)

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- (b) take possession of infected stock, or stock which he suspects to be infected, or in respect of which, in his opinion, an offence against this Act or the regulations has been committed, and order any person to produce any documents or papers in his possession or under his control, or to truly answer any questions put to him relating to such stock;
- (c) order the owner or any person in charge of stock to muster them for the purpose of examination;
- (d) detain travelling stock or order them to be detained for the purpose of examination or until the provisions of this Act and the regulations are complied with to his satisfaction;
- (e) order the owner or person in charge of travelling stock which are infected or which he suspects to be infected to forthwith take them back to any place from which they have been or are being removed: Provided that he shall not order such stock to be taken a distance exceeding forty miles.

*Regulations.*

Regulations may be made.

**9.** (1) The Governor may by regulations made by him at any time after the passing of this Act—

- (a) regulate the movement and management of stock placed in quarantine; or of infected stock ordered to be removed;
- (b) regulate or prohibit the movement of stock and persons into, within, and out of, and the taking of things into and out of a quarantine area, and regulate the management of such areas;
- (c) prescribe and regulate the branding, in addition to any branding provided for in any Act dealing with the branding of stock, of any infected stock or stock which an inspector suspects to be infected;
- (d) regulate the manner of disinfection, dressing, dipping and other treatment in pursuance of this Act;
- (e) prescribe and regulate the testing, vaccination, and inoculation of stock in pursuance of this Act;
- (f) regulate the destruction of stock, carcases, and things in pursuance of this Act;
- (g) regulate or prohibit the holding of shows or public sales of stock;
- (h) regulate or prohibit the sending or carriage of cattle ticks, eggs of cattle ticks, skins or hides of diseased stock, virus or contagium of disease or any thing that may cause or tend to cause the spread of disease;
- (i) prescribe and regulate the forms of orders and notices under this Act and the regulations;

(j)

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(j) prescribe the duties of inspectors in carrying out this Act and the regulations; and

(k) make other provisions for carrying this Act into effect;

And may, in those regulations, impose any penalty not exceeding fifty pounds for any breach of the same.

(2) Such regulations shall be published in the Gazette, and shall (subject as hereinafter mentioned) be of the same effect as if they were contained in this Act, and shall be laid before both Houses of Parliament, if Parliament is in session, within fourteen days after such publication, or if Parliament is not in session then within fourteen days after the beginning of the next session. Publication of regulations.

If either House of Parliament within the next forty days after any such regulations have been laid before that House resolve that the regulations or any of them, or any provisions therein contained, ought to be annulled, the same shall, after the date of such resolution, be of no effect.

*Enforcement of orders and regulations.*

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

11. Where any stock have been moved contrary to any order or regulation under this Act such stock may be seized by an inspector or officer of police, and on the conviction under this Act of any person so contravening the order or regulation may, in the discretion of the Minister, be sold or destroyed. The proceeds of every such sale shall, after deducting expenses, be disposed of as the Minister may direct. Seizure of stock.

*Offences.*

12. Every person who—

- (a) wilfully or negligently abandons or allows to stray from his charge any stock which he knows to be infected; or
- (b) leaves, or causes or permits to be left, the carcase of any stock on any public road, or within half a mile of such road, or in any creek or water-hole; or
- (c) sells or offers for sale, or purchases or receives on purchase, any stock which he knows to be infected; or
- (d) wilfully communicates or attempts to communicate to stock any disease otherwise than by bona fide testing, vaccination, or inoculation; or
- (e)

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- (e) breaks down or damages any fence used for confining stock in a quarantine area; or
  - (f) refuses or neglects to carry out any order in pursuance of this Act, a copy of which has been duly served on him; or
  - (g) obstructs an inspector in the execution of the powers conferred upon him by this Act; or
  - (h) contravenes any enactment of this Act;
- shall, unless some different pecuniary penalty is provided by this Act, be liable to a penalty not exceeding one hundred pounds.

*Supplemental.*

Proof of knowledge that stock are diseased.

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

- (a) the fact that stock kept or pastured on any land have been diseased for a period of one month shall be evidence that at the expiration of such period the occupier of the land or his manager, agent, or superintendent knew that such stock were diseased; and
- (b) the fact that travelling stock have been diseased for a period of seven days shall be evidence that, at the expiration of that period, the person in charge of such stock knew that they were diseased; and
- (c) the fact that stock have been diseased for a period of one month shall be evidence that at the expiration of such period the person who during such period was the owner or the person who during such period was in control or charge of the stock, knew that they were diseased.

Service of orders and notices.

**14.** A copy of an order made under this Act may be served on any person by leaving it at his usual or last known place of residence, or may be served personally or by post by registered letter, and a notice under this Act may be served personally or by post.

Recovery of penalties.

**15.** Any information for a breach of this Act or the regulations shall be heard and determined in a summary way by a court of petty sessions.

An appeal shall lie from any conviction for any such breach.