

STOCK DISEASES ACT.

Act No. 34, 1923.

George V, An Act relating to diseases in stock; to repeal
No. 34. the Stock Diseases (Tick) Act, 1901, and the
Stock Diseases (Tick) Amendment Act,
1915; and for purposes connected therewith.
[Assented to, 21st December, 1923.]

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
the same, as follows :—

Short title
and com-
mencement.

1. This Act may be cited as the "Stock Diseases Act,
1923," and shall come into operation on a date to be
appointed by the Governor and notified in the Gazette.

2.

2. (1) The Stock Diseases (Tick) Act, 1901, and the Stock Diseases (Tick) Amendment Act, 1915, are hereby repealed. George V,
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Repeals and
savings.

(2) All persons appointed under the provisions of the said Acts and holding office at the commencement of this Act shall be deemed to have been appointed under the provisions of this Act.

(3) All proclamations, notices, and orders made or given under the Acts hereby repealed and in force at the commencement of this Act shall continue in force until amended, repealed or withdrawn in pursuance of this Act.

(4) All regulations made under the Stock Diseases (Tick) Act, 1901, in force at the commencement of this Act shall continue in force until repealed by proclamation under this Act, and until such repeal may be enforced and acted upon as if they were regulations made under this Act.

(5) Where in any Act, regulation or by-law, or in any form or document used after the commencement of this Act, reference is made to the provisions of any enactment repealed by this Act, the reference shall be deemed to be a reference to the corresponding provisions (if any) of this Act.

(6) This section shall not limit any saving in the Interpretation Act, 1897.

3. In this Act, unless the context otherwise requires,— Definitions.

“Disease” means any disease to which the provisions of this Act are applied in accordance with section four of this Act, and “diseased” has a corresponding interpretation.

“Infected” as applied to stock means that the stock are diseased or are in a flock or herd in which are any diseased stock, or that the stock have been kept pastured or travelled upon any land upon which diseased stock have been kept pastured or travelled within the next preceding twelve months; and, as applied to land, includes any land upon which infected stock have been kept pastured or travelled within the like period.

“Occupier”

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“Occupier” when used in relation to land includes a person in charge of land as manager, agent or superintendent.

“Prescribed” means prescribed by this Act or by regulations.

“Regulations” mean regulations for the time being in force made under the provisions of this Act.

“Stock” means horses, cattle, asses, mules, camels, sheep, swine, or goats, or any animals or birds to which the Governor by proclamation to be published in the Gazette may apply the provisions of this Act.

“Travelling stock” means stock on any vessel or taken, driven, or carried along any road or on any land other than that on which they are ordinarily kept or pastured.

Diseases
may be
proclaimed.

4. The Governor may, by proclamation to be published in the Gazette, declare that any disease therein mentioned, being a disease in stock, shall be a disease in respect of which the provisions of this Act or such of them as may be specified in the proclamation shall apply.

Appointment
of Board of
Tick Control.

5. (1) The Governor may from time to time appoint a board to be known as the Board of Tick Control for the purpose of the control and eradication of cattle tick in conformity with the provisions of this Act, and may appoint such advisory committees as he shall think fit.

(2) The board shall consist of a chairman, who shall be an officer of the Department of Agriculture, and four persons owning stock within quarantine areas proclaimed on account of the presence of cattle tick. Two of such persons shall be elected in the prescribed manner.

(3) The Governor may also appoint a representative of the Government of the Commonwealth of Australia as an additional member of the board in pursuance of any agreement between the Government of New South Wales and the Government of the Commonwealth.

(4) The members of the board other than the chairman and the representative of the Government of the Commonwealth shall hold office for three years, but shall be eligible for reappointment.

(5)

(5) The Governor may for sufficient cause remove any member. George V,
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(6) If the office of a member becomes vacant during the term for which he is appointed or elected, a deputy shall be appointed or elected for the remainder of such term: Provided that an election shall not be necessary when a vacancy occurs within six months of the end of any such term.

(7) The Governor may appoint a deputy to act for any member during his absence.

(8) A deputy shall have the same powers, rights, and duties as the member in whose place he is appointed or elected.

(9) The appointment, dismissal, and control of inspectors dealing with tick-eradication within quarantine areas proclaimed on account of the presence of cattle tick shall, subject to the approval of the Minister, be exercised by the board, and the board shall also possess such other powers, perform such other duties, and receive such fees as may be prescribed.

6. The Minister may appoint inspectors and such other officers as may be necessary for the purposes of this Act. Inspectors.

7. Any inspector may at any time— Powers of
inspectors.

- (a) with or without assistants enter any land, building, vehicle, or vessel for the purpose of inspecting or treating any stock or enforcing the provisions of this Act or the regulations;
- (b) take possession of infected stock or stock which he suspects to be infected, or any straying stock, or any stock 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 relating to the stock, and to truly answer any questions put to him relating thereto;
- (c) order the owner or person in charge of stock, or the occupier of any land on which are any stock, to muster them for the purpose of examination or treatment, and to provide crushes

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crushes or such other means as may be prescribed or the inspector may deem necessary for such purpose, and to provide such assistance as the inspector may reasonably require ;

- (d) detain travelling stock or order them to be detained for the purpose of examination or treatment or until the provisions of this Act and the regulations have been complied with to the satisfaction of the inspector, and order the owner or person in charge of the stock to take them to a specified place for such examination or treatment or in order that such provisions may be complied with ;
- (e) order the owner or person in charge of travelling stock which are infected or which the inspector suspects to be infected to forthwith take them back to any place from which they have been or are being removed or through which they have passed.

Further
powers of
inspectors.

8. When any stock are found by an inspector to be infected or suspected by him of being infected, the inspector may—

- (a) order the owner or any person having control or in charge of the stock or the occupier of the land upon which the stock are found, kept or pastured to cause them to be treated in such manner as the inspector may require or as may be prescribed ;
- (b) order the owner, person, or occupier as aforesaid to remove to a specified place the stock and any fodder, fittings or other things whatsoever used in connection therewith ;
- (c) by notice in writing require the owner or occupier of any land upon which the stock have been found, depastured, kept or travelled or to which they have been removed, to quarantine the land or stock for a period not exceeding forty days ;
- (d) order—
 - (i) the owner or any person in possession of any hide, skin, hair or wool of the stock, or any articles used in connection with the stock ; or

(ii)

(ii) the occupier of the land on which the same are found,

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to cause them to be treated in such manner as the inspector may require or as may be prescribed ;

- (c) order the owner or any person in possession or charge of any vehicle or vessel which has been used for the conveyance of any such stock, hide, skin, hair, wool, or article to cause the vehicle or vessel to be disinfected in such manner as the inspector may require or as may be prescribed.

9. (1) The occupier of any land upon which stock are depasturing, or in case of travelling stock the person in charge of the stock, shall, if he finds that any of the stock are diseased forthwith give notice in or to the effect of the prescribed form to an inspector.

Occupier, &c.,
to give notice.

(2) The diseased stock found by the occupier or person in charge, as the case may be, shall be drafted out and so far as practicable kept separate from other stock.

10. The Minister may by notification published in the Gazette declare any land therein described to be a quarantine area on account of the presence or suspected presence of any disease, and may by a like notification suspend or extend for any period or cancel any such notification or any quarantine ordered to be imposed by an inspector in accordance with this Act.

Declaration
of quarantine
area.

11. (1) The Minister may, if he thinks fit, instead of declaring land to be a quarantine area, accept an undertaking in the prescribed form given by the owner or occupier of the land to comply with the requirements mentioned therein.

Undertaking
in certain
cases.

(2) Upon any such undertaking being given, the land mentioned therein shall for the period therein specified be deemed to be a quarantine area, and the person giving the undertaking shall comply with all the terms and conditions thereof.

12. The Minister may by notification published in the Gazette and in a newspaper circulating in or in the vicinity of a quarantine area—

Further
powers of
Minister.

- (a) appoint places on the boundary of the quarantine area, which shall be the only places at which

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which any stock or class of stock specified in the notification may lawfully cross such boundary;

(b) authorise the erection of fencing and gates across any road within a quarantine area for the purpose of regulating or preventing the movement of stock;

(c) close any road in a quarantine area in such manner as to prevent the passage of stock or of any class of stock specified in the notification.

Power to
order fencing.

13. (1) When any land has been declared a quarantine area, the Minister may by notification published in the Gazette require all owners of land and lessees of any Crown land within the area to fence the land in a manner sufficient to prevent the ingress or egress of any stock specified in the notification.

(2) After the making of the notification when any land within the area upon which the stock are pastured or kept is not in the opinion of an inspector sufficiently fenced or enclosed to prevent the ingress or egress of stock, the inspector may in the prescribed manner order that such fencing or repairs or additions to fencing as he deems necessary shall be carried out within a time specified in the order.

(3) The order shall be served upon and the said fencing, repairs, or additions shall be carried out by—

- (a) the owner of the land; or
- (b) when the land is held by any person under a lease from the Crown by the lessee.

(4) Any person who has erected any fencing or repaired or carried out any additions to fencing in pursuance of an order under this section may demand and recover in any court of competent jurisdiction from—

- (a) the owner of adjoining land; or
- (b) any lessee from the Crown of adjoining land,

a contribution towards the cost of such fencing, repairs, or additions to the extent of one-half the value thereof, but only so far as the fencing makes a common boundary line. Such contribution may be demanded and recovered notwithstanding anything contained in the Dividing Fences Act, 1902.

14.

14. (1) Where land or stock are by the provisions of this Act to be quarantined, the quarantine may be general or in respect of a particular disease. George V,
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Quarantine

(2) The nature of the quarantine shall be stated in the notice or notification imposing the quarantine or in the undertaking given with respect to any land or stock under the provisions of section eleven of this Act.

(3) A quarantine may be imposed or declared for a disease although the land or stock are already in quarantine for another disease.

(4) The course of action to be taken by the owner or occupier of land or the owner or person in charge of stock when the land or stock is directed to be quarantined shall be as prescribed by regulation or as ordered by an inspector.

(5) The Minister may by notification in the Gazette apply to any specified part of a quarantine area special and more drastic regulations than those which may be operating in the rest of the quarantine area.

(6) The Minister may by a like notification direct that all stock within a quarantine area or within some specified part of a quarantine area shall be treated by prophylactic or curative methods for the disease in respect of which the quarantine is imposed whether the stock are diseased or infected or not.

15. (1) The Governor may by proclamation published in the Gazette establish a quarantine line across which stock are not to pass except under license to be granted by an inspector duly authorised in that behalf. Quarantine
lines.

(2) The conditions upon which stock may be allowed to pass over a quarantine line shall be as prescribed in regulations.

(3) The establishment of a quarantine line shall be advertised in such local newspapers as the Minister may direct.

16. (1) At a muster in accordance with the order of an inspector made under the provisions of section seven of this Act the inspector may cause to be branded with the prescribed brand all the stock mustered. Musters.

(2) When the inspector has so caused the stock to be branded any stock found upon the land within one week of the time of such muster not bearing the prescribed brand may be destroyed by an inspector or his assistants. (3)

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No. 34.** (3) The occupier of the land upon which such stock are found shall be liable to a penalty not exceeding ten pounds per head of the stock so found not bearing the prescribed brand.

(4) It shall be a defence to any charge under this section if it be shown that the stock so found not bearing the prescribed brand have been brought on to or strayed on to the land since the muster.

**Power to
order
destruction.**

17. (1) The Minister may order—

- (a) any owner or person in charge of infected stock;
- (b) any owner or occupier of land on which are depastured, kept, or situated any infected stock, or upon which is any carcase or part of a carcase or any hide, skin, hair, wool, or produce of infected stock or fodder or article used in connection with such stock,

to destroy the same in the manner prescribed whenever in his opinion such destruction would tend to prevent the spread or cause of disease.

(2) (a) The Governormay authorise an inspector to exercise within a quarantine area any power which the Minister might exercise under the last preceding subsection.

(b) The inspector, when so authorised, may order the destruction of any stock, whether infected or not, and of anything which in his opinion may tend to spread disease.

(c) The grant of any such authority shall be notified as soon as practicable in the Gazette and in a newspaper circulating in the district in which the quarantine area is situated.

(d) The inspector may act in pursuance of any such authority provided the grant thereof has been certified by writing or by telegraph by the Minister or some member of the Executive Council.

**Proceedings
in default of
compliance.**

18. (1) Any person upon or to whom an order or notice has been served or given under this Act or the regulations who fails to comply with the requirements thereof shall be guilty of an offence against this Act, and such requirements may be carried out by an inspector or inspectors who may employ assistance for such purpose.

(2)

(2) All expenses incurred in so doing, including travelling expenses and a proportionate part of an inspector's salary while so engaged and while travelling for such purposes and the costs of assistance as aforesaid, shall be recoverable from such person in any court of competent jurisdiction.

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

Power to
seize stock.

20. Every person who—

Offences.

- (a) abandons or allows to stray from his charge any stock which are within a quarantine area or which he knows to be infected ; or
- (b) leaves, or causes or permits to be left, the carcase of any infected stock on any public road or place, or within half a mile of such road or place, or in any creek or water-hole ; or
- (c) sells or offers for sale or attempts to sell any diseased stock ; or
- (d) wilfully communicates or attempts to communicate any disease to stock except under such conditions or for such purposes as may be prescribed ; or
- (e) breaks down or damages any fence, gate, or fastening used for confining stock or regulating or preventing the movement thereof, or leaves open any such gate on or near the boundaries of a quarantine area or within such area ; or
- (f) refuses or neglects to comply with the terms of any order or notice served upon or given to him in pursuance of this Act ; or
- (g) obstructs an inspector or other officer or any assistant of an inspector ; or
- (h) fails to comply with the terms of any undertaking given under section eleven of this Act ; or

(i)

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- (i) transports, drives, or otherwise removes any stock in contravention of the provisions of this Act or the regulations ; or
- (j) transports, drives, or otherwise removes any infected stock upon or along or through any railway, road, or public place, or to, upon, or across any land except upon or across land owned or occupied by the owner of such stock ; or
- (k) otherwise contravenes any provisions of this Act,

shall be liable upon summary conviction for the first offence to a penalty not exceeding fifty pounds, and for the second and any subsequent offence to a penalty not less than thirty pounds nor more than one hundred pounds.

Service of
notices, &c.

21. Any order or notice required by this Act or the regulations to be served on any person may be served by leaving the same at his usual or last known place of residence or may be served personally or by post addressed to his last known place of residence or in such manner as may be prescribed.

Evidence.

22. For the purposes 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 seven days shall be evidence that at the expiration of such period the occupier of the land or his manager, agent, or superintendent knew that the stock were diseased ; and
- (b) the fact that travelling stock have been diseased for a period of two days shall be evidence that at the expiration of that period the person in charge of the stock knew that they were diseased ; and
- (c) the fact that stock have been diseased for a period of seven days 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.

23.

23. (1) The Governor may make regulations not inconsistent with this Act 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 Act; and in particular and without limiting the generality of the foregoing power, the Governor may—

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Power to
make
regulations.

- (a) prescribe the treatment which shall be applied to any stock found by an inspector to be infected or suspected by him of being infected;
- (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 and control of such areas and of any stock therein;
- (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 treatment in pursuance of this Act;
- (e) prescribe, regulate or prohibit the testing, vaccination and inoculation of stock, and the use of vaccines sera and diagnostic agents;
- (f) regulate the destruction of stock, carcasses, 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 or infected stock, vaccines or cultures of the organism of any disease or any organism or thing that may cause or tend to cause the spread of disease;
- (i) prescribe the classification of inspectors and the duties of various classes of inspectors;
- (j) regulate or prohibit the removal of any hide, skin, hair, or wool of any stock within a quarantine area;
- (k) prescribe the payment of fees for examination and treatment of stock by or under the order of or the supervision of an inspector;

(l)

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- (l) provide for the examination and treatment of any stock or class of stock within a quarantine area or any part thereof;
 - (m) require the owners or persons in charge of stock within a quarantine area, or the occupiers of land within a quarantine area upon which stock are found or are pastured or kept, to furnish returns showing the number and description of the stock and such other particulars as may be prescribed;
 - (n) require owners or persons in charge of stock and owners or occupiers of land upon which are depastured or kept any diseased stock or upon which any diseased or infected stock have travelled to give notice thereof and prescribe the manner of giving such notice;
 - (o) provide for the treatment and for the disposal, whether by removal, sale, destruction or otherwise, of any stock seized or taken possession of by an inspector or for the disposal or destruction of stock found straying on unenclosed Crown lands;
 - (p) require the closing of any gates on land adjoining the boundary of a quarantine area;
 - (q) prescribe and regulate the forms of orders and notices under this Act and the regulations.
- (2) The regulations shall—
- (a) be published in the Gazette;
 - (b) take effect from the date of publication or from a later date specified in the regulations; and
 - (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution, of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(3)

- (3) The regulations may—
- (a) impose a penalty for any breach thereof, and also distinct penalties in case of successive breaches thereof; but no such penalty shall exceed one hundred pounds;
 - (b) impose also a daily penalty for any continuing breach thereof not exceeding five pounds per day;
 - (c) fix a minimum as well as a maximum penalty.
- (4) Any penalty imposed by the regulations may be recovered in a summary manner before a police or stipendiary magistrate or any two or more justices.

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