



Western Australia.

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VICTORIÆ REGINÆ.

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No. XXXIV.

AN ACT to consolidate and amend the Law relating to Diseases in Stock.

[Assented to, 12th October, 1895.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. THIS Act may be cited for all purposes as "The Stock Diseases Act, 1895."

Short Title.

2. THE Governor may from time to time, by Order in Council, to be published in the Government Gazette, exempt from the operation of any particular provisions of this Act such stock as he may think fit, either by generic or particular description, or in reference to the colony or country whence the same may be imported or introduced into Western Australia.

Governor may exempt any stock from operation of certain provisions of Act.

3. (1.) THE enactments described in the First Schedule hereto are hereby repealed.

Repeal.

(2.) Such repeal shall not affect any proclamation, order or direction, or anything done thereunder, nor any appointment or

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declaration made, nor any notice or certificate given, or other matters and things done under the said repealed Acts, or any of them, nor any offences committed, or forfeitures or penalties incurred against or under the said Acts, or any of them.

(3.) All such offences, forfeitures, and penalties may be prosecuted and recovered as if this Act had not been passed.

(4.) All regulations made under any enactment hereby repealed shall continue in force until altered or repealed by regulations made under this Act.

(5.) Whenever reference is made to any enactment hereby repealed, or to any of the provisions thereof, such reference shall be deemed to be to this Act and the corresponding provisions hereof.

#### Interpretation.

4. IN the construction of this Act and in any regulations made hereunder, the following words shall, if not inconsistent with the context or subject matter, have the meaning hereby respectively assigned to them (that is to say):—

“Cattle.”—Any bull, cow, ox, steer, heifer, or calf, or the carcase, or any portion of the carcase thereof, respectively:

“Clean.”—Free from disease:

“Destroy.”—To slaughter and entirely consume by fire, or, if permitted by an inspector, to bury at a depth of not less than four feet under ground, or take to sea and sink:

“Disease” shall mean any contagious or infectious disease to which any animal is subject, except the disease of scab in sheep:

“Dog.”—Any dog, bitch, or whelp, or the carcase, or any portion of the carcase thereof, respectively:

“Fittings” shall mean any sheep pens, cattle or horse boxes, or any material used for penning, yarding, or confining stock, and any halters, brushes, clothes, buckets, or other material whatever which may have been brought into contact with any imported or diseased stock:

“Fodder” shall mean any food or bedding used, or which shall have been used or brought into contact with imported or diseased stock:

“Goat.”—Any goat or kid, or the carcase, or any portion of the carcase thereof, respectively:

“Horse.”—Any stallion, mare, gelding, colt, filly, foal, ass, or mule, or the carcase, or any portion of the carcase thereof, respectively:

“Imported Stock.”—All stock arriving by land or sea from any place beyond the limits of this Colony:

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- “Infected Stock.”—Stock suffering from any disease other than scab, or which have been in contact or have been on the same vessel with such infected stock during the next preceding three months, or which have been under treatment during such period for the cure of disease :
- “Inspector.”—The chief inspector, and every inspector appointed under the provisions of this Act, or any Act relating to scab in sheep, or any person authorised by the Governor to act as an inspector :
- “Master.”—The captain, or master, or other person in charge of any vessel :
- “Minister.”—The Minister for the time being charged with the administration of this Act.
- “Owner.”—Any owner or consignee, whether joint or sole, superintendent, or person in possession or charge of stock, or any agent of any such owner :
- “Sheep.”—Any ram, ewe, wether, or lamb, or the carcase, or any portion of the carcase thereof, respectively :
- “Stock” shall include all horses, cattle, sheep, goats, swine, camels, deer, antelopes, llamas, buffaloes, and other ruminants, dogs, poultry, and the carcase or portion of the carcase of any such stock, and also such other animals and their carcasses to which the Governor may from time to time, by notice in the *Government Gazette*, order that the provisions of this Act shall apply :
- “Swine.”—Any boar, barrow, sow, or pig, or the carcase, or any portion of the carcase thereof, respectively :

5. THE Governor may, by Order in Council, to be published in the *Government Gazette* from time to time, prohibit the introduction or importation into the Colony, either by sea or land, of any stock from any country or place; or may permit such introduction by land to be made at such inland places, or their importation by sea at such parts of the sea-coast in Western Australia being “ports” within the meaning of the laws of the Customs for the time being, subject to such restrictions and regulations as he shall see fit.

Governor may prohibit or permit introduction of stock.

6. (1.) THE Governor may from time to time make, vary, alter, or revoke such regulations under this Act as may be deemed expedient for all or any of the following purposes:—

Governor may make regulations.

- (1.) For regulating the conditions upon which any stock may be introduced or imported into the Colony.
- (2.) For the inspection of imported stock.

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- (3.) For the seizure and destruction of infected stock.
- (4.) For the purpose of subjecting any stock to such restrictions or remedial measures as may be deemed necessary to prevent the introduction or spread of disease.
- (5.) For providing for the steps to be taken in case of any disease breaking out among any stock in the Colony, and for preventing the spreading of such disease.
- (6.) For prescribing the manner in which persons coming into contact with infected stock, and land, premises, or conveyances travelled over or used by infected stock, shall be cleansed and disinfected.
- (7.) For the regulation, management, and control of quarantine grounds, and for prescribing the treatment and disposal of stock whilst in quarantine or in transit thereto or therefrom.
- (8.) For prescribing the term during which stock shall be quarantined.
- (9.) For regulating the charges to be made for conveying stock to or from quarantine, and their care, maintenance, and inspection while in quarantine.
- (10.) Generally for all or any such purposes as he may deem necessary for preventing the introduction or spread of disease.

All such regulations, upon publication in the *Gazette*, shall have the full force of law; and copies thereof shall be laid before Parliament within fourteen days after such publication, and if Parliament be not in Session then within fourteen days after the commencement of the next Session.

(2.) By such regulations the Governor may prescribe the maximum and minimum penalties for the breach thereof, but so that the maximum penalty shall not in any case exceed Five hundred pounds.

Special regulations  
in cases of  
emergency.

7. THE Governor may, by Order in Council, in any case which may appear to be of special emergency, authorise some person or persons to be named in such order to make such regulations and give such directions as may seem to him or them necessary for all or any of the purposes aforesaid under the circumstances of the case. Any such regulations so made shall be in force for any period not exceeding one month from the making thereof. Any order of the Governor in Council as aforesaid may be transmitted by telegraph.

Penalties

8. EVERY person knowingly or wilfully disobeying, contravening, or omitting to observe any prohibition, restriction, or

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regulation imposed or made in pursuance of either of the three last preceding sections shall, on conviction before any two Justices, be liable to a penalty not exceeding One hundred pounds.

**9.** THE Governor may from time to time appoint or remove a Chief Inspector of Stock, and such other Inspectors of Stock, and other officers and servants as may be necessary to carry out the provisions of this Act, and may prescribe the duties of such Inspectors and Officers.

Appointment of Chief Inspector and officers.

**10.** INSPECTORS shall have the power to enter at any time into any vessel or conveyance, or upon any land, or into any building not being a dwelling house, for the purpose of inspecting any stock or enforcing the provisions of this Act, or any regulations made in pursuance thereof.

Inspectors may enter lands and buildings.

**11.** EVERY owner of infected stock or of stock suspected to be infected shall, within twenty-four hours of the time when he shall have discovered or suspected such stock to be infected, give written notice thereof to the nearest inspector, and shall thenceforth keep such infected or suspected stock from coming into contact with other stock until otherwise ordered by an inspector.

Owner to give notice of infection or suspected infection.

**12.** THE master of any vessel on which there shall be, or shall have been during the voyage, any imported stock shall, immediately on his arrival at any port or place in the Colony, make a declaration in the form set forth in Schedule B hereto, and shall deliver the same to the principal Officer of Customs at such port, together with the certificate in the next following section mentioned; and such officer shall, as expeditiously as possible, forward the same to the nearest inspector.

Master of ship with imported stock to make declaration.

Schedule B.

Customs Officer to forward same to nearest Inspector.

**13.** NO stock shall be imported into the Colony unless accompanied by a certificate from a duly qualified veterinary surgeon, who shall be approved of by some person authorised in that behalf by the Governor, that the stock when placed on board the vessel conveying them were in a sound and healthy condition, entirely free from any disease, or any indications of it.

Imported stock to have certificate.

**14.** NO imported stock, nor the effects of any attendant, shall be landed or introduced into the Colony until the same shall have been examined by an inspector and a permit granted by him for the landing or introduction thereof, which the owner shall exhibit when required by an inspector or member of the Police force. And no fodder put on board any vessel with or for the use of or used with any imported stock, and no fittings used for, with, or about such

No stock, &c., to be landed without permit.

Landing of fodder and fittings prohibited.

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imported stock, shall on any account whatever be landed or introduced into the Colony.

Quarantine stations. **15.** IT shall be lawful for the Governor to acquire and set apart, or to reserve by proclamation in the *Government Gazette*, such land as may be from time to time required for quarantine stations, on which the necessary sheds and appurtenances may be erected for the purpose of this Act.

Imported stock not infected to be taken to quarantine station. **16.** ALL imported stock not found on arrival to be infected shall be removed to the quarantine station, where they shall remain in quarantine for such period as may be prescribed by the regulations. And if at the expiration of that period such stock shall be found to be clean, the inspector shall give to the owner thereof a certificate in the form of Schedule C hereto.

Schedule C.

Infected stock to be reported to Minister. **17.** IF any imported stock on arrival, or within three months thereafter, be found on examination by an inspector to be infected, he shall immediately report the case to the Minister, and if, after careful investigation, the Minister shall decide that such stock are infected, he may order the destruction of the same, and thereupon the inspector shall serve the owner of such stock with a notice in the form of Schedule D hereto (by causing the same to be delivered to him personally or left at his usual place of business or abode), to destroy the same, together with all fodder, fittings, and effects infected or likely to be infected by such stock, within forty-eight hours from the time of receipt of such notice; and if such stock, fodder, fittings, and effects be not destroyed accordingly, the inspector may destroy, or cause the same to be destroyed, and no compensation shall be paid to the owner of any stock, fodder, fittings, or effects destroyed under the provisions of this section.

Notice to destroy to be served on owner.

Schedule D.

Penalty for not destroying carcasses. **18.** EVERY person who, by himself, his servant, or agent, leaves the carcasses of any infected stock on any land for twenty-four hours without destroying the same, or casts, or causes the same to be cast, into any stream, river, pond, lake, or other water, shall be liable to a penalty not exceeding One hundred pounds.

Stock, &c., illegally imported or removed, or taken from quarantine, may be seized and disposed of as the Minister may direct. **19.** ALL stock, fodder, fittings, or effects imported or introduced into this Colony contrary to any of the provisions of this Act, or of any regulations made hereunder, or taken or removed from any quarantine station, or any stock wilfully allowed to stray therefrom, or unlawfully outside such quarantine station, or any stock, fodder, fittings, or effects dealt with contrary to any of the provisions of this Act, may be seized by any person whomsoever, and handed over to an inspector or police constable, to be disposed of as the Minister may direct, and no compensation shall be paid to any owner thereof.

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And all stock brought within the quarantine stations hereinbefore mentioned, or straying within the same, shall be taken and deemed to be stock duly placed in such quarantine in terms of this Act, and shall be subject to all the provisions affecting such stock; and any stock with which any imported or infected stock may be brought in contact shall be held, taken, and deemed to be stock of the class with which they are so brought in contact, and shall be dealt with accordingly.

**20.** IF any person land or unship or introduce or order or assist to be landed or unshipped, or introduced, any imported stock, fodder, fittings or effects contrary to the provisions of this Act; or knowingly or wilfully receive, purchase, or sell the same after they have been so landed or unshipped or introduced contrary to this Act; or shall take or order, or assist any stock, fodder, fittings or effects placed in quarantine as aforesaid to be taken out of such quarantine without an inspector's certificate and sanction; or shall, without such sanction, take or order, or assist any stock, fodder, fittings or effects to be taken into or upon any quarantine station; or shall aid or be concerned in taking the same in or out of quarantine contrary to this Act; or shall knowingly and wilfully have in his possession any stock, fodder, fittings, or effects so taken; or shall offend against or fail to comply with any of the provisions of this Act with respect to any stock, fodder, fittings, or effects; or shall refuse to allow any inspector to enter on any vessel, conveyance, or premises, or hinder or impede him in the execution of his duty; or shall not, when required, give him full information with respect to any imported stock, fodder, fittings, or effects; or shall not, when required, keep or remove, or assist in keeping and removing the same; or shall make any declaration required by this Act, knowing the same to be untrue in any particular; then every such person shall be liable to imprisonment for any period not exceeding six months, or to a fine not exceeding Two hundred pounds. And all such offences shall be heard and determined in a summary way before a Resident or Police Magistrate, or before any two or more Justices in Petty Sessions.

Breaches of the Act.

Penalty.

**21.** THE owner of any stock, fodder, fittings or effects shall be liable for any expenses that may be incurred in respect to the same by order of an inspector in carrying out the provisions of this Act; and such expenses shall be recoverable in a summary manner, at the suit of such inspector, before any Justice of the Peace.

Owner liable for expenses.

**22.** IN all questions arising under this Act the certificate or notice of an inspector shall in every case, for the purpose of this Act, be *prima facie* evidence of the truth of the matter contained in such certificate or notice.

Inspector's certificate or notice to be *prima facie* evidence.

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Sections of  
Shortening  
Ordinance adopted  
(16 Vic., 11.)

**23.** SECTIONS A, C, and H of the Schedule to "The Shortening Ordinance, 1853," shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said Sections had been introduced and fully set forth herein.

In the name and on behalf of the Queen I hereby assent  
to this Act.

ALEX. C. ONSLOW, Administrator.

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## SCHEDULES.

### Schedule A.

Section 3.

Session and Number.	Title or Short Title.
29 Vic., No. 3 ...	"The Cattle Diseases Ordinance, 1865."
40 Vic., No. 14 ...	"The Imported Stock Act, 1876."
41 Vic., No. 4 ...	"The Imported Stock Act, 1876, Amendment Act, 1877."
43 Vic., No. 23 ...	"An Act for the Prevention of the Importation of Diseased Stock."
49 Vic., No. 7 ...	"The Imported Stock Amendment Act, 1885."

### Schedule B.

Section 12.

THE STOCK DISEASES ACT, 1895.

*Form of Declaration by Master of Vessel.*

No. of stock shipped.	Description.	Where from.	Deaths during voyage.	Cause of death.	Date of outbreak of disease.	Last death.

I, \_\_\_\_\_ Master, do hereby solemnly declare that the above statement with regard to the Stock shipped on board the vessel is true; and I moreover solemnly declare that no stock, fodder, fittings, or effects are now infected.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18  
(Signed)

Master.

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Section 16.

## Schedule C.

THE STOCK DISEASES ACT, 1895.

*Import Certificate of Cleanness.*

I, the undersigned Inspector, do hereby certify that the Imported Stock of which \_\_\_\_\_ is owner, and which are more particularly specified in the Schedule below, have remained in Quarantine for more than \_\_\_\_\_ and have been treated in accordance with the provisions and regulations of the above-named Act, and that such stock are clean and may be removed.

SCHEDULE ABOVE REFERRED TO.

No.	Description.	Brands or Marks.	Where from, by what ship, and on what date.	Destination.

(Signed)

Inspector.

Section 17.

## Schedule D.

THE STOCK DISEASES ACT, 1895.

*Notice to destroy Infected Stock.*

To

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The Minister having, after careful investigation, decided in terms of Section 17 of the above-named Act that \_\_\_\_\_ of which you are owner, and which are more particularly described in the Schedule below, are infected, and having ordered the destruction of the same, I hereby give you notice to destroy such \_\_\_\_\_ within forty-eight hours from the time of the receipt of this notice.

SCHEDULE ABOVE REFERRED TO.

No.	Description.	Brands or Marks.	Where from, by what ship, and on what date.	Destination.

(Signed)

Inspector.