

The Scab Act Amendment Act, 1894

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ

No. 27

An Act to further amend 'The Scab Act, 1891.'
[Assented to 23rd November, 1894.]

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:—

1. This Act may be cited as 'The Scab Act Amendment Act, 1894,' and shall be incorporated and read as one Act with 'The Scab Act, 1891' (hereinafter called the Principal Act), and any Act amending the same.

Short title and
incorporation

2. Section five of the Principal Act is hereby repealed, and the following section substituted in lieu thereof:—'Any inspector may at any time enter upon any run, and inspect and examine any sheep wherever in the Colony they may be, and exercise and discharge all the powers and duties conferred upon him by or under this Act, in any and every part of the Colony; and, in the exercise and discharge of such powers and duties, shall have free ingress, egress, and regress through, over, and upon any run; and the owner of any sheep shall, when required by an inspector, forthwith muster his sheep in some convenient place or places, as the inspector may direct, for his examination. The inspector, if he is not satisfied that the whole of the sheep on the run have been so mustered, may employ any person or persons to assist him in a thorough examination of the run, and all infected sheep then found on such run, and not mustered as aforesaid, may be forthwith destroyed by such inspector, or by his authority, without compensation to the owner. The expenses of and incident to such examination of the run, whether or not any infected sheep shall be discovered thereon upon such examination, and of and incident to the destroying of any infected sheep so discovered, shall be paid by such owner to the inspector on his demand of the same with an account thereof in writing.'

Repeal of Section
five of the
Principal Act }

Power and duties
of inspectors

Owner compelled
to muster sheep
for examination

Inspector may
examine run

3. (1) The periods within which the notices mentioned in Section eleven of the Principal Act are to be given to the Inspector and the Resident Magistrate, under the provisions of that section, shall be calculated from the time the sheep became infected and not from the time the owner became aware of such infection, and the said section is hereby amended accordingly.

Amendments of
Section eleven of
the Principal
Act

(2) The words 'twenty-four hours during which such neglect or remission shall have continued,' at the end of the said Section eleven, are hereby repealed, and the words 'such offence' substituted in lieu thereof.

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Repeal of Section
twelve of
Principal Act

Duty of inspector
on being satisfied
sheep are infected

Quarantine for
infected sheep

4. Section twelve of the Principal Act is hereby repealed, and the following section substituted in lieu thereof:—'It shall be the duty of the inspector receiving such notice, and of every inspector upon his being satisfied that any sheep are infected, whether notice of such infection has been given or not, immediately to give to the owner of such sheep personal notice to clean the same, and of the run, or any portion thereof to be defined by the inspector in writing, within which the whole of such infected sheep shall be kept in quarantine until clean, and within such run or portion thereof no other sheep shall be admitted, or shall be permitted to remain until such run shall be clean: Provided, nevertheless, that an inspector may, subject to such conditions as he may deem necessary, permit infected sheep to be removed from one quarantine boundary to another, and for such purpose shall, in granting such permission, deliver to the owner an instrument in writing under his hand, defining the route over and the conditions under which such sheep shall be taken or driven during such removal: Provided, however, that nothing herein contained shall empower an inspector to permit such sheep to be driven across lands or runs other than those belonging to or in the occupation of the owner of such sheep, nor over nor upon public roads intersecting or bounding lands other than those of the said owner, except with the consent of the owner or owners of such other lands, and except over waste lands of the Crown not held under lease or license: and any owner wilfully infringing the terms of such instrument shall be guilty of an offence.'

Section nineteen
of Principal Act
amended

5. The words 'within one month after such notice,' in the sixth line of Section nineteen of the Principal Act are hereby repealed, and the word 'forthwith' substituted in lieu thereof.

Section twenty-
four of Principal
Act amended

6. The words 'three months,' in the first line of Section twenty-four of the Principal Act, are hereby repealed, and the words 'six weeks' substituted in lieu thereof.

Section thirty-
one of the
Principal Act
amended

7. Section thirty-one of the Principal Act is hereby amended, by inserting after the word 'Justices,' in the fifth line, the words 'be liable to a penalty not exceeding Fifty pounds, and to;' and by inserting after the word 'recovered,' in the sixth line, the words 'by the master or employer.'

Repeal of Section
forty-five of the
Principal Act

8. Section forty-five of the Principal Act is hereby repealed, and the following section substituted in lieu thereof:—'It shall not be lawful for any sheep to be introduced by land or sea from any infected district into any clean district, until such sheep have been effectually dipped at least twice within fourteen days immediately preceding their being so introduced, to the satisfaction of an inspector, and until the owner of such sheep has received from such inspector a certificate to that effect; and every person driving, or suffering any such sheep to be so introduced, in contravention of this provision, shall be liable, on conviction, to a penalty not exceeding One hundred pounds, or to be imprisoned for any term not exceeding three months, with or without hard labour. Provided that in the case of fat sheep travelling to market, the inspector may allow any such sheep to proceed on being dipped once only.'

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9. Any inspector may burn or cause to be burnt, without compensation, any enclosures or yards in which he may know infected sheep to have been within six months then last past.

Inspector may burn enclosures or yards

10. If in the opinion of an inspector any infected sheep are kept or depastured in any paddock or other enclosure that is not secure, he may order the same to be made secure forthwith by the owner of such sheep; and, in the event of such order not being complied with, may enter upon any run or premises, with his servants and assistants, and make secure such paddock or other enclosure, and any expenses thereby incurred by an inspector shall be payable by the owner of such sheep, and if not paid to the inspector upon demand he may at any time thereafter seize, remove, and sell so many of any sheep of such owner as in his opinion may be necessary to cover such expenses, and the charges and expenses occasioned by such seizure, removal, and sale.

Inspector may order enclosures to be made secure

And if order not complied with may make secure himself

And may recover expenses

11. Whenever it is incumbent upon any owner to dip any infected or suspected sheep, any inspector may order and direct such owner to shear such sheep before being dipped, and every owner failing to comply with such order shall be guilty of an offence.

Inspector may order sheep to be shorn before dipping

ALEX. C. ONSLOW,
GOVERNOR'S DEPUTY.
