

WESTERN AUSTRALIA.

STOCK DISEASES.

59 Vict., No. 34.

(Affected by 2 Edw. VII, No. 11)

[As amended by Acts

No. 12 of 1906, assented to 1st October, 1906;

No. 41 of 1954, assented to 8th December, 1954;

No. 24 of 1960, assented to 21st October, 1960;

and reprinted pursuant to Amendments Incorporation Act, 1938.]

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, 1895-1960*.

Short title.
Amended by
No. 24 of
1960, s. 1.

1A. This Act shall be read and construed so as not to exceed the legislative power of the State, the intention being that where any enactment in this Act would, but for this section, have been construed as being in excess of that power, it shall, nevertheless, be a valid enactment to the extent to which it is not in excess of that power.

Severability.
Added by
No. 24 of
1960, s. 2.

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

Amended by No. 24 of 1960, s. 3.

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 State of the Commonwealth or part of the Commonwealth whence the same may be introduced into Western Australia.

Repeal. Amended by No. 24 of 1960, s. 4.

3. The enactments described in Schedule A hereto are hereby repealed.

[Subsections 2, 3, 4 and 5 deleted by No. 24 of 1960, s. 4.]

Interpretation. Amended by No. 12 of 1906, s. 2; No. 24 of 1960, s. 5.

4. In the construction of this Act 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, and includes, ticks, lice, or any parasite:

“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 in this State whether by land, sea or air from any place in any other State of the Commonwealth or part of the Commonwealth:
- “Infected Stock.”—Stock suffering from any disease, or which have been in contact or have been on the same vessel or in or on the same conveyance 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, whether, 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 of 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.

Governor may prohibit importation of infected stock into the State. Substituted by No. 24 of 1960, s. 6.

5. (1) In any case where he deems it necessary for the purpose of preventing the introduction or dissemination of disease into or in the State, the Governor may, from time to time by proclamation, prohibit or put restrictions on the introduction into the State from any other State of the Commonwealth or part of the Commonwealth specified in the proclamation of any infected stock or stock suspected to be infected for such specified period or until the happening of such specified event as may appear to him necessary or expedient for the purpose.

(2) A proclamation made pursuant to this section may be varied or revoked by subsequent proclamation.

(3) A person who disobeys, contravenes or fails to observe any prohibition or restriction imposed or made by a proclamation made under this section commits an offence against this Act.

Penalty: Six months' imprisonment or five hundred pounds.

Governor may make regulations. Amended by No. 41 of 1954, s. 2; No. 24 of 1960, s. 7.

6. (1) The Governor may make such regulations as may be deemed expedient for all or any of the following purposes:—

(1) For regulating the conditions upon which any stock may be introduced into the State from any other State of the Commonwealth or part of the Commonwealth.

(2) For the inspection of imported stock.

- (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 State, 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.
- (9a) In relation to poultry, for regulating the licensing, establishment and carrying on of a hatchery, and breeding flock of poultry, for prescribing the fees for and the terms and conditions of the licensing, establishment and carrying on of the hatchery, and breeding flock of poultry and regulating and prohibiting the disposal, treatment, marking, classification, sale and delivery of eggs for hatching and chickens.

- (9b) Prescribing forms and fees and other matters and things which by this Act are contemplated, required or permitted to be prescribed.
- (9c) For imposing a maximum penalty of one hundred pounds for a breach of any regulation made under paragraph (9a) of this subsection.
- (10) Generally for all or any such purposes as he may deem necessary for preventing the introduction or spread of disease.

(2) By such regulations except in respect of a regulation made under paragraph (9a) of subsection (1) of this section 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.

7. [*Section 7 repealed by No. 24 of 1960, s. 8.*]

8. [*Section 8 repealed by No. 24 of 1960, s. 9.*]

Appointment
of Chief
Inspector and
officers.

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.

Inspectors
may enter
lands and
buildings.

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.

Owner to
give notice
of infection
or suspected
infection.
Substituted
by No. 12 of
1908, s. 3.

11. Every owner of infected stock, or of stock suspected to be infected, shall, as soon as he has discovered that they are infected, forthwith 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.

12. [Section 12 Repealed by No. 24 of 1960, s. 10.]

13. No stock shall be introduced into the State 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 or in the conveyance conveying them were in a sound and healthy condition, entirely free from any disease, or any indications of it.

Imported stock to have certificate. Amended by No. 24 of 1960, s. 11.

14. No imported stock, nor the effects of any attendant, shall be landed or introduced into the State 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 or conveyance with or for the use of or used with any imported stock, and no fittings used for, with, or about such imported stock, shall on any account whatever be landed or introduced into the State until it is so examined and a permit so granted in respect thereof.

No stock, etc., to be landed without permit. Amended by No. 24 of 1960, s. 12. Landing of fodder and fittings prohibited.

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.

Quarantine stations.

16. All imported stock not found on arrival to be infected may be removed to a 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.

Imported stock not infected to be taken to quarantine station. Amended by No. 24 of 1960, s. 13. Schedule C.

Owner
liable for
expenses.

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.

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

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.

Sections of
shortening.
Ordinance
adopted
(16 Vic., 11).
Amended by
No. 24 of
1960, s. 16.

23. Sections A, and H of The Second Schedule to the Interpretation Act, 1918, 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.

SCHEDULES

SCHEDULE A.

Section 3.
Amended by
No. 24 of
1960, s. 17.

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."
52 Vic., No. 11	"The Scab Act, 1888."
54 Vic., No. 16	"The Scab Act, 1891."
56 Vic., No. 13	"The Scab Act, 1891, Amendment Act, 1893."
58 Vic., No. 27	"The Scab Act Amendment Act, 1894."

[Schedule B deleted by No. 24 of 1960, s. 18.]

SCHEDULE C.

The Stock Diseases Act, 1895.

IMPORT CERTIFICATE OF CLEANNES.

Section 16.
Amended by
No. 24 of
1960, s. 19.

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 or conveyance and on what date.	Destination.

(Signed)

Inspector.

SCHEDULE D.

The Stock Diseases Act, 1895.

NOTICE TO DESTROY INFECTED STOCK.

Section 17.
Amended by
No. 24 of
1960, s. 20.

To _____ 19 _____

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 or conveyance and on what date.	Destination.

(Signed)

Inspector.