

Approved for Reprint, 1st December, 1976

WESTERN AUSTRALIA.

# STOCK DISEASES (REGULATIONS).

No. 66 of 1968.<sup>1</sup>

[As amended by Acts:

No. 30 of 1969,<sup>2</sup> assented to 16th May, 1969;  
No. 54 of 1974, assented to 3rd December, 1974;  
No. 51 of 1976, assented to 10th September, 1976;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

**AN ACT to make better provision for the prevention, eradication and control of Diseases in Livestock, by repealing the Stock Diseases Act, 1895-1967, and enabling all necessary measures to be provided by Regulations and Orders, and for incidental and other purposes.**

Long title amended by No. 51 of 1976, s. 2.

[Assented to 18th November, 1968.]

**BE** it enacted—

## PART I.—PRELIMINARY.

1. This Act may be cited as the *Stock Diseases (Regulations) Act, 1968-1976*.

Short title. Amended by Act No. 51 of 1976, s. 1.

<sup>1</sup> Came into operation on 1st August, 1970. See *Gazette* 24/6/70, p. 1783.

<sup>2</sup> Came into operation same date as Part III of Principal Act, i.e. 1st August, 1970.

*Stock Diseases (Regulations).*Commence-  
ment.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on a date to be fixed by proclamation.

(2) It is not necessary that the whole of this Act be proclaimed to come into operation on the one day; and the several Parts and sections may be proclaimed to come into operation on such respective dates as are fixed by proclamation.

Parts.

3. This Act is divided into Parts, as follows—

PART I.—PRELIMINARY, Ss. 1-8.

PART II.—ERADICATION AND CONTROL OF ENZOOTIC DISEASES, Ss. 9-10.

PART III.—ERADICATION AND CONTROL OF EXOTIC DISEASES, Ss. 11-14.

PART IV.—MISCELLANEOUS PROVISIONS, Ss. 15-18.

SCHEDULE.

Severability.

4. 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 the provisions of this section, have been construed as being in excess of that power, it shall, nevertheless, be a valid enactment to the extent that it is not in excess of that power.

Repeals.

5. The Acts set out in the Schedule to this Act are repealed.

Interpreta-  
tion.

6. In this Act, unless a contrary or other intention appears—

“animal” includes feral animals and fish;

“disease” means any disease of stock and includes ticks, lice and other ectoparasites, and endoparasites;

“enzootic disease” means a disease of stock that is not an exotic disease under, and for the purposes of, this Act;

“exotic disease” means any vesicular disease, rinderpest, bluetongue, swine fever, African swine fever, rabies, Newcastle disease, fowl plague and any other disease of stock proclaimed to be an exotic disease for the purposes of this Act;

“infected” means actually affected with disease or liable, by reason of contact, to be so affected;

“inspector” means an inspector of stock and includes the Chief Inspector of Stock, the Assistant Chief Inspector of Stock, a person authorised to act temporarily as an inspector of stock and every inspector of stock appointed under an Act repealed by this Act;

“local authority” means the council of a municipality under the Local Government Act, 1960, and includes the council of a county district or of a regional district established under that Act for local government purposes;

“potential carrier” means anything capable of carrying and transmitting disease and includes—

- (a) animals;
- (b) manures and fertilisers derived from animals;
- (c) uncooked edible products, and unwrought inedible products, derived from animals;
- (d) fodder, bedding, harness and any other movable thing used on, in connection with, or to contain or restrain, animals; and
- (e) the clothing and personal effects of persons attending on, or caring for, animals;

“section” means a section of this Act;

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“stock” means any animal included in the class of cattle, sheep, goat, horse, swine and poultry and includes animals proclaimed to be stock for the purposes of this Act.

Proclamation of exotic diseases and of animals as stock.

7. (1) The Governor may, by proclamation, declare—

- (a) any disease not designated as an exotic disease by section 6 to be an exotic disease; and
- (b) any animal not designated as stock by section 6 to be stock,

for the purposes of this Act.

(2) A proclamation made under this section may be cancelled or varied by a subsequent proclamation.

Appointment of inspectors.

8. (1) The Governor may appoint a Chief Inspector of Stock and an Assistant Chief Inspector of Stock, and may appoint such other inspectors of stock and officers as may, from time to time, be necessary for the due administration of this Act.

(2) The Minister may, from time to time, by instrument under his hand, authorise any person to act temporarily as an inspector of stock; and a person so authorised shall have all the powers and authority of an inspector of stock.

PART II.—ERADICATION AND CONTROL OF  
ENZOOTIC DISEASES.

Purposes of this Part.

9. The purposes of this Part are to prevent the introduction into the State of enzootic diseases from any other part of the Commonwealth and to eradicate and control such enzootic diseases as are present in the State.

Regulations. Amended by No. 51 of 1976, s. 3.

10. (1) The Governor may make such regulations as are necessary and expedient for the purposes of this Part.

(2) Without limiting the generality of subsection (1) of this section, regulations made under this section may—

- (a) prescribe conditions under which any potential carrier may be brought into the State;
- (b) provide for the quarantine, examination and certification of any potential carrier, whether brought into the State or not, and provide for the seizure and destruction of any found to be infected;
- (c) provide for the notification, and the manner of notification, of any occurrence, or suspected occurrence, of infection and requiring persons to give all information within their power with respect to any such occurrence or suspected occurrence;
- (d) prescribe the manner in which infected stock or an infected place or thing may be cleansed and disinfected and the manner of the destruction and disposal of infected animals or things;
- (e) prohibit, restrict or regulate the movement of stock, whether infected or not, into or out of any specified part of the State;
- (f) prohibit the sale of infected stock;
- (g) provide for the management of quarantine stations or areas and for the treatment, and period of treatment, of stock in quarantine stations or areas and prohibit the removal therefrom of, and the interference with, any such stock;
- (h) prescribe the charges to be made for the conveyance of stock to and from quarantine, for the care, maintenance and examination of stock while in quarantine and, generally, for the services of inspection, examination and treatment of stock and provide for the recovery of any such charge;
- (i) require stock to be vaccinated or to be given prophylactic treatment by a specified person, on the order of a specified officer;

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- (ia) require that any matter or material that is to be used for the purpose of food for stock be treated and that any person who carries out such treatment shall hold a licence for that purpose and prescribe the terms and conditions for the grant, suspension and cancellation of such licenses;
- (j) require establishments conducted as hatcheries or for the breeding of poultry to be licensed, prescribe fees for a licence issued for that purpose, regulate the manner in which any such establishment is to be conducted and regulate, restrict or prohibit dealing in, and delivery of, eggs for the purpose of hatching;
- (k) confer power on an inspector, member of the Police Force or an officer of a specified class to stop, enter and examine any vessel, vehicle or other conveyance, and, at all reasonable hours, to enter any premises, in order to ascertain whether or not any potential carrier is there and infected or whether or not the provisions of the regulations are being observed;
- (l) provide that the breach of any condition to which the issue of a licence or permit is subject constitutes an offence; and
- (m) prescribe all necessary forms and the manner of, and time for, their completion and require any information or certificate supplied pursuant to the regulations to be verified by statutory declaration.

(3) Regulations made under this section may provide minimum penalties, not exceeding one hundred dollars, and maximum penalties, not exceeding one thousand dollars, for offences against the regulations or any condition and may provide daily penalties, not exceeding ten dollars for every day that an offence against the regulations continues after the offender is convicted.

PART III.—ERADICATION AND CONTROL OF  
EXOTIC DISEASES.

11. The purposes of this Part are to prevent the introduction of an exotic disease into this State and to control and eradicate an outbreak of an exotic disease in this State by every practicable means.

Purposes of this Part. Repealed and re-enacted by No. 51 of 1976, s. 4.

12. (1) The Governor may, by Order in Council, declare a state of emergency to exist by reason of the outbreak, or the reasonable belief of an outbreak, in the State of an exotic disease specified in the Order and may by the same or any other Order direct that any regulations made under section 13 and specified in the Order shall take effect.

Declaration of state of emergency. Amended by No. 30 of 1969, s. 3.

(2) Where the Governor is satisfied that an exotic disease has been eradicated or sufficiently controlled, he may, by Order in Council, revoke any Order made pursuant to subsection (1) of this section and may by the same or any other Order direct that any specified regulations shall cease to have effect, on and from the date stipulated by the Order.

(3) Where, by virtue of an Order made under subsection (2) of this section, regulations have ceased to have effect, section 17 of the Interpretation Act, 1918, applies to those regulations, as though a reference in that section to the repeal of regulations were a reference to regulations ceasing to have effect.

12A. (1) Notwithstanding that the Governor has not declared a state of emergency as provided by section 12, where the Chief Inspector of Stock is of the opinion that an animal is affected with—

Where immediate destruction is essential. Added by No. 54 of 1974, s. 2.

- (a) foot and mouth disease;
- (b) vesicular stomatitis;
- (c) vesicular exanthema;
- (d) rinderpest;
- (e) swine fever;
- (f) African swine fever;

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- (g) bluetongue;
- (h) Newcastle disease; or
- (i) fowl plague,

and that the immediate destruction of that animal is essential to prevent the spread of the disease, the Chief Inspector of Stock may, by notice in writing given to the person apparently having charge of that animal for the time being, order the destruction of that animal.

(2) Every person who contravenes or fails to comply with the provisions of an order made under this section commits an offence.

Penalty: One thousand dollars or imprisonment for six months.

(3) The provisions of section 14 as to compensation shall apply in relation to the destruction of an animal under this section, as if that animal had been yielded up pursuant to a requisition of the Minister given or made as provided by regulations under this Part

Regulations.  
Amended  
by No. 30 of  
1969, s. 4;  
No. 51 of  
1976, s. 5.

13. (1) Except as provided in subsection (5) of this section, regulations made under this section shall not take effect until the Governor, by Order in Council, so directs and shall cease to have effect on and from such date as the Governor, by subsequent Order, directs.

(2) The Governor may make all such regulations as are, in his opinion, necessary or expedient for the purposes of this Part.

(3) Without limiting the generality of subsection (2) of this section, the powers conferred by subsection (2) of section 10 for the making of regulations with respect to enzootic diseases are conferred for the making of regulations with respect to exotic diseases, as though the provisions of that subsection were repeated in this section; and, further, the Governor may make regulations—

- (a) enabling the Minister to requisition any land, buildings, accommodation, goods and services, including that or those of any



agency or department of the Crown in right of the State and of any local authority, for such period as may, in the opinion of the Minister, be necessary or expedient for the purposes of this Part or until the regulations cease to have effect, whichever is the lesser period;

- (b) enabling the Minister or a specified officer or an officer of a specified class, by notice given, published or exhibited in the prescribed manner, to prohibit the movement of persons, and the taking of movables, into or out of any specified area, premises or place, for such time as may be specified in the notice or until the persons or movables are disinfected or treated against infection in a prescribed manner;
- (c) authorising the Minister or a specified officer or an officer of a specified class to close roads and, by the erection of barricades and notices or by other means, to prevent the passage of pedestrians and vehicles over any road so closed;
- (d) prohibiting the treatment of infected stock or other animals by any person other than a person of a specified class;
- (e) requiring persons who are known to have been in contact with infected animals or within an infected area to submit themselves for disinfection and for any other prescribed treatment for the prevention of the spread of disease;
- (f) empowering the destruction of animals and property, at the requirement of an officer of a specified class, whether the animals or property are infected or not; and
- (g) providing offences of contravening, or failing to comply with, a notice or order given, published or exhibited pursuant to any power conferred by the regulations and empowering a member of the Police Force and an officer of a specified class to place

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any person apparently contravening, or failing to comply with, any such notice or order under restraint, for such period as may be necessary to prevent the contravention or compel the compliance or until brought before Justices, as the case may require.

(4) Regulations made under this section may provide minimum penalties, not exceeding two hundred dollars, and maximum penalties not exceeding two thousand dollars or imprisonment for twelve months for offences against the regulations and may provide daily penalties not exceeding ten dollars for every day that an offence against the regulations continues after the offender is convicted.

(5) Notwithstanding that the Governor has not declared a state of emergency as provided by section 12, the Governor may make all such regulations as are, in his opinion, necessary for preventing the introduction of disease into this State or to enable him to ascertain whether or not a state of emergency exists, including regulations—

- (a) relating to the treatment of any matter or material that is to be used for the purpose of food for stock, the licensing of persons who may carry out such treatment and the terms and conditions for the grant, suspension and cancellation of such licences;
- (aa) empowering a specified officer or an officer of a specified class to enter upon any premises, for the purpose of ascertaining whether a disease exists, or for the purpose of diagnosing a disease existing, there;
- (b) requiring a person to afford any information in his power—
  - (i) that may assist in confirming the presence of, or in diagnosing, a disease; and

- (ii) relating to the movement of persons and vehicles that have been in contact with, or of potential carriers of, a disease;
- (c) prohibiting or restricting the movement of persons, vehicles and potential carriers, until a diagnosis of a disease is made or the existence of a disease is disproved; and
- (d) providing penalties such as are mentioned in subsection (4) of this section for offences against the regulations.

14. (1) Subject to this section, the Minister shall pay just compensation to any person who yields up, affords or supplies anything pursuant to a requisition of the Minister given or made as provided by regulations under this Part and to any person who, at that time, had an interest in anything so yielded up, afforded or supplied; and for that purpose the Public Account is hereby, to the necessary extent, appropriated.

Compensation in certain cases.  
Amended by No. 51 of 1976, s. 6.

(2) For the purposes of subsection (1) of this section, the amount of any just compensation shall be such amount as is determined by agreement, or, in default of agreement, by action in any court of competent jurisdiction.

(3) Where anything in respect of which compensation is payable pursuant to subsection (1) of this section is yielded up, afforded or supplied by an agency or department of the Crown in right of the State or by a local authority, the question of, and the amount of, the liability of the Minister in that regard shall be determined by the Treasurer whose decision shall be final.

(4) This section does not apply to any matter or material used for the purpose of food for stock that fails to conform to any regulations made under this Act relating to the treatment of that matter or material.

## PART IV.—MISCELLANEOUS PROVISIONS.

General provisions relating to regulations.

## 15. Regulations may be made under this Act—

- (a) so as to apply—
  - (i) generally or in a particular class of case or in particular classes of cases;
  - (ii) at all times or at a specified time or at specified times;
  - (iii) throughout the State or in a specified part or specified parts of the State; and
  - (iv) to stock from another State or a Territory of the Commonwealth or from a specified part or specified parts of another State or of a Territory of the Commonwealth;
- (b) so as to require a matter affected by them to be—
  - (i) in accordance with a specified standard or specified requirement; or
  - (ii) as approved by, or to the satisfaction of, a specified person or body or a specified class of person or body;
- (c) so as to confer on a specified person or body or a specified class of person or body a discretionary authority; and
- (d) so as to provide that, in specified cases or a specified class of case or specified classes of cases, whether on specified conditions or unconditionally, persons or things or a class or classes of persons or things may be exempted from the provisions of the regulations, either wholly or to such extent as is specified.

Governor to restrict or prohibit the bringing in of animals.

16. (1) The Governor may, where it appears to him necessary or expedient for the purpose of preventing the introduction of disease to, or the spread of disease in, the State, by Order in Council,

prohibit or restrict the bringing of any potential carrier into the State from any other part of the Commonwealth specified in the Order, for such period, or until the happening of any event, so stipulated as may appear to him necessary or expedient for the purpose.

(2) An Order made under this section may be revoked or varied by a subsequent Order in Council.

(3) Every person who contravenes or fails to observe the provisions of an Order made under this section commits an offence.

Penalty: One thousand dollars or imprisonment for six months.

16A. Any regulations purported to have been made under this Act as in force prior to the coming into operation of the Stock Diseases (Regulations) Act Amendment Act, 1976, relating to the treatment of any matter or material to be used for the purpose of food for stock and requiring that a person carrying out such treatment be the holder of a licence issued under those regulations and any act or thing done or required to be done pursuant to those regulations shall be deemed to have been validly made, done or required to be done as if made, done or required to be done under the provisions of this Act as in force after the coming into operation of the Stock Diseases (Regulations) Act Amendment Act, 1976.

Validation.  
Added  
by No. 51 of  
1976, s. 7.

17. Where any minimum penalty is provided by regulations made under this Act, that penalty is irreducible in mitigation, notwithstanding the provisions of any other Act.

Minimum  
penalties.

18. Subject to section 14, civil or criminal proceedings shall not lie against any person—

Immunity of  
persons  
acting in  
good faith.

(a) for anything done in reliance of a notice or order apparently given or made in accordance with the provisions of this Act;

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- (b) for any act, matter or thing done, or ordered to be done, by a person and purporting to be done for the purposes of this Act; or
- (c) for any act, matter or thing omitted to be done,

unless that act, matter or thing was done, ordered to be done or omitted to be done maliciously or without reasonable and probable cause.

s. 5.

## SCHEDULE.

No. of Act.	Short Title.
59 Vict. 34	Stock Diseases Act, 1895.
12 of 1906	Stock Diseases Amendment Act, 1906.
41 of 1954	Stock Diseases Act Amendment Act, 1954.
24 of 1960	Stock Diseases Act Amendment Act, 1960.
26 of 1966	Stock Diseases Act Amendment Act, 1966.
29 of 1967	Stock Diseases Act Amendment Act, 1967.