



ANNO VICESIMO QUINTO

GEORGII V REGIS.

A.D. 1934.

No. 2157.

An Act to consolidate certain Acts providing against the introduction or spread of contagious and infectious diseases affecting horses, cattle, sheep, poultry, and other animals and birds.

[Assented to, November 1st, 1934.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof as follows :

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "Stock and Poultry Diseases Act, 1934". Short title.
2. The provisions of this Act are arranged as follows :— Arrangement.
 - PART I.—Preliminary :
 - PART II.—Proclamations and Regulations :
 - PART III.—Appointment and General Powers of Inspectors :
 - PART IV.—General Provisions for Preventing the Spread of Disease in Stock :
 - PART V.—Dipping of Sheep :
 - PART VI.—Inspection of Poultry :
 - PART VII.—Miscellaneous.

PART I.

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Acts con-
solidated and
repealed.

3. This Act is a consolidation of the Acts and portions of Acts mentioned in the First Schedule, and the said Acts are hereby repealed to the extent therein mentioned.

Construction.
2074, 1932, s. 3.

4. This Act shall be construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any provision hereof would but for this section be 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.

Interpretation.
443, 1888, s. 3.
1329, 1918, s. 3.
2074, 1932, s. 4.

5. (1) In the construction of this Act, except where the subject matter or context or other provisions thereof require a different construction—

“ camel ” means any camel of any age or sex :

“ carcass ” means the carcass of any stock, or the whole or any part of the flesh, wool, skin, hide, bones, hair, horns, hoofs, or other portion of the carcass :

“ cattle ” means any bull, cow, ox, steer, heifer, or calf, and the carcass or any portion of the carcass thereof respectively :

“ chief inspector ” means the Chief Inspector of Stock under this Act :

“ destroy ” means to entirely consume by fire or to bury at a depth of not less than three feet under ground ; or, in the case of sheep, if permitted by an inspector, to consume the wool and skin by fire, and to boil down the remainder of the carcass :

“ disease ” means any of the diseases named in Parts I. and II. of the Second Schedule, and any other disease affecting stock which the Governor, by notice in the *Government Gazette*, declares to be an infectious or contagious disease for the purposes of this Act :

“ diseased stock ” means all stock actually suffering from or affected with any disease :

“ fittings ” means any stall, stable, sheep-pen, cow or cattle house, horsebox, or other premises for keeping or confining stock, and any halters, brushes, clothes, buckets, or other articles or things whatsoever which are brought into contact with any stock :

“ fodder ” means any hay, straw, grass, green crop, root, vegetable, grain, corn, litter, manure, or any other thing used for the food or litter of stock, or found with or about stock :

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PART I.

“horse” means any horse, mare, gelding, colt, filly, foal, ass, or mule, or the carcass, or any portion of the carcass thereof respectively :

“inspector” means the chief inspector, deputy chief inspector, or any inspector of stock under this Act :

“lot” means any number of stock depastured or kept together on the same land, or in the same drove or flock, or in charge of the same person, or conveyed at one time on the same vessel :

“owner” means any owner or joint owner, and any superintendent, overseer, agent, or carrier, and any master or captain of any vessel, and any consignee, and any person in possession of or charge of any stock, vehicle, vessel, fodder, or fittings :

“proprietor” means any proprietor, lessee, licensee, or occupant, and the known agent of any proprietor, lessee, licensee, or occupant, and any overseer, superintendent, or person in possession or charge of any land :

“quarantine grounds” means any land or vessel proclaimed by the Governor to be a quarantine ground, or any land appointed by an inspector as a quarantine ground for particular stock :

“sheep” means any ram, ewe, wether, or lamb, and the carcass or any portion of the carcass thereof respectively :

“stock” means—

(a) all camels, horses, cattle, and sheep, and all goats, deer, dogs, and swine of any age or sex, and all fowls, turkeys, ducks, geese, and pigeons of any age or sex :

(b) all other animals or birds to which the Governor at any time, by notice in the *Government Gazette*, declares that the provisions of this Act, or any of them, shall apply :

(c) the carcass or any portion of the carcass of any stock as hereinbefore defined :

“travelling stock” means all stock, including working stock, whilst in, upon, or at any vehicle, vessel, land, or place whatsoever other than on the land on which the stock is ordinarily kept or depastured :

“vessel” means any ship, steamer, lighter, launch boat, punt, or ferry.

(2) Stock not actually diseased shall be deemed to be infected in any case where the stock—

(a) forms part or during the preceding three months has formed part of a lot containing any diseased stock ; or

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- (b) has, during the preceding three months, been in contact with diseased stock or with stock dressed, dipped, or otherwise treated for the cure of disease.

No stock shall be deemed to be infected by reason only of forming part of a lot affected or infected with a disease to which the stock are not liable.

PART II.**PART II.****PROCLAMATIONS AND REGULATIONS.**

Power of
Governor to
make procla-
mations.
443, 1888, s. 4.

6. (1) The Governor may, from time to time, by proclamation—

- (a) prohibit or put restrictions on the importation or introduction of stock, or of any one or more kinds of stock, or of any fodder or fittings, into the State or any part thereof, either generally or from such countries, States, or places and during such periods as may appear to him necessary or expedient for the purpose of preventing the introduction into the State of any disease affecting stock :
- (b) prohibit or put restrictions on the introduction, removal, travelling, or moving of stock, or of any one or more kinds of stock into, from, and within such districts, grounds, and places within the State, and during such times as may appear to him necessary or expedient, for the purpose of preventing the spread within the State of any disease affecting stock :
- (c) prohibit or put restrictions on the removal or moving of any fodder or fittings from or within any such districts, grounds, or places :
- (d) appoint quarantine districts within the State from which no stock, or no one or more kinds of stock, and no fodder or fittings, shall be removed, except in accordance with the regulations :
- (e) appoint quarantine grounds for the reception, detention, and treatment of diseased and infected stock, and of stock suspected to be diseased or infected.

(2) The Governor may by proclamation, from time to time, revoke or vary any such proclamation.

7. Every such proclamation shall—

- (a) be laid before both Houses of Parliament within fourteen days after the publication thereof, if Parliament be then sitting, or, if not then sitting, within fourteen days after the next sitting of Parliament :

Powers of
Parliament
with respect to
proclamations.
443, 1888, s. 5.

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- (b) take effect from a date to be named in the proclamation :
- (c) remain in full force and effect until revoked by proclamation or disallowed by resolution of both Houses of Parliament.

8. The Governor may make regulations for all or any of the following purposes :—

Power of Governor to make regulations.

- I. For restricting the introduction into the State, either by land or water, of stock or of any one or more kinds of stock :
- II. For the inspection of stock introduced, or about to be introduced, into the State :
- III. For the description of the several diseases affecting stock :
- IV. For the eradication and for preventing the spread of any disease :
- v. For placing diseased and infected stock, and stock suspected to be diseased or infected, in quarantine grounds, and for prescribing the period or periods during which any such stock respectively shall remain in quarantine :
- VI. For prescribing the treatment and remedial measures to be adopted and taken in respect of diseased or infected stock, and for stock suspected of being diseased or infected, or of any one or more kinds of any such stock :
- VII. For the seizure and destruction of diseased stock :
- VIII. For prescribing the manner in which land travelled over or vehicles or vessels used by diseased or infected stock shall be cleansed and disinfected :
- IX. For restricting the introduction, removal, travelling, or moving of stock, or of any one or more kinds of stock, or of fodder or fittings into, from, and within quarantine districts :
- x. For the regulation, management, and control of quarantine grounds, and for prescribing the disposal and treatment therein of quarantined stock :
- XI. For requiring certificates of health from the authorities of any other State from which stock are intended to be introduced, the issue of a permit for stock to enter this State, and the production of the permit to the proprietor or manager of any run which the owner of the stock may enter or propose to enter with the stock, or to any inspector or member of the police force :

443, 1888, s. 6.
1729, 1926, s. 3
(part).
2074, 1932, s. 5.

PART II.

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- XII. For restricting the introduction into the State of any fodder or fittings, and for the seizure, destruction, or sale of any fodder or fittings improperly introduced or moved or found with or about any diseased or infected stock :
- XIII. For restricting and regulating the moving and for prescribing the remedial measures to be taken in respect of diseased or infected travelling stock :
- XIV. For the seizure, destruction, and disposal of stray stock :
- XV. For the inspection of dairies and for providing for remedial and precautionary measures to be taken by the owners and occupiers thereof against disease :
- XVI. For providing for the issuing of certificates to inspectors :
- XVII. For prohibiting or regulating the manner in which proprietors of land traversed by any portion of the boundary of the State, or by the twenty-sixth parallel of south latitude shall drive or allow stock to pass across the said boundary or parallel :
- XVIII. For imposing fees and charges for anything authorised by this Act or the regulations, and for prescribing by and to whom and when any such fees and charges shall be paid :
- XIX. For prescribing the form of return to be furnished pursuant to section 32 :
- XX. And generally such regulations as he may deem necessary or expedient for carrying out the objects and purposes of this Act in all matters of detail whatsoever.

PART III.

PART III.

APPOINTMENT AND GENERAL POWERS OF INSPECTORS.

Power of Governor to appoint inspectors and other persons.
443, 1888, s. 9.

9. The Governor may from time to time appoint a Chief Inspector of Stock, Deputy Chief Inspector of Stock, inspectors of stock, and temporary inspectors, and such other officers as may be necessary to carry out the provisions of this Act.

Control of quarantine grounds.
443, 1888, s. 10.

10. All quarantine grounds, and all erections, buildings, yards, sheds, and appurtenances thereon, shall be under the charge of the chief inspector.

General powers of inspectors.
443, 1888, s. 11.
2074, 1932, s. 7

11. Every inspector—

- (a) shall, for the purpose of inspecting any stock, have power to enter at any time into or upon any vehicle of any kind, vessel, or land :

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(b) shall have all such other powers and authorities as may be necessary for enabling him to enforce the provisions of this Act :

(c) may direct the owner of any diseased or infected stock to place any such stock in a quarantine ground, to be appointed by the inspector, and to take such measures as regards their treatment, or to do such other acts as in the opinion of the inspector shall be necessary to eradicate or check the spread of disease.

12. Any inspector may, in case of resistance, use all necessary force to effect an entry upon any land or into any vehicle or vessel, and to obtain and, for the purposes of this Act, maintain possession of any stock, carcass, fodder, or fittings there found.

Powers of inspectors in case of resistance. 443, 1888, s. 12. 2074, 1932, s. 8.

13. If upon examining any stock, an inspector believes the same to be diseased, he may kill one of such stock, or kill two head of stock forming part of a lot exceeding one hundred in number, for the purpose of deciding whether the stock are diseased or infected with an infectious or contagious disease, and if found to be affected with disease he may place the remainder of the lot of stock in quarantine on the owner's property, or, if the stock are travelling or astray, on the nearest available land. If there are more than one hundred of stock in any lot he may kill in addition two head in every hundred or part of a hundred of the excess.

Powers of inspectors to kill one or more head of stock. 443, 1888, s. 13

14. If pleuro-pneumonia is discovered in any lot or herd of cattle, the chief inspector may cause the cattle to be inoculated by some competent person, at the cost of the owner. All inoculated cattle shall be marked in such manner as may be prescribed.

Inoculation of infected cattle. 443, 1888, s. 14. 2074, 1932, s. 9

15. (1) Any inspector may, whenever necessary, employ any person or persons to assist him in carrying out the provisions of this Act, and may pay such remuneration to any such person or persons as he may deem reasonable.

Power of inspector to employ assistants. 443, 1888, s. 15

(2) The owner through whose neglect, omission, or other default, or by reason of the infection or removal of or other dealing with whose stock the expenses of any such employment are incurred, shall repay the same to the chief inspector on demand. In default of payment the expenses may be recovered in a summary way by or on behalf of an inspector, or the stock, or a sufficient number thereof, or any other stock of the same owner, may be seized and sold by order of the chief inspector to pay the said expenses, together with the costs of seizure and sale.

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Power of inspectors to destroy diseased, stray, and travelling stock.
443, 1888, s. 16.

16. (1) Any inspector may seize and destroy any diseased travelling stock, or any diseased stock not in the custody or charge of any person. The inspector shall keep a record of all stock so destroyed, with descriptions, brands, and marks thereof, the name of the disease, and locality where destroyed.

(2) No inspector shall authorise the destruction of stock pursuant to this section unless he is duly qualified and certificated in manner prescribed by regulation.

Penalty for obstructing, &c. inspectors.
443, 1888, s. 17.

17. Any person who obstructs or hinders any inspector in the exercise of his powers or in the performance of his duty, or who fails or neglects to obey any lawful direction of an inspector, shall be guilty of an offence, and liable to a penalty not exceeding fifty pounds.

PART IV.

PART IV.

GENERAL PROVISIONS FOR PREVENTING THE SPREAD OF DISEASES IN STOCK.

Power of Minister to order destruction of diseased stock.
443, 1888, s. 18.
2074, 1932, s. 12.

18. The Minister, whenever he is satisfied that any stock is diseased, and that, in order to eradicate the disease or to prevent its spread, it is desirable that the diseased stock should be destroyed, may order that the stock shall be forthwith destroyed by the owner, under the direction of an inspector.

Duties of owners of diseased stock.
443, 1888, s. 19.
2074, 1932, s. 10.

19. (1) Every owner of diseased stock shall—

- (a) within twenty-four hours from the time when the stock are discovered to be diseased, forward by post notice thereof, in the form in the Third Schedule, to the nearest inspector, and also to the chief inspector at Adelaide :
- (b) keep the diseased stock from coming into contact with stock belonging to other persons :
- (c) if so ordered by a duly qualified and certificated inspector, forthwith destroy the diseased stock.

(2) Every person offending against or violating the provisions of this section shall be guilty of an offence, and liable to a penalty of not less than one pound nor more than twenty pounds for every day during which he neglects or omits to perform the duty hereby imposed upon him.

Power of proprietor to detain and examine travelling stock.
443, 1888, s. 21.
1711, 1925, s. 7.

20. (1) Any proprietor may detain and examine travelling stock being upon any part of his land upon reasonable suspicion of their being diseased, and, upon the proprietor giving the owner of such stock a written notice of his intention, he may detain the stock until the owner calls in the nearest inspector to examine the stock and determine whether or not they are diseased.

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(2) If the owner of the stock prevents them from being detained or examined as aforesaid, or impedes or hinders the said proprietor in detaining or examining them, or does not, within twenty-four hours after their detention, forward to the nearest inspector written notice thereof by post or telegraph, or deliver such a notice to him personally or at his residence, the said owner shall be guilty of an offence, and liable to a penalty not exceeding one hundred pounds.

(3) This section shall apply to sheep, cattle, camels, or horses which cross any run pursuant to the provisions of section 94 of the Pastoral Act, 1904, and in any such case "proprietor" shall, for the purposes of this section, include the lessee, overseer, or manager of any such run.

21. (1) Any proprietor detaining any travelling stock, pursuant to section 20, shall, until the arrival of the inspector, either keep the stock on his own land, or make such arrangements as shall prevent the further spread of the disease.

Duties of proprietor detaining travelling stock.
443, 1888, s. 22.
2074, 1932, s. 11.

(2) If the stock are diseased, all necessary expenses incurred by any such proprietor in the detention and keep of any such stock shall be paid to him by their owner, to be recovered in any court of competent jurisdiction, and the said proprietor shall have a first charge on the stock for recovery of the expenses and legal costs incurred in suing for them.

(3) If the stock so detained are found, on examination by a duly qualified and certificated inspector, not to be diseased, and the proprietor detaining them had no reasonable grounds for suspecting them to be diseased, the owner of the said stock may recover in a summary way from the said proprietor the expenses occasioned by the detention, and such sum, not exceeding one hundred pounds, as the court is of opinion, should be paid to the owner by the proprietor by way of penalty for the detention.

(4) Any proprietor who acts in contravention of subsection (1) hereof shall be guilty of an offence, and liable to a penalty not exceeding one hundred pounds.

22. The costs and expenses of and attendant upon the placing and treatment of diseased or infected stock in quarantine grounds, or under restrictions, for the purpose of eradicating disease or preventing its introduction or spread, shall in every case be borne by the owner of the diseased or infected stock so dealt with.

Payment of expenses of treatment of diseased stock.
443, 1888, s. 23.

23. All stock introduced into the State, or introduced, driven, travelled, removed, or moved into, from, or within any district, ground, or place, and all fodder and fittings removed, or moved from or within any district, ground, or place, contrary

Forfeiture of stock illegally introduced.
443, 1888, s. 24.
2074, 1932, s. 12.

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to this Act or any proclamation under it, or contrary to the regulations, and all stock straying across the border into the State, may be seized by any inspector, and shall be forfeited and destroyed, sold, or otherwise disposed of, as the Minister shall direct.

Release of
quarantine
land.

443, 1888, s. 26.

24. (1) Any land placed in quarantine under the provisions of this Act may be released therefrom by the certificate of an inspector that the land is clean.

(2) Every such certificate shall be advertised by the chief inspector in the *Government Gazette*.

Penalty for
leaving diseased
stock on lands
undestroyed.

443, 1888, s. 27.

25. Any person leaving any diseased stock on any road or land without destroying the same shall be guilty of an offence, and liable to a penalty not exceeding ten pounds for every animal so left.

Non-payment
of compensa-
tion in respect
of stock, &c.,
destroyed
under
authority.

443, 1888, s. 29.

26. No compensation whatever shall be payable to, or recoverable by, any person for or in respect of the forfeiture, killing, or destruction of any stock, fodder, or fittings, forfeited, killed, or destroyed under the authority of this Act or the regulations: Provided that full compensation shall be paid to the owner for all stock destroyed under the provisions of section 13, which are found to be free from infectious or contagious disease.

Compensation
to proprietor.

443, 1888, s. 30.

27. (1) The proprietor of any land which is declared a quarantine ground on account of the presence thereon of diseased stock, which are not the property of the proprietor, shall be paid reasonable compensation by the owner of the diseased stock for the damage or loss he may sustain through the declaration.

(2) No compensation shall be payable as aforesaid unless within one month from the time when the land has been released from quarantine, the proprietor claiming compensation under this section gives to the owner of the stock written notice of his claim stating the amount thereof.

Prohibition of
introduction of
stock except at
certain points
of entry.

443, 1888, s. 31.

28. No stock shall be introduced into the State by land, except by the points of entry fixed upon for that purpose by proclamation; and no stock shall be introduced affected or suffering from any contagious or infectious disease: Provided that any inspector may authorise the crossing of any lot at other than the point fixed.

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PART V.

PART V.

DIPPING OF SHEEP.

29. (1) This Part shall apply to the portion of the State comprised in the district of Alexandra, the district of Albert (except the part thereof lying to the north of the railway line running from Taillem Bend through Pinnaroo to the Victorian Border), and the district of Victoria.

Application of Part.
1207, 1915, s. 3.
2074, 1932,
ss. 12 and 13.

The districts hereinbefore referred to are the districts existing at the passing of this Act for the purpose of electing members of the House of Assembly, and respectively distinguished by the names hereinbefore mentioned.

(2) The Minister may, from time to time, by notice published in the *Government Gazette* and in a newspaper circulating in the portion of the State to which the notice applies—

(a) declare any portion of the State (not being within the portion thereof defined in subsection (1) of this section) to be an area to which this Part shall apply; and thereupon this Part shall apply to that area:

(b) revoke any declaration under this section, as to the whole or any part of the area mentioned therein; and thereupon this Part shall cease to apply to that area or part, as the case may be.

30. (1) The Minister may, from time to time, by notice published in the manner provided by section 29, prescribe directions for the dipping of sheep pursuant to this Part within the area defined in subsection (1) of section 29. Any such notice shall be in force until the expiration of one month from the publication, as aforesaid, of a subsequent notice under this subsection revoking the former notice.

Directions as to dipping.
1207, 1915, s. 4.
2074, 1932,
s. 12.

(2) The Minister may, from time to time, by notice published in the manner provided by section 29, prescribe a period within which every owner of any sheep within the area or areas specified in the notice shall dip his sheep according to the directions contained in the notice. This subsection shall not apply to the area defined in subsection (1) of the said section 29.

31. (1) Every person who is the owner of any sheep within the area defined in subsection (1) of section 29 at any time during the period between the first day of September in every year and the end of the following January shall, during that period dip the sheep according to the directions contained in the notice under subsection (1) of section 30 which is for the time being in force.

Duty of owners of sheep to dip their sheep as prescribed.
1207, 1915, s. 5.
1779, 1926 s. 2.

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(2) Every person who is the owner of any sheep within an area specified in a notice under subsection (2) of the said section 30 at any time within the period prescribed by the notice shall, during that period, dip the sheep according to the directions contained in the notice.

(3) Any person who fails to dip his sheep as required by this section shall be guilty of an offence, and liable to a penalty not exceeding ten pounds for a first offence, and not exceeding fifty pounds for any subsequent offence: Provided that it shall be a sufficient defence to prove that the sheep were dipped as required by this Part, and within the period in question, by any person.

Furnishing of returns.
1779, 1926, s. 3
(part).

32. (1) When any sheep are dipped pursuant to this Part, the owner shall, within fourteen days after the dipping, furnish a return to the chief inspector in the prescribed form.

(2) If any person fails to furnish a return as provided by this section, the chief inspector may give notice in writing to the said person requiring him to furnish a return as aforesaid within fourteen days after the giving of the notice. If the said person fails to furnish the return within the time aforesaid he shall be guilty of an offence, and liable to a penalty not exceeding five pounds. The notice given by the chief inspector may be given by post.

Saving of powers of Minister and inspectors.
1207, 1915, s. 6.
2074, 1932,
s. 12.

33. Nothing in this Part shall be deemed to affect any of the powers and authorities of the Minister or of any inspector under this Act, and the obligations imposed by this Part are in addition to those imposed by any other Part of this Act or any proclamation or regulation made thereunder.

Onus of proof.
1729, 1926, s. 4
(part).

34. In any proceedings for an offence against this Part, the onus shall be on the defendant of disproving—

(a) that any notices referred to in the complaint were validly made and were published as required by the provisions of this Part, and were in force at all times material to the matter of the complaint; and

(b) that this Part applies to any area or place specified in the complaint at all times material to the matter of the complaint.

Facilitation of proof.
1729, 1926, s. 4
(part).

35. In any proceedings for an offence against this Part, the allegation in the complaint that—

(a) the defendant was the owner of the sheep referred to in the complaint at the time, or for the period of time, specified in the complaint :

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(b) that the sheep referred to in the complaint was within the area therein mentioned at the time, or for the period of time, specified in the complaint :

(c) that the sheep referred to in the complaint was not dipped during the period mentioned in the complaint according to the directions therein referred to,

shall be deemed proved in the absence of proof to the contrary.

36. It shall be competent to insert in the one complaint charges in respect of offences alleged to have been committed with respect to any number of sheep, and upon the hearing of the complaint the court may order convictions in respect of all such offences as are proved to the satisfaction of the court.

Joinder of charges in complaint.
1729, 1926, s. 4 (part).

PART VI.

PART VI.

INSPECTION OF POULTRY.

37. (1) This Part shall apply to the House of Assembly electoral districts of Adelaide, North Adelaide, Port Adelaide, West Torrens, Sturt, and East Torrens existing at the passing of this Act.

Application of Part.
1638, 1924, s. 3.

(2) The application of this Part may be extended by resolution of both Houses of Parliament to any portion of the State specified in the resolution.

38. (1) In this Part—

“ inspector of poultry ” means the Chief Inspector of Poultry and any inspector of poultry appointed under this Part.

Interpretation.
1638, 1924, s. 4.
2074, 1932, s. 16.

(2) In this Part, and in the other Parts of this Act, unless some other intention is clearly intended, the following terms, as defined by section 5, shall, with respect to poultry, have the extended meanings set opposite them respectively :—

“ chief inspector ”: Chief Inspector of Poultry appointed under this Part, or any person for the time being performing the duties of such chief inspector :

“ disease ”: any of the diseases named in Part II. of the Second Schedule ; the state of being infested with poultry tick or poultry lice ; and any other disease affecting poultry which the Governor, by notice published in the *Government Gazette*, declares to be a disease for the purposes of this Part :

“ inspector ”: inspector of poultry appointed under this Part.

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Power of
Governor to
appoint
inspectors of
poultry and
other officers.
1638, 1924, s. 5.

39. (1) The Governor may appoint a Chief Inspector of Poultry (who shall be duly qualified in manner provided by regulation), inspectors of poultry, and such other officers as may be necessary for carrying out the provisions of this Part and of this Act with respect to poultry.

(2) Every inspector of poultry shall have, with respect to poultry, the same rights, powers, and authorities as an inspector of stock, who is duly qualified and certificated in manner provided by regulation under this Act, has under this Act with respect to stock.

Additional
powers of
inspectors of
poultry.
1638, 1924, s. 6
2074, 1932,
s. 12.

40. (1) In addition to the rights, powers, and authorities mentioned in section 39, every inspector of poultry shall have the following powers :—

- I. He may enter and inspect any place or premises where poultry is kept or confined and which he has reason to believe to be infested with poultry tick or poultry lice ; and
- II. He may direct the owner or occupier of any place or premises wherein or whereon diseased poultry are found, or the owner of poultry found thereon or therein, to take such measures for—
 - (a) the cleansing or disinfection of the place or premises ;
 - (b) the treatment or destruction of any diseased poultry found thereon or therein ;
 - (c) the cleansing, disinfection, or destruction of any fittings, fowlhouse, crate, coop, cage, basket, or thing thereon or therein which is, or has been, used for or in connection with keeping or confining diseased poultry ;
 - (d) the cleansing and disinfection of any fittings, fowlhouse, crate, coop, cage, basket, or thing thereon or therein, or of any fence, which is found to be infested with poultry tick or poultry lice ; and
 - (e) the doing of any matter or thing prescribed, as in the opinion of the inspector are necessary to eradicate or check the spread of disease or to eradicate poultry tick or poultry lice thereon or therein ; and
- III. If any place or premises, or any poultry, or any fittings, crate, coop, cage, basket, or thing on any place or premises, is found to be infested with poultry tick or poultry lice, or if any diseased poultry is found

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thereon, he may, by notice in writing given to the owner or occupier of the place or premises, quarantine the place or premises. The place or premises shall remain in quarantine until an inspector of poultry certifies to the owner or occupier thereof that he is satisfied that the place or premises are free from poultry tick or poultry lice, or that his directions as aforesaid have been complied with.

(2) Any person who—

- (a) obstructs or hinders any inspector of poultry in the exercise of any of his powers or duties ; or
- (b) fails or neglects to carry out or comply with any lawful direction of an inspector of poultry,

shall be guilty of an offence, and liable to a penalty not exceeding twenty pounds.

(3) If any person introduces or removes, without the permission or otherwise than under the direction of an inspector of poultry any poultry or fodder, or any fittings, crate, coop, cage, basket, or thing which is used for or in connection with keeping or confining poultry, into or out of any place or premises whilst that place or premises are in quarantine, the owner or occupier of that place or premises to whom the notice of quarantine was given shall be guilty of an offence, and liable to a penalty not exceeding twenty pounds.

(4) If any direction of an inspector of poultry is not carried out or complied with within the time and in the manner specified by the inspector when giving the direction, the inspector may himself carry out the direction, and the Minister may recover the cost of so doing by action in any court of competent jurisdiction as a debt due to the Minister by the person to whom the direction was given.

41. In any proceedings in respect of offences against this Part the allegation in the complaint that any place or premises are within a specified electoral district shall be *prima facie* evidence of the truth of the allegation.

Onus of proof.
1638, 1924, s. 7.

PART VII.

PART VII.

MISCELLANEOUS.

42. (1) Any person may enter and cross any land outside any hundred which is leased from the Crown (but not including land which is leased by the Crown pursuant to the provisions of the Pastoral Act, 1904) or any Crown lands within any

Rights to
travel stock.
443, 1888, s. 20.
1329, 1918, s. 4.
1711, 1925, s. 6.
1924, 1929,
s. 305.

PART VII.

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hundred, other than travelling stock reserves, with a lot of sheep, cattle, camels, or horses, subject, however, to the observance of the following rules :—

- I. Notice in writing shall be given by the owner or person in charge of the sheep, cattle, camels, or horses, when the land to be crossed is leased lands, to the proprietor of the leased land, or, when the land to be crossed is Crown lands, to the nearest constable or Crown lands ranger not less than two days nor more than seven days before it is proposed to enter and cross the leased land or Crown lands as aforesaid ; if the land to be crossed is Crown lands within a district council district, the notice aforesaid shall be given to the district clerk or to the district ranger of the district :
- II. Every such notice shall specify—
 - (a) the number of the sheep, cattle, camels, or horses and by whom they are owned ;
 - (b) their starting point and proposed destination, and whether they are or are not only travelling for feed ;
 - (c) the points (which shall be by gates where the land proposed to be crossed is fenced) and dates on which it is proposed to enter and leave the said lands ; and
 - (d) the person in whose charge the sheep, cattle, camels, or horses will be :
- III. In the event of the entry on the said land being delayed to the extent of not more than forty-eight hours a corresponding extension shall be allowed in the time for leaving the said land :
- IV. The person in charge of the sheep, cattle, camels, or horses, if there is a stock route through the land to be crossed leading to their destination, shall follow that stock route, and, in the case of any leased land, if there is no such stock route, shall follow the directions of the proprietor of the leased land as to the line of travel, which shall be practicable, in which the leased land is to be crossed ; if in any such case no directions are given as aforesaid, or if the land to be crossed is Crown lands and there is no such stock route through the said Crown lands, the person in charge of the sheep, cattle, camels, or horses shall cross the said land from the point of entry to the point of leaving the said land by the most direct practicable line of travel :

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- v. The person in charge of the sheep, cattle, camels, or horses shall, in the case of sheep, travel them a distance of not less than five miles on each day while crossing the said lands, and shall, in the case of cattle, camels, or horses, travel the cattle, camels, or horses a distance of not less than ten miles on each day while crossing the said land, and shall securely close all gates on the line of travel.

(2) If there is a stock route leading to their destination, the sheep, cattle, camels, or horses shall be travelled by the most direct practicable line from their starting point to the nearest stock route leading to their destination: Provided that, so far as is practicable, the starting point in such a case shall be the point on the run or land from which the sheep, cattle, camels, or horses are proceeding which is nearest to the nearest stock route leading to their destination.

(3) Any notice required to be given pursuant to this section may be given in the form in the Fifth Schedule.

(4) The lessee of any land outside any hundred which is leased from the Crown (but not including lands which are leased by the Crown pursuant to the provisions of the Pastoral Act, 1904), and which is fenced, shall provide a gate at every point where any fence on the said land crosses a stock route, and shall, in addition, provide gates in every fence on the said land so that there is at least one gate provided in every ten miles of the fence.

(5) For the purpose of this section "stock route" shall mean stock route as defined by section 94 of the Pastoral Act, 1904.

(6) Any person who commits any act in contravention of this section shall be guilty of an offence, and liable to a penalty of not less than twenty pounds nor more than one hundred pounds.

(7) Nothing in this section shall in anywise affect the operation of the provisions of section 94 of the Pastoral Act, 1904.

43. Notwithstanding anything contained in this Act, it shall not be an offence against section 42 for any person to cross any land leased from the Crown, or any Crown lands within any hundred, with any horses, cattle, or camels, without having given the notice required by section 42 before entering upon the leased lands or Crown lands, if the horses, cattle, or camels during the time occupied in the crossing are used for the purpose of drawing any conveyance or vehicle, or are

Exemption
from duty to
give notice.
1329, 1918, s. 5.

PART VII.

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ridden, harnessed, or laden, or accompany other horses, cattle, or camels which are so used, ridden, harnessed, or laden, as spare or extra horses, cattle, or camels, to be so used, ridden, harnessed, or laden in case of emergency or shortage.

Evidence of appointment of inspectors.
443, 1888, s. 32

44. The production of the *Government Gazette* containing notice of the appointment or removal of any person to or from the office of chief inspector, deputy chief inspector, or inspector, shall be conclusive evidence of any such appointment or removal respectively.

Summary procedure for offences, &c.
443, 1888, s. 34.
597, 1894, s. 10.

45. All fines and penalties for any offence against this Act in respect of anything done or omitted to be done under any of the provisions thereof, and all costs and expenses which by this Act are required to be paid by any owner, may be recovered in a summary way.

Provisions for recovery of penalties where ownership is disputed or unknown.
443, 1888, s. 35.

46. (1) When, on the hearing of any proceedings under this Act, the person charged as owner of any stock, fodder, or fittings disputes that he is the owner, or if it appears that he is a servant of the true owner, or if it is uncertain who is the owner, the court may give judgment against the owner of the stock, fodder, or fittings in respect of which the proceedings are instituted by the description as owner merely, and may direct the penalty, or other moneys ordered to be paid, and the costs of and attending the recovery thereof, to be levied by seizure and sale of the stock, fodder, or fittings, or of such portion thereof as shall be sufficient to satisfy the same.

(2) The brand on any such stock shall be *prima facie* evidence of the ownership of the stock.

Penalty for breach of Act.
443, 1888, s. 25.

47. Any person who commits or attempts to commit, or is concerned in committing or attempting to commit, a breach or violation of any of the provisions of this Act, or any proclamation or regulation under this Act, for which no special penalty is provided, shall, for every such offence, be liable to a penalty of not less than five pounds nor more than one hundred pounds, or to be imprisoned for any term not exceeding twelve months.

Effect if diseased stock found in any lot.
443, 1888, s. 28.

48. In any proceedings under this Act proof that any stock in any lot is affected with any of the infectious or contagious diseases named in the Fourth Schedule, or any other disease which the Governor by proclamation declares to be an infectious or contagious disease for the purposes of this section, shall be sufficient proof that all the stock in the lot are infected.

Protection to inspectors and others acting in execution of this Act.
443, 1888, s. 40.

49. (1) All actions against any inspector, or other person acting in the execution of this Act, for anything done in pursuance of or authorised by this Act, shall be commenced within four months after the happening of the cause of action, and not otherwise.

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(2) Notice in writing of any such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action, and the defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial.

(3) The plaintiff shall not recover in any such action if tender of sufficient amends is made before action brought, or if after action brought the defendant pays into court sufficient amends ; but in such last-mentioned case the plaintiff shall recover his costs of suit up to the time of payment into court. If the defendant obtains a verdict, or the plaintiff becomes nonsuit or discontinues, or the defendant otherwise recovers judgment, he shall recover full costs as between attorney and client upon such judgment.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.

Stock and Poultry Diseases Act.—1934.

THE FIRST SCHEDULE.

ACTS CONSOLIDATED AND REPEALED.

Reference to Act.	Short Title.	Extent of Repeal.
No. 443 of 1888	The Stock Diseases Act, 1888	The whole
No. 597 of 1894	The Vermin Districts Act, 1894 ...	Section 10
No. 1207 of 1915	Stock Diseases Act Further Amend- ment Act, 1915	The whole
No. 1329 of 1918	Stock Diseases Act Further Amend- ment Act, 1918	The whole
No. 1638 of 1924	Stock Diseases (Poultry) Act, 1924..	The whole
No. 1711 of 1925	Pastoral Act Further Amendment Act, 1925	Sections 6, 7, and 8
No. 1779 of 1926	Stock Diseases Act Further Amend- ment Act, 1926	The whole
No. 1924 of 1929	District Councils Act, 1929	Section 305
No. 2074 of 1932	Stock Diseases Act Amendment Act, 1932	The whole

443, 1888, s. 3
(part).
2074, 1932,
ss. 14 and 15
and the
Schedule.

THE SECOND SCHEDULE.

PART I.

(a) *Diseases present in Australia.*

Actinomycosis, including Actinobacillosis.
Anaplasmosis.
Anthrax.
Blackleg.
Buffalo Fly (*Lyperosia exigua*) infestation with
Cancer (Malignant tumor).
Cattle tick (*Boophilus australis*) infestation with.
Coccidiosis.
Contagious abortion.
Contagious mastitis.
Contagious pleuro-pneumonia of bovines.
Contagious pneumonia of swine, including swine plague.
Cysticercosis.
Entero-toxaemia of sheep (Welchii infection).
Fowl pox.
Fowl tick (*Argas persicus*) infestation with.
Infectious Catarrh (Avian).
Infectious Necrotic hepatitis (Black disease).
Infectious ophthalmia.
Johne's disease.
Mycotic dermatitis.
Necrotic enteritis (Swine paratyphoid).
Piroplasmosis.
Pullorum disease (Bacillary white diarrhoea).
Sheep lice, infestation with.
Sheep tick (*Melophagus ovinus*) infestation with.
Spirochaetosis (Avian).
Stickfast flea (*Echidnophagu gallinacea*) infestation with.
Tuberculosis.

(b) *Diseases not existent in Australia.*

Epizootic lymphangitis.
Epizootic poliomyelitis (equine) including borna disease.
Foot and mouth disease.
Fowl cholera.
Fowl plague, any type of.
Glanders.
Infectious laryngo-tracheitis (Avian)
Rabies.
Rinderpest.
Scabies (Scab, mange).
Swine erysipelas.
Swine fever.
Trichinosis.
Trypanosomyiasis.
Variola.
Warbles (*Hypoderma*)

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PART II.

Coccidiosis.
 Dermatomycosis.
 Fowl cholera.
 Fowl lice.
 Fowl plague, any type of
 Fowl pox.
 Fowl tick (*Argas persicus*) infestation with
 Gapes.
 Infectious catarrh (Avian)
 Infectious laryngo-tracheitis (Avian).
 Pullorum disease (Bacillary white diarrhoea).
 Spirochaetosis (Avian).
 Stickfast flea (*Echidnophaga gallinacea*) infestation with.
 Tuberculosis.
 Tumours.
 Vent Gleet

THE THIRD SCHEDULE.

Stock and Poultry Diseases Act, 1934.

443, 1888,
Schedule B.

NOTICE OF STOCK BEING DISEASED.

To (1) and to the Chief Inspector of Stock, at Adelaide.
 I hereby give you notice that my stock, more particularly specified in the Schedule hereunder, are diseased.

Dated this day of 19 .

The Schedule above referred to.

No.	Description.	Brands or Marks.	Place where Situate.

(Signature).

Owner or Superintendent, as the case may be.

(1) Name of nearest inspector.

NOTE.—Neglect to send this notice renders the owner liable to a penalty of £20 per diem

THE FOURTH SCHEDULE.

INFECTIOUS AND CONTAGIOUS DISEASES.

433, 1888,
Schedule C.

PART I.

(a) *Diseases present in Australia.*

Actinomycosis, including Actinobacillosis.
 Anaplasmosis.
 Anthrax.
 Blackleg.
 Buffalo fly (*Lyperosia exigua*), infestation with.
 Cancer (malignant tumour).
 Cattle tick (*Boophilus australis*), infestation with.
 Coccidiosis.
 Contagious abortion.
 Contagious mastitis.
 Contagious pleuro-pneumonia of bovines.
 Contagious pneumonia of swine, including swine plague.
 Cysticercosis.
 Entero-toxaemia of sheep (Welchii infection).
 Fowl pox.
 Fowl tick (*Argas persicus*), infestation with.
 Infectious catarrh (Avian).
 Infectious necrotic hepatitis (Black disease).
 Infectious ophthalmia.
 Johne's disease.
 Mycotic dermatitis.
 Necrotic enteritis (Swine paratyphoid).
 Piroplasmosis.
 Pullorum disease (Bacillary white diarrhoea).
 Sheep lice (infestation with).
 Sheep tick (*Melophagus ovinus*), infestation with.
 Spirochaetosis (Avian).
 Stickfast flea (*Echidnophaga gallinacea*), infestation with.
 Tuberculosis.

Stock and Poultry Diseases Act.—1934.

STOCK AND POULTRY DISEASES ACT, 1934.

TABLE SHOWING HOW THE SECTIONS OF THE ACTS CONSOLIDATED HAVE BEEN DEALT WITH.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
The Stock Diseases Act, 1888..... s. 1	Repeal.....	—
Ibid..... s. 2	Short title.....	—
“..... s. 2A	As enacted by 2074, 1932, s. 3.....	4
“..... s. 3	As amended by 1329, 1918, s. 3, and 2074, 1932, s. 4 . The definitions of “Drove”, “Flock”, “Regulations” and “Stray Stock” are deleted as unnecessary. The definition of “Disease” is extended to include various extensions of the term made by proclamation	5
“..... s. 4	Paragraph vi. is inoperative and is therefore deleted .	6
“..... s. 5	.....	7
“..... s. 6	As amended by 2074, 1932, s. 5, and impliedly amended by 1779, 1926, s. 3 (part) The word “quarantine” is an obvious misprint for “quarantined”	8
“..... s. 7	Operation exhausted.....	—
“..... s. 8	Repealed by 2074, 1932, s. 6.....	—
“..... s. 9	The operation of the second sentence is exhausted and the sentence is therefore deleted	9
“..... s. 10	.....	10
“..... s. 11	As amended by 2074, 1932, s. 7.....	11
“..... s. 12	As amended by 2074, 1932, s. 8.....	12
“..... s. 13	.....	13
“..... s. 14	As amended by 2074, 1932, s. 9.....	14
“..... s. 15	.....	15
“..... s. 16	.....	16
“..... s. 17	.....	17
“..... s. 18	As amended by 2074, 1932, s. 12.....	18
“..... s. 19	As amended by 2074, 1932, s. 10.....	19
“..... s. 20	As enacted by 1329, 1918, s. 4, 1711, 1925, s. 6, and 1924, 1929, s. 305	42
“..... s. 21	As amended by 1711, 1925, s. 7.....	20
“..... s. 22	As amended by 2074, 1932, s. 11.....	21
“..... s. 23	.....	22
“..... s. 24	As amended by 2074, 1932, s. 12.....	23
“..... s. 25	.....	47
“..... s. 26	.....	24
“..... s. 27	.....	25
“..... s. 28	.....	48
“..... s. 29	.....	26
“..... s. 30	.....	27
“..... s. 31	The words “into the State” have been inserted after “introduced” in the first line in order to give effect to the obvious meaning of the section	28
“..... s. 32	.....	44
“..... s. 33	Deleted as unnecessary in view of the provisions of section 37 of the Evidence Act, 1929	—
“..... s. 34	As amended by 597, 1894, s. 10.....	45
“..... s. 35	.....	46
“..... s. 36	} Provision is otherwise made by the Justices Act, 1921, and the sections are therefore deleted	—
“..... s. 37		—
“..... s. 38		—
“..... s. 39		Deleted as unnecessary in view of the provisions of section 29 of the Acts Interpretation Act, 1915
“..... s. 40	.....	49
“..... s. 41	Inoperative.....	—
“..... Schedule A	Acts repealed.....	—
“..... Schedule B	.....	—
“..... Schedule C	.....	The Third Schedule
“..... Schedule D	As enacted by 1711, 1925, s. 8.....	The Fourth Schedule
The Vermin Districts Act, 1894..... s. 10	Amendment of 443, 1888, s. 34.....	The Fifth Schedule
		45

Stock and Poultry Diseases Act.—1934.

Table Showing how the Sections of the Acts Consolidated have been dealt with—continued.

Section of Repealed Act.	Remarks.	Section of Consolidating Act.
Stock Diseases Act		
Further Amendment		
Act, 1915 s. 1	Short titles	—
Ibid. s. 2	Incorporation	—
“ s. 3	As amended by 2074, 1932, ss. 12 and 13	29
“ s. 4	As amended by 2074, 1923, s. 12	30
“ s. 5	As amended by 1779, 1926, s. 2	31
“ s. 5A	As enacted by 1779, 1926, s. 3 (part)	32
“ s. 6	As amended by 2074, 1932, s. 12	33
“ s. 7	As enacted by 1779, 1926, s. 4	34
“ s. 8	As enacted by 1779, 1926, s. 4	35
“ s. 9	As amended by 1779, 1926, s. 4	36
Stock Diseases Act		
Further Amendment		
Act, 1918 s. 1	Short titles	—
Ibid. s. 2	Incorporation	—
“ s. 3	Amendment of 443, 1888, s. 3	5
“ s. 4	Amendment of 443, 1888, s. 20	42
“ s. 5	. . . . .	43
Stock Diseases (Poultry)		
Act, 1924 s. 1	Short titles	—
Ibid. s. 2	Incorporation	—
“ s. 3	. . . . .	37
“ s. 4	As amended by 2074, 1932, s. 15	38
“ s. 5	. . . . .	39
“ s. 6	As amended by 2074, 1932, s. 12	40
“ s. 7	. . . . .	41
“ s. 8	} Otherwise provided for, and therefore deleted as unnecessary	—
“ s. 9		—
Pastoral Act Further Amendment Act, 1925 s. 6	Amendment of 443, 1888, s. 20	42
Ibid. s. 7	Amendment of 443, 1888, s. 21	20
“ s. 8	Enactment of 443, 1888, Schedule D	The Fifth Schedule
Stock Diseases Act		
Further Amendment		
Act, 1926 s. 1	Short titles	—
Ibid. s. 2	Amendment of 1207, 1915, s. 5	31
“ s. 3	Enactment of 1207, 1915, s. 5A	8, 32
“ s. 4	Enactment of 1207, 1915, ss. 7, 8, and 9	34, 35, 36
District Councils Act, 1929 s. 305	. . . . .	42
Stock Diseases Act Amendment Act, 1932		
Ibid. s. 1	Short titles	—
“ s. 2	Repealing provision	—
“ s. 3	Enactment of 443, 1888, s. 2A	4
“ s. 4	Amendment of 443, 1888, s. 3	5
“ s. 5	Amendment of 443, 1888, s. 6	8
“ s. 6	Repeal of 443, 1888, s. 8	—
“ s. 7	Amendment of 443, 1888, s. 11	11
“ s. 8	Amendment of 443, 1888, s. 12	12
“ s. 9	Amendment of 443, 1888, s. 14	14
“ s. 10	Amendment of 443, 1888, s. 19	19
“ s. 11	Amendment of 443, 1888, s. 22	21
“ s. 12	Amendment of 443, 1888, ss. 18 and 24; 1207, 1915, ss. 3, 4, and 6; and 1658, 1924, s. 6	18, 23, 29, 30, 33, 40
“ s. 13	Amendment of 1207, 1915, s. 3	29
“ s. 14	. . . . .	The Second Schedule
“ s. 15	Amendment of 1638, 1924, s. 4	38
“ The Schedule	. . . . .	The Second Schedule