

T A S M A N I A

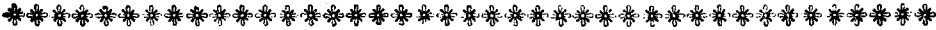


1877.

ANNO QUADRAGESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 8.



AN ACT to amend "The Scab Act, 1875." A D. 1877.
[11 December, 1877.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 It shall not be lawful for any person to dip or wash sheep otherwise than for shearing, or to dip sheep in any scab-destroying preparation, or to dress sheep for scab, without giving in any such case Seven days notice to an Inspector of his intention so to do; and any person who offends against this provision shall be liable to a penalty not exceeding Fifty Pounds.

Sheep not to be dipped, &c. without notice to an Inspector.

2 If any sheep are after the Thirty-first day of *December*, 1877, found to be diseased or infected, the owner thereof not holding a licence issued before the passing of this Act to cleanse the same, it shall be lawful, and the Chief Inspector is hereby directed and required to order any Inspector or other person in that behalf appointed by him by writing under his hand, to seize the said sheep and to take all such measures as the Chief Inspector deems necessary for cleansing the same; and for that purpose such sheep may, if the Chief Inspector thinks fit, be removed to any place the Chief Inspector may appoint not being off the land of such owner, and the onus of proving that such owner holds such licence shall lie upon such owner; and the owner of such sheep shall be liable to a fine of One Shilling for every diseased or infected

Diseased sheep shall be seized and cleansed by an Inspector.

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sheep so seized by such Inspector; and all expenses incurred by such Inspector in seizing, removing, and cleansing the said sheep shall be recoverable by him from such owner by complaint before any Justice of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

Sheep driven through Quarantine Sheep Districts may be detained and cleansed.

3 If any sheep are driven through a Quarantine Sheep District, such sheep, whether diseased or infected or not, shall be deemed to have thereby become infected; and it shall be lawful for any sheepowner who sees such sheep driven as aforesaid, or who has reason to believe that such sheep have been driven as aforesaid, to detain such sheep in some secure place for such reasonable period as may be necessary for the purposes of this Section; and such sheepowner shall report forthwith to an Inspector that such sheep have been detained by him, and the time when and the cause why he has detained the same; and such Inspector upon receiving such report shall forward the same to the Chief Inspector, who, upon the receipt of such report, shall take such measures as he may deem necessary for cleansing such sheep; and the owner thereof shall be liable to a penalty not exceeding One hundred Pounds.

Notice of infected run to be published.

4 Upon any run becoming infected the Chief Inspector shall, within Seven days after the same shall be so reported and ascertained to be infected, give notice thereof in *The Hobart Town Gazette*, and in some public newspaper or newspapers published in that part of *Tasmania* nearest to the said run, that such sheep are being cleaned in pursuance of the provisions of this Act, and cautioning all persons not to drive any sheep through the same.

Skins not to be removed without notice.

5 Every person intending to remove any sheepskins from any run or other place where any diseased or infected sheep shall then be kept, or where any such sheep shall have been kept at any time within Six months before such intended removal, shall before removing such skins cause the same to be dipped in some scab-destroying preparation; and after such skins have been dipped, but not otherwise, it shall be lawful for the owner of such skins to remove the same; and if any sheepskins are removed contrary to this Section it shall be lawful for an Inspector to seize the same, and such skins shall thereupon become forfeited, and shall either be destroyed or be disposed of by the Chief Inspector as he sees fit for the benefit of the Scab Act Fund; and every person who offends against this Section shall be liable to a penalty of not more than Fifty Pounds.

When sheep infected, notice of Clean Sheep District to be revoked.

6 The Chief Inspector shall, whenever any infected or diseased sheep are found or known to be in any Clean Sheep District, report the same from time to time to the Governor in Council, who shall thereupon revoke the notice declaring such portion of the Colony to be a Clean Sheep District.

Payment in first instance of expenses incurred under Second Section.

7 The Governor may, in the first instance, during the period that any sheep have been subjected to the operation of the Second Section of this Act, authorise to be paid out of the Scab Act Fund such sum or sums of money as may be necessarily incurred for expenses in the cleaning of such sheep; but nothing herein contained shall prevent the Inspector from recovering from the owner of such sheep the amount of such expenses as provided in the said Second Section of this Act.

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- 8** In all legal proceedings taken against any person for any breach of, or non-compliance with, the provisions of the said Act or this Act, the onus of proving that such person was duly licensed, or was otherwise exempted from the operation of any penalty imposed by the said Act or this Act, shall in all such cases rest upon the defendant, who shall in all such proceedings be competent, but not compellable, to give evidence, anything contained in any law or practice to the contrary notwithstanding. A.D. 1877.
Onus of proof upon defendant, who shall be competent but not compellable to give evidence.
- 9** The sum of money mentioned in the Twelfth Section of "The Scab Act, 1875," may, if the Governor in Council sees fit, be increased from a sum not exceeding One Farthing to any sum not exceeding One Halfpenny for the year 1878 and no longer. Contribution to "The Scab Act Fund."
- 10** All penalties and sums of money imposed or made payable by the said Act or this Act shall, when recovered, be paid into the Colonial Treasury to the credit of "The Scab Act Fund," and it shall be lawful for the Governor to authorise any sum to be paid to any person as compensation or reimbursement for expenses incurred, and in every such case such sum shall be paid to such person. Appropriation of penalties, &c.
- 11** The Twenty-first and Twenty-fourth Sections of the said Act shall be repealed from and after the Thirty-first day of *December*, 1877, the Forty-ninth and the Fifty-second Sections of the said Act are hereby repealed; but such repeal shall not affect anything duly done thereunder, or any offence wholly or partly committed before the commencement of this Act, but every such offence may be prosecuted as if this Act had not been passed. Repeal.
- 12** No licence issued under the Twenty-first Section of the said Act shall remain in force beyond the Thirty-first day of *December*, 1877, anything in the said Act to the contrary notwithstanding. Termination of licences.
- 13** This Act and "The Scab Act, 1875," shall, as altered by this Act, be read and construed together as one Act. Acts to be read together.
- 14** This Act may be cited as "The Scab Act, 1877." Short title.

