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SCHEDULES

STOCK DISEASES ACT, 1934-1975

being

Stock and Poultry Diseases Act, 1934, No. 2157 of 1934 [Assented to 1st November, 1934];

as amended by

Stock and Poultry Diseases Act Amendment Act, 1941, No. 31 of 1941 [Assented to 13th November, 1941];
 Stock and Poultry Diseases Act Amendment Act, 1946, No. 29 of 1946 [Assented to 5th December, 1946]¹;
 Stock and Poultry Diseases Act Amendment Act, 1954, No. 64 of 1954 [Assented to 23rd December, 1954];
 Stock Diseases Act Amendment Act, 1956, No. 36 of 1956 [Assented to 15th November, 1956];
 Stock Diseases Act Amendment Act, 1959, No. 19 of 1959 [Assented to 19th November, 1959];
 Stock Diseases Act Amendment Act, 1961, No. 18 of 1961 [Assented to 2nd November, 1961];
 Stock Diseases Act Amendment Act, 1962, No. 42 of 1962 [Assented to 8th November, 1962];
 Stock Diseases Act Amendment Act, 1968, No. 38 of 1968 [Assented to 19th December, 1968];
 Statutes Amendment (Miscellaneous Metric Conversions) Act, 1975, No. 32 of 1975 [Assented to 3rd April, 1975]²;
 and

Statute Law Revision Act (No. 2), 1975, No. 118 of 1975 [Assented to 4th December, 1975].

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.

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 Diseases Act, 1934-1975".

Short title.
 Citation
 amended by 36,
 1956, s. 2; 32,
 1975, s. 47 (2);
 118, 1975,
 s. 3 (1) (2nd
 Sched.).

2. The provisions of this Act are arranged as follows:—

Arrangement.
 S. 2 amended by
 36, 1956,
 s. 18 (2).

PART I—Preliminary:

PART II—Proclamations and Regulations:

PART III—Appointment and General Powers of Inspectors:

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PART V—Dipping of Sheep:

* * * * *

Struck out by
 36, 1956,
 s. 18 (2).

PART VII—Miscellaneous.

¹ Came into operation 27th February, 1947: *Gaz.* 27th February, 1947, p. 743.

² Came into operation 15th January, 1976: *Gaz.* 15th January, 1976, p. 174.

Acts
consolidated
and repealed.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Act is a consolidation of the Acts and portions of Acts mentioned in the first schedule, and the said Acts are hereby repealed to the extent therein mentioned.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—

Def. inserted by
19, 1959,
s. 3 (a);
amended by 42,
1962, s. 3.

“animal product” means and includes meat, fat, milk, whey, cream, butter, cheese, eggs, honey, bees-wax, and all raw, partially cooked, manufactured, or processed, animal products or semen of any stock:

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

Def. amended
by 19, 1959,
s. 3 (b).

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

Def. of
“destroy”
struck out by 38,
1968, s. 2 (a).

* * * * *

Def. inserted by
29, 1946, s. 3 (1)
(a).

“dip” means to plunge in or immerse or spray with some effective parasite destroying preparation:

Def. substituted
by 29, 1946,
s. 4 (1);
amended by 38,
1968, s. 2 (b)¹.

“disease” means any disease affecting stock which the Governor by proclamation declares to be a disease to and in relation to which this Act applies:

“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:

“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:

Def. inserted by
38, 1968,
s. 2 (b1).

“laboratory” means premises habitually used for the examination of sick or diseased stock and the diagnosis of disease, but does not include any such premises under the control of, and used by, a veterinary surgeon for the treatment and cure of sick and diseased stock:

¹ The amendment made to this definition by Act No. 38 of 1968 s. 2 (b) has been incorporated on the assumption that the passage struck out had been correctly quoted.

“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—

Def. amended by 19, 1959, s. 3 (c); 38, 1968, s. 2 (c).

(a) all camels, horses, buffalo, cattle, sheep, goats, deer, swine, dogs, cats, rabbits, poultry, fowls, turkeys, pheasants, ducks, geese, guinea fowls, parrots, pigeons and bees of any age or sex:

Para. (a) substituted by 38, 1968, s. 2 (c).

(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:

(d) any animal product of any stock as hereinbefore defined:

Para. (d) inserted by 19, 1959, s. 3 (c).

“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 or aircraft.

Def. amended by 29, 1946, s. 3 (1) (b).

(2) Stock that is not diseased stock within the meaning of this Act shall be deemed nevertheless to have been infected by disease if it—

Subsec. (2) amended by 36, 1956, s. 3; substituted by 38, 1968, s. 2 (d).

(a) forms or has, during a period prescribed by regulations, formed part of a lot containing any diseased stock;

or

(b) has, during a period prescribed by regulation, been in contact with diseased stock or with stock dressed, dipped or otherwise treated for the cure of disease or has been in such proximity to such stock that there is a reasonable likelihood that it has been infected thereby,

unless the stock is not susceptible to the disease by which the diseased stock is infected, or for the cure of which the stock dressed, dipped or otherwise treated has been so dressed, dipped or otherwise treated.

PART I

Subsec. (3)
inserted by 29,
1946, s. 3 (2);
substituted by
38, 1968,
s. 2 (d);
amended by 32,
1975, s. 48.

(3) If under or pursuant to any provision of this Act, any stock must be destroyed, an inspector may give such directions as he thinks fit in relation to the slaughter of the stock and the disposal of the carcass or carcasses and the person required to destroy the stock shall forthwith comply with those directions, but if no such directions are given the person required to destroy the stock shall slaughter it and reduce the carcass or carcasses completely to ashes or bury it or them under the ground so that no portion of the carcass or carcasses lies at a depth of less than one metre from the surface of the ground.

Subsec. (4)
inserted by 38,
1968, s. 2 (d).

(4) If a person, required to destroy any stock under or pursuant to this Act, fails to comply with subsection (3) of this section, the stock shall be deemed not to have been destroyed.

PART II

PART II

PROCLAMATIONS AND REGULATIONS

Power of
Governor to
make
proclamations.
443, 1888, s. 4.

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

Para. (aa)
inserted by 29,
1946, s. 4 (2);
amended by 38,
1968, s. 3 (a).

(aa) declare any disease affecting stock to be a disease to and in relation to which this Act applies:

(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:

Para. (c)
amended by 38,
1968, s. 3 (b).

(c) prohibit or put restrictions on the removal or moving of any fodder or fittings into from or within any such districts, grounds, or places:

Para. (d)
amended by 38,
1968, s. 3 (c).

(d) appoint quarantine districts within the State to or from which no stock, or no one or more kinds of stock, and no fodder or fittings, shall be introduced or 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.

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

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:

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

- i. For restricting the introduction into the State 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:
- iiia. For prescribing for the purposes of subsection (2) of section 5 the period or periods during which stock of any kind specified in the regulation are to form part of a lot of diseased stock or have been in contact with diseased stock or with stock dressed, dipped or otherwise treated for the cure of disease for the stock to be deemed to be infected with any disease specified in the regulation:
- 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:
- via. For prohibiting the treatment of stock by any sprays, dips, vaccines and therapeutic substances that might, in the opinion of the Governor, have an injurious or adverse effect upon any stock or the quality of the carcass or animal product of any 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:
- xa. Empowering the Minister to require the owner thereof to sell for the purposes of slaughter any sheep quarantined by reason of footrot, or any sheep which in the opinion of the chief inspector have been exposed to infection with footrot:
- 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

Para. I amended by 38, 1968, s. 4 (a).

Para. IIIa inserted by 36, 1956, s. 4 (a).

Para. VIa inserted by 38, 1968, s. 4 (b).

Para. Xa inserted by 42, 1962, s. 4.

Para. XI amended by 18, 1961, s. 3.

certificates of health and the permit or any of them 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:

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:

Para. XIIIa
inserted by 36,
1956, s. 4 (b).

XIIIa. For prohibiting the artificial insemination of any stock except under such conditions as are prescribed by regulation:

XIV. For the seizure, destruction, and disposal of stray stock:

Para. XV
substituted by
38, 1968,
s. 4 (c).

XV. For the inspection of dairies, piggeries, poultry yards, poultry houses and hatcheries and for prescribing the measures to be taken by the owners thereof to remedy and prevent 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 authorized 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.

Power to make
regulations as to
foot and mouth
disease.
S. 8a enacted by
64, 1954, s. 2.

8a. (1) For the purpose of preventing the introduction or spread of foot and mouth disease or of any other disease to which this section applies the Governor may make regulations for all or any of the following purposes:—

I. Requiring every owner having or having had in his possession or charge and every proprietor on whose land or premises there is or has been any stock affected or suspected to be affected with any disease to which this section applies and every veterinary surgeon, veterinary practitioner or holder of a permit under the Veterinary Surgeons Act, 1935-1952¹, or other person who examines or is consulted with respect to any stock and who is of the opinion or suspects that the stock is or was suffering from any disease to which this section applies to notify the same to the chief inspector or an inspector by the quickest practicable means;

II. Requiring every such owner, proprietor, veterinary surgeon, veterinary practitioner, holder of a permit or other person who has been in any manner exposed to infection from any stock suffering or suspected to be suffering from any disease to which this section applies, to give to an inspector all information in his possession

¹ Now Veterinary Surgeons Act, 1935-1975.

relating to the stock and any other stock with which he may have come into contact and of any other premises at which stock are kept which he may have visited;

- III. Empowering any inspector to quarantine or to cause to be removed to any quarantine ground any stock and any farm produce, fodder, fittings, vehicle, vessel, premises or land which has in any way been exposed to infection or possible infection with any disease to which this section applies; Para. III
amended by 36,
1956, s. 5.
- IV. Empowering any inspector to quarantine or to cause to be removed to any quarantine ground any stock which he suspects is affected with any disease to which this section applies and any stock, farm produce, fodder, fittings, vehicle, vessel, premises or land which has been exposed to possible infection from any stock affected or suspected to be affected with any disease to which this section applies; Para. IV
amended by 36,
1956, s. 5.
- V. Authorizing any inspector to require any stock or any farm produce, fodder, fitting, vehicle, vessel, premises or land which has been in any way exposed to infection with any disease to which this section applies or which is suspected to be so exposed to be disinfected or otherwise treated in the manner directed by the inspector;
- VI. Authorizing an inspector to require any person who has in any way been exposed to infection with any disease to which this section applies or is suspected to have been so exposed, to disinfect his hands, boots, and clothing in the manner directed by the inspector;
- VII. Prohibiting the removal, except with the written permission of an inspector and subject to such disinfection or other treatment as may be directed by an inspector, from any premises or land quarantined by reason of any disease or suspected disease to which this section applies of any stock, farm produce, fodder, fittings or vehicle;
- VIII. Prohibiting the entry by any person into any premises or land quarantined by reason of any disease or suspected disease to which this section applies without the written permission of an inspector and authorizing an inspector to erect on any such premises or land any notice setting out such prohibition;
- IX. Prohibiting any person from leaving any premises or land quarantined by reason of any disease or suspected disease to which this section applies except with the written permission of an inspector and prescribing the conditions upon which such permission may be granted;
- X. Prohibiting, except with the written permission of the chief inspector, the feeding of any stock with or permitting any stock to have access to any raw or cooked food, refuse of any kind, offal or milk (including whey, buttermilk or separated milk) which has been obtained or derived elsewhere than on the premises or land on which the stock are kept;
- XI. Prohibiting any person other than an inspector or a person authorized for the purpose by the chief inspector from collecting or despatching any specimen of animal tissue or secretion from any stock affected or suspected to be affected with any disease to which this section applies;

Para. XIII
amended by 38,
1968, s. 5 (a).

Para. XIV
amended by 38,
1968, s. 5 (b);
118, 1975,
s. 3 (1) (2nd
Sched.).

XII. Prohibiting the manufacture, distribution or use of any vaccine, serum or other product for use or intended use in connection with the treatment of any disease to which this section applies;

XIII. Empowering the chief inspector, with the approval of the Minister, to cause the destruction of or to require the owner thereof to destroy any stock quarantined by reason of any disease to which this section applies, any stock which, in the opinion of the chief inspector, have been exposed to infection or any risk of infection, by any disease to which this section applies and any fittings, farm produce or fodder by which the infection might be transmitted;

XIV. Empowering the chief inspector, with the approval of the Minister, to cause the destruction of any wild animals, wild birds, insects or vermin which in the opinion of the chief inspector are necessary to be destroyed to prevent the spread of any disease to which this section applies and providing that the provisions of the National Parks and Wildlife Act, 1972, as amended¹, shall not apply to any such destruction;

xv. Generally, for such purposes as the Governor may deem necessary or expedient for preventing the introduction or spread of any disease to which this section applies.

(2) In this section the term "disease to which this section applies" means—

(a) foot and mouth disease; and

(b) any other disease which the Governor by proclamation declares to be a disease to which this section applies.

(3) The Governor may, by proclamation, declare that this section shall apply to any disease and may by proclamation revoke or vary any such proclamation.

(4) The power to make regulations provided by this section shall be in addition to the power to make regulations provided by section 8. If any regulation made pursuant to section 8 is inconsistent with any regulation made pursuant to this section, the regulation made pursuant to this section shall prevail but, subject as aforesaid, nothing in this section or in any regulation made pursuant to this section shall affect the operation of any regulation made pursuant to section 8.

Control of
rabies.
S. 8b enacted by
38, 1968, s. 6.

8b. (1) The Governor may, if he deems it necessary so to do in order to prevent or control an outbreak of the disease known as rabies, by proclamation—

(a) require the owner or person having the custody or control of any dog or cat within an area specified in the proclamation to confine it in such an enclosure, or to exercise such control over its movement, as may be specified in the proclamation;

(b) require the owner or person having the custody or control of any dog to muzzle it in the manner specified in the proclamation;

(c) authorize inspectors, or such other persons as may be specified in the proclamation, to destroy any dogs or cats that are not, in the opinion of any such inspector or other person, under the strict control of any person;

¹ Now National Parks and Wildlife Act, 1972-1974.

- (d) require the owner or person having the custody or control of any dog or cat to cause it to be vaccinated against the disease, and to be tattooed or otherwise marked, in a manner specified in the proclamation, in order to indicate that it has been so vaccinated;

and

- (e) authorize inspectors, or such other persons as may be specified in the proclamation, to destroy any dog or cat that has not been vaccinated against the disease, or that does not bear a tattoo or mark indicating that it has been so vaccinated.

(2) An inspector or other person, authorized by proclamation under subsection (1) of this section to destroy any dog or cat, shall not incur any liability by acting *bona fide* and under the authority of the proclamation and no compensation shall be paid to any person for the destruction of a dog or cat destroyed pursuant to and in accordance with that authority.

PART III

PART III

APPOINTMENT AND GENERAL POWERS OF INSPECTORS

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.

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

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

Control of quarantine grounds.
443, 1888, s. 10.
S. 10 amended by 38, 1968, s. 7.

10a. (1) An inspector may examine any stock for the purpose of ascertaining whether or not the stock are suffering from or are affected with any disease.

Power to examine stock.
S. 10a enacted by 31, 1941, s. 2.

(2) For the purposes of any such examination, any inspector who is registered as a veterinary surgeon under the Veterinary Surgeons Act, 1935-1965¹, or who is acting under the authority in writing of the chief inspector, may use or apply any diagnostic test, biological test, inoculation, or other method or test of any kind whatsoever to ascertain whether or not the stock are suffering from or are affected with any disease.

Subsec. (2) amended by 38, 1968, s. 8.

10b. (1) If for the purpose of examining any stock any test such as is mentioned in subsection (2) of section 10a is used with respect to or applied to such stock, any inspector may mark such stock so examined and tested in a manner approved by the Minister.

Marking of tested stock.
S. 10b enacted by 31, 1941, s. 2.
Subsec. (1) amended by 38, 1968, s. 9 (a).

(2) Any person who, without the authority of the chief inspector, removes or interferes with any marking made under subsection (1) of this section shall be guilty of an offence and liable to a penalty not exceeding forty dollars.

Subsec. (2) amended by 38, 1968, s. 9 (b), (c).

¹ Now Veterinary Surgeons Act, 1935-1975.

PART III

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

11. Every inspector—

Para. (a) amended by 36, 1956, s. 6.

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

Powers of inspectors in case of resistance.
443, 1888, s. 12.
2074, 1932, s. 8.
S. 12 amended by 36, 1956, s. 7.

12. Any inspector may, in case of resistance, use all necessary force to effect an entry upon any land or into any premises, fittings, 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 to kill one or more head of stock.
443, 1888, s. 13.
S. 13 amended by 36, 1956, s. 8; 38, 1968, s. 10 (a), (b).

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 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 in the place wherein they are found to be diseased, or, if the stock are travelling or astray, on the nearest available land. If there are more than two hundred of stock in any lot he may kill in addition two head in every hundred or part of a hundred of the excess.

Inoculation of infected cattle.
443, 1888, s. 14.
2074, 1932, s. 9.
S. 14 amended by 36, 1956, s. 9.

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 determined by an inspector.

Power of inspector to employ assistants.
443, 1888, s. 15.
Subsec. (1) substituted by 36, 1956, s. 10.

15. (1) The Minister may authorize the chief inspector to employ, whenever the chief inspector deems necessary, any person or persons to assist him or an inspector in carrying out the provisions of this Act. The chief inspector may pay such remuneration to any such person or persons as he deems reasonable.

(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.

Inspector may destroy diseased stock.
S. 16 amended by 36, 1956, s. 11; substituted by 38, 1968, s. 11.

16. (1) An inspector may seize, or cause to be seized, any stock that is not in the custody or charge of any person, and may remove and subject it, or cause it to be removed and subjected, to any treatment that is, in his opinion, necessary or desirable for the purpose of preventing or eradicating any disease.

(2) An inspector may seize, remove and destroy, or cause to be seized, removed and destroyed, any diseased travelling stock, or any diseased stock that is not in the custody or charge of any person.

(3) An inspector shall not destroy any stock, or cause it to be destroyed, under this section unless he is authorized in writing so to do by the chief inspector, and if he is so authorized, he shall keep a record containing a description of all stock that he has destroyed or caused to be destroyed, any brands or marks thereon, the locality in which it was destroyed and the disease from which it was suffering.

(4) The chief inspector may recover from the owner of stock that has been treated or destroyed under this section, the costs of that treatment or destruction, as a debt due to him, in any court of competent jurisdiction.

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 one hundred dollars.

Penalty for obstructing, &c. inspectors.
443, 1888, s. 17.
S. 17 amended by 38, 1968, s. 12.

PART IV

PART IV

GENERAL PROVISIONS FOR PREVENTING THE SPREAD OF DISEASES IN STOCK

18. The Minister or the chief inspector, whenever 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.

Power of Minister or chief inspector to order destruction of diseased stock.
443, 1888, s. 18.
2074, 1932, s. 12.
S. 18 amended by 29, 1946, s. 5 (a), (b).

19. (1) Every owner of diseased stock and every owner of stock which are suspected by the owner to be suffering from disease shall—

Duties of owners of diseased stock.
443, 1888, s. 19.
2074, 1932, s. 10.
Subsec. (1) amended by 29, 1946, s. 6 (1) (a)-(d); 36, 1956, s. 12 (1); 38, 1968, s. 13.

(a) within twenty-four hours from the time when the stock are discovered to be diseased or are suspected by the owner to be suffering from disease, notify, by the quickest practicable means, the nearest inspector who is an officer of the Department of Agriculture¹ or the chief inspector at Adelaide that the stock are discovered to be diseased or, as the case may be, are suspected to be suffering from disease, together with a description of the stock, the number thereof and the place where the stock are situated:

Para. (a) amended by 29, 1946, s. 6 (1) (b); 36, 1956, s. 12 (1) (a); 38, 1968, s. 13 (a).

(b) keep the stock from coming into contact with stock belonging to other persons:

Para. (b) amended by 29, 1946, s. 6 (1) (c).

(b1) comply with all oral or written directions given to him by any inspector for the purpose of controlling or eradicating disease:

Para. (b1) inserted by 38, 1968, s. 13 (b).

¹ For interpretation of reference to Department of Agriculture see proclamation under Public Service Act, 1967-1975: *Gaz.* 6th November, 1975, p. 2340.

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Para. (c)
amended by 29,
1946, s. 6 (1)
(d); 38, 1968,
s. 13 (e).

(c) if so ordered by an inspector authorized in writing by the chief inspector to order the destruction of stock, forthwith destroy any such stock which are diseased stock.

Subsec. (1a)
inserted by 36,
1956, s. 12 (1)
(b); amended by
38, 1968,
s. 13 (d).

(1a) Every veterinary surgeon, veterinary practitioner, or holder of a permit under the Veterinary Surgeons Act, 1935-1952¹, or any other person who examines or is consulted with respect to any stock and who is of the opinion or suspects that the stock is suffering from any disease to which this subsection applies shall, within twenty-four hours of examining the stock notify, by the quickest practicable means, the nearest inspector who is an officer of the Department of Agriculture² or the chief inspector at Adelaide of that opinion or suspicion together with a description of the stock, the number thereof and the place where the stock were situated when examined.

The Minister may, by notice published in the *Government Gazette*, from time to time declare that this subsection shall apply to such diseases as are specified in the notice. The Minister may by notice in the *Government Gazette* revoke or vary any such notice.

Subsec. (2)
amended by 38,
1968, s. 13 (e).

(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 two dollars nor more than forty dollars for every day during which he neglects or omits to perform the duty hereby imposed upon him.

Subsec. (3)
inserted by 42,
1962, s. 5;
substituted by
38, 1968,
s. 13 (f).

(3) In any proceedings under this section, a person who is or was the owner of any diseased stock shall be deemed to have offended against paragraph (a) of subsection (1) of this section unless he satisfies the court—

(a) that he discovered that the stock was diseased as soon as might reasonably have been expected of a person exercising all proper and reasonable diligence, and he thereupon complied with the duty imposed by that paragraph;

or

(b) that he could not, by the exercise of all proper and reasonable diligence, have discovered that the stock was diseased.

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.

Subsec. (2)
amended by 38,
1968, s. 14.

(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 two hundred dollars.

Subsec. (3)
amended by 29,
1946, s. 7.

(3) This section shall apply to sheep, cattle, camels, or horses which cross any run pursuant to the provisions of section 99 of the Pastoral Act, 1936³, and in any such case "proprietor" shall, for the purposes of this section, include the lessee, overseer, or manager of any such run.

¹ Now Veterinary Surgeons Act, 1935-1975.

² For interpretation of reference to Department of Agriculture see proclamation under Public Service Act, 1967-1975: *Gaz.* 6th November, 1975, p. 2340.

³ Now Pastoral Act, 1936-1974.

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 to detain travelling stock until arrival of inspector.
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 two hundred dollars, as the court is of opinion, should be paid to the owner by the proprietor by way of penalty for the detention.

Subsec. (3) amended by 38, 1968, s. 15.

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

Subsec. (4) amended by 38, 1968, s. 15.

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 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 or may be returned to the owner thereof upon payment by him of any expenses incurred in respect thereof and upon compliance with any conditions, including the condition that the stock will be removed from the State, as the Minister determines.

Forfeiture of stock illegally introduced.
443, 1888, s. 24.
2074, 1932, s. 12.
S. 23 amended by 36, 1956, s. 13.

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.

Release of quarantine land.
443, 1888, s. 26.

(2) The chief inspector shall cause a copy of every such certificate to be delivered or sent by post to the proprietor of the land.

Subsec. (2) substituted by 36, 1956, s. 14.

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 twenty dollars for every animal so left.

Penalty for leaving diseased stock on lands undestroyed.
443, 1888, s. 27.
S. 25 amended by 38, 1968, s. 16.

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 disease.

Non-payment of compensation in respect of stock, &c., destroyed under authority.
443, 1888, s. 29.
S. 26 amended by 38, 1968, s. 17.

PART IV

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.
S. 28 amended
by 36, 1956,
s. 15 (a);
redesignated
s. 28 (1) by 36,
1956, s. 15 (b).

28. (1) No stock shall be introduced into the State by land, except by the points of entry fixed upon for that purpose by proclamation: Provided that any inspector may authorize the crossing of any lot at other than the point fixed.

Subsec. (2)
inserted by 36,
1956, s. 15 (b).

(2) No diseased stock or infected stock or stock which are suspected to be diseased or infected stock shall be introduced into the State.

Diseased
carcasses not to
be sent out of
State.
S. 28a enacted
by 38, 1968,
s. 18.

28a. A person shall not, without the consent in writing of the chief inspector, send or remove, or cause to be sent or removed, from this State, any stock that is infected by disease or that he suspects of being so infected.

Diagnostic
laboratories.
S. 28b enacted
by 38, 1968,
s. 18.

28b. A person shall not, without the consent in writing of the Minister, establish a laboratory or use or permit the use of a laboratory under his control, for the purpose of testing or examining any stock in order to diagnose a disease by which it might be infected.

PART V

PART V

DIPPING OF SHEEP

Application of
Part.
S. 29 substituted
by 29, 1946,
s. 8.

29. (1) 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 relates, declare that from the day specified in the notice any portion of the State shall be an area to which this Part shall apply, and from the day so specified this Part shall apply within that area.

(2) The Minister may, from time to time, by notice published as aforesaid revoke any notice declaring any portion of the State to be an area to which this Part applies either as to the whole of that area or any portion thereof, and thereupon this Part shall cease to apply to that area or portion, as the case may be.

Directions as to
dipping of
sheep.
S. 30 substituted
by 29, 1946,
s. 9.

30. (1) 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 relates, give directions for the dipping of sheep within any area or areas to which this Part applies and specified in the notice, which shall be observed by the owner of every sheep in the area or areas aforesaid.

(2) Every such notice may specify all or any of the following, namely:—

- (a) the intervals at which the sheep shall be dipped;
- (b) the time or times at or occasions on which the sheep shall be dipped;

(c) the manner in which the sheep shall be dipped.

(3) Any such notice may include a statement that it shall continue in force until a day specified in the notice in which case it shall continue in force until that day. If no such day is specified in the notice the notice shall continue in force until revoked by the Minister.

(4) The Minister, by notice published in manner provided by subsection (1), may revoke any notice given pursuant to subsection (1).

31. (1) Every person who is the owner of any sheep within any area to which this Part applies, shall dip the sheep in accordance with the provisions of any notice given under section 30 in respect of that area which is in force and, except as provided by subsection (2), shall comply in all respects with the requirements of the said notice.

Duty to dip sheep.
S. 31 substituted by 29, 1946, s. 10.

(2) In any case where the chief inspector is satisfied that, by reason of drought conditions, shortage of water, the weakness of any sheep, or for any other cause, it would be impracticable or unduly burdensome on the owner of any sheep to require the owner to comply with the provisions of subsection (1), the chief inspector may, by notice in writing, exempt the owner from compliance with the provisions of subsection (1) in respect of the sheep specified in the notice and for the period specified in the notice. Any such exemption may be given subject to such conditions as the chief inspector may deem proper.

Subsec. (2) amended by 36, 1956, s. 16.

(3) Any person who fails to dip his sheep as required by subsection (1) shall be guilty of an offence and liable to a penalty not exceeding twenty dollars for a first offence and not exceeding one hundred dollars for any subsequent offence: Provided that it shall be a sufficient defence to prove—

Subsec. (3) amended by 38, 1968, s. 19.

(a) that the sheep were dipped as required by the notice aforesaid and in accord with that notice by some other person; or

(b) that an exemption was given by the chief inspector pursuant to subsection (2) in respect of the sheep and that all the conditions of the exemption were complied with.

32. The chief inspector may, by notice in writing, require the owner of any sheep to furnish, within fourteen days, a return to the chief inspector in the prescribed form showing when the sheep were last dipped. Any such notice may be given by post.

Returns.
S. 32 substituted by 36, 1956, s. 17; amended by 38, 1968, s. 20.

If any person to whom notice is given as aforesaid fails, within fourteen days after the giving of the notice, to furnish a return as aforesaid or furnishes a return which is false in any material particular, he shall be guilty of an offence and liable to a penalty not exceeding twenty dollars.

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.

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

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

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

(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

PART V

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

Ss. 35 and 36
repealed by 38,
1968, s. 21.

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Part VI
(comprising ss.
37-41) amended
by 29, 1946,
ss. 11, 12, 13;
repealed by 36,
1956, s. 18 (1).

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PART VII

PART VII

MISCELLANEOUS

Rights to travel
stock.

443, 1888, s. 20.
1329, 1918, s. 4.
1711, 1925, s. 6.
1924, 1929,
s. 305.

Subsec. (1)
amended by 29,
1946, s. 14 (a);
32, 1975,
s. 49 (a), (b).

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, 1936¹) or any Crown lands within any 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

¹ Now Pastoral Act, 1936-1974.

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:

- 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 8 kilometres 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 16 kilometres on each day while crossing the said land, and shall securely close all gates on the line of travel.

Para. v
amended by 32,
1975, s. 49 (a),
(b).

(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, 1936¹), 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 17 kilometres of the fence.

Subsec. (4)
amended by 29,
1946, s. 14 (b);
32, 1975,
s. 49 (c).

(5) For the purpose of this section "stock route" shall mean stock route as defined by section 99 of the Pastoral Act, 1936¹.

Subsec. (5)
amended by 29,
1946, s. 14 (c).

(6) Any person who commits any act in contravention of this section or section 43aa shall be guilty of an offence, and liable to a penalty of not less than forty dollars nor more than two hundred dollars.

Subsec. (6)
amended by 36,
1956, s. 20; 38,
1968, s. 22.

(7) Nothing in this section shall in anywise affect the operation of the provisions of section 99 of the Pastoral Act, 1936¹.

Subsec. (7)
amended by 29,
1946, s. 14 (c).

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 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.

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

¹ Now Pastoral Act, 1936-1974.

PART VII

Restriction on application of ss. 42 and 43.
S. 43aa enacted by 36, 1956, s. 19.

43aa. (1) Nothing in section 42 or 43 shall authorize any person to cross any land leased from the Crown or any Crown lands within any hundred with any sheep, horses, cattle or camels, if the sheep, horses, cattle or camels, or any of them, are suffering from or infected with any disease to which this section applies.

(2) The Minister may, by notice published in the *Government Gazette*, from time to time declare that this section shall apply to such diseases as are specified in the notice. The Minister may by notice in the *Government Gazette* revoke or vary any such notice.

Compensation on destruction of cattle after application of diagnostic test.

S. 43a enacted by 31, 1941, s. 3.

43a. (1) If any cattle are sold and within two months after sale—

(a) the cattle are examined by an inspector registered as a veterinary surgeon under the Veterinary Surgeons Act, 1935-1938¹, and as a result of a diagnostic test it appears that the cattle are suffering from tuberculosis; and

(b) the cattle are as a result of the test and pursuant to this Act ordered to be destroyed and are destroyed pursuant to such order,

the vendor of the cattle shall be liable to pay to the purchaser as a debt due to the purchaser of the cattle an amount of compensation to be ascertained as provided by subsection (2).

(2) The amount of compensation payable as aforesaid shall be the difference between the amount of the purchase price of the cattle and an amount being the total of—

(a) the amount paid to the purchaser as compensation under the Cattle Compensation Act, 1939², in respect of the cattle so destroyed, or the amount which would have been so paid if application had been made therefor by the purchaser as provided by the said Act and the purchaser had been entitled to payment thereof; and

(b) the residual value of the cattle determined as provided by the said Act:

Provided that if no compensation is payable under the said Act in respect of the cattle by reason of the fact that the residual value of the cattle determined as provided by the said Act is greater than the amount which would otherwise be payable pursuant to section 6 of the said Act, the amount of compensation payable pursuant to subsection (1) of this section shall be the amount by which the purchase price of the cattle exceeds the residual value so determined.

(3) No compensation shall be payable pursuant to subsection (1) of this section if within two months before the sale of the cattle the cattle were examined by an inspector registered as a veterinary surgeon under the Veterinary Surgeons Act, 1935-1938¹, and as a result of the diagnostic test it appeared that the cattle were free from tuberculosis and the inspector gave a certificate to that effect.

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.

¹ Now Veterinary Surgeons Act, 1935-1975.

² Now Cattle Compensation Act, 1939-1974.

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.

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

45a. In any proceedings for an offence against this Act, an allegation in the complaint—

Allegation in complaint deemed to be proved in absence of contrary proof. S. 45a enacted by 38, 1968, s. 23.

(a) that the defendant was the owner of the stock referred to in the complaint at the time or for the period of time specified therein;

(b) that the stock was within the area referred to in the complaint at the time or for the period of time specified therein;

and

(c) that the stock was not dipped or treated in accordance with the provision of this Act, or lawful directions, referred to in the complaint,

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

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.

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

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

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 ten dollars nor more than two hundred dollars, or to be imprisoned for any term not exceeding twelve months.

Penalty for breach of Act. 443, 1888, s. 25. S. 47 amended by 38, 1968, s. 24.

48. In any proceedings under this Act proof that any stock in any lot is affected with any disease shall be sufficient proof that all the stock in the lot are infected.

Effect if diseased stock found in any lot. 443, 1888, s. 28. S. 48 amended by 29, 1946, s. 4 (3).

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

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

(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.

SCHEDULES

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 Amendment Act, 1915	The whole
No. 1329 of 1918	Stock Diseases Act Further Amendment 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 Amendment 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

2nd Sched.
repealed by 29,
1946, s. 4 (4).

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3rd Sched.
amended by 29,
1946, s. 6 (2) (a)
(b); repealed by
36, 1956,
s. 12 (2).

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4th Sched.
repealed by 29,
1946, s. 4 (4).

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THE FIFTH SCHEDULE

Stock Diseases Act, 1934-1968¹.

1711, 1925, s. 8.
5th Sched.
amended by 38,
1968, s. 25.

NOTICE OF INTENTION TO CROSS LANDS LEASED FROM THE CROWN WHICH ARE OUTSIDE
HUNDREDS OR CROWN LANDS WITHIN ANY HUNDRED

To of

Please take notice that it is proposed to cross

with { sheep
cattle in charge of It is proposed
camels
horses

to enter the said { leased lands at on the day of
Crown

..... 19..... and to leave the said lands at on the

day of 19..... The { sheep
cattle are owned by and are
camels
horses

proceeding from to and are *not* only travelling for feed.

Dated this day of 19.....

Signature of owner or

person in charge of stock

NOTE—This notice must be given not less than two days nor more than seven days before the
proposed date of entry on the lands to be crossed.

¹ Now Stock Diseases Act, 1934-1975.