



ANNO DECIMO SEPTIMO

## ELIZABETHAE II REGINAE

A.D. 1968

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### No. 38 of 1968

An Act to amend the Stock Diseases Act, 1934-1962

[Assented to 19th December, 1968.]

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

1. (1) This Act may be cited as the "Stock Diseases Act Amendment Act, 1968". Short titles.

(2) The Stock Diseases Act, 1934-1962, as amended by this Act, may be cited as the "Stock Diseases Act, 1934-1968".

(3) The Stock Diseases Act, 1934-1962, is hereinafter referred to as "the principal Act".

2. Section 5 of the principal Act is amended—

(a) by striking out the definition of "destroy" in subsection (1) ;

(b) by striking out the passage "an infectious or contagious disease for the purpose of this Act" in the definition of "disease" in subsection (1) and inserting in lieu thereof the passage "a disease to and in relation to which this Act applies" ;

(b1) by inserting after the definition of "inspector" in subsection (1) the following definition :—

"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 ; ;

Amendment of  
principal Act,  
s. 5—  
Interpretation.

(c) by striking out paragraph (a) in the definition of "stock" in subsection (1) and inserting in lieu thereof the following paragraph :—

(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 ;

and

(d) by striking out subsections (2) and (3) and inserting in lieu thereof the following subsections :—

(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—

(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.

(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 three feet from the surface of the ground.

(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.

3. Subsection (1) of section 6 of the principal Act is amended—

(a) by striking out the passage “to be an infectious or contagious disease for the purposes of this Act” in paragraph (aa) and inserting in lieu thereof the passage “to be a disease to and in relation to which this Act applies”;

(b) by inserting after the word “fittings” in paragraph (c) the word “into”;

and

(c) by inserting in paragraph (d) after the word “State” the passage “to or” and after the passage “shall be” the passage “introduced or”.

Amendment of principal Act, s. 6—

Power of Governor to make proclamations.

4. Section 8 of the principal Act is amended—

(a) by striking out the passage “either by land or water” in paragraph I;

(b) by inserting after paragraph VI the following paragraph :—

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 ; ;

and

(c) by striking out paragraph xv thereof and inserting in lieu thereof the following paragraph :—

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.

Amendment of principal Act s. 8—

Power of Governor to make regulations.

5. Subsection (1) of section 8a of the principal Act is amended—

(a) by striking out all words in paragraph XIII after the passage “have been exposed to” and inserting in lieu thereof the passage “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 :” ;

and

(b) by striking out the passage “or wild birds” in paragraph XIV and inserting in lieu thereof the passage “wild birds, insects or vermin”.

Amendment of principal Act, s. 8a—

Power to make regulations as to foot and mouth disease.

Enactment of  
new s. 8b of  
principal Act—  
Control of  
rabies.

6. The following section is enacted and inserted in the principal Act after section 8a :—

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 ;
- (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.

Amendment of  
principal Act,  
s. 10—  
Control of  
quarantine  
grounds.

7. Section 10 of the principal Act is amended by striking out the passage “the chief inspector” and inserting in lieu thereof the passage “an inspector”.

8. Subsection (2) of section 10a of the principal Act is amended by striking out the passage "Veterinary Surgeons Act, 1935-1938" and inserting in lieu thereof the passage "Veterinary Surgeons Act, 1935-1965, or who is acting under the authority in writing of the chief inspector".

Amendment of principal Act, s. 10a—  
Power to examine stock.

9. Section 10b of the principal Act is amended—

Amendment of principal Act, s. 10b—

(a) by striking out the passage "by attaching at the back of the ear of the stock an eartag of a kind from time to time" in subsection (1) and inserting in lieu thereof the passage "in a manner";

Marking of tested stock.

(b) by striking out the passage "such eartag" in subsection (2) and inserting in lieu thereof the passage "marking made under subsection (1) of this section";

and

(c) by striking out the passage "twenty pounds" in subsection (2) and inserting in lieu thereof the passage "forty dollars".

10. Section 13 of the principal Act is amended—

Amendment principal Act, s. 13—

(a) by striking out the passage "an infectious or contagious";

Powers of inspectors to kill one or more head of stock.

and

(b) by inserting after the passage "owner's property" the passage "or in the place wherein they are found to be diseased".

11. Section 16 of the principal Act is repealed and the following section is enacted and inserted in the principal Act in lieu thereof:—

Repeal of s. 16 of principal Act—

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.

Inspector may destroy diseased stock.

(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.

Amendment of  
principal Act,  
s. 17—  
Penalty for  
obstructing,  
etc., inspector.

**12.** Section 17 of the principal Act is amended by striking out the passage “fifty pounds” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of  
principal Act,  
s. 19—  
Duties of  
owners of  
diseased stock.

**13.** Section 19 of the principal Act is amended—

(a) by inserting after the passage “the nearest inspector” in paragraph (a) of subsection (1) the passage “who is an officer of the Department of Agriculture”;

(b) by inserting after paragraph (b) of subsection (1) the following paragraph :—

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

(c) by striking out the passage “by a duly qualified and certificated inspector” in paragraph (c) of subsection (1) and inserting in lieu thereof the passage “by an inspector authorized in writing by the chief inspector to order the destruction of stock” ;

(d) by inserting after the passage “the nearest inspector” in subsection (1a) the passage “who is an officer of the Department of Agriculture” ;

(e) by striking out the passage “one pound nor more than twenty pounds” in subsection (2) and inserting in lieu thereof the passage “two dollars nor more than forty dollars”.

and

(f) by striking out subsection (3) and inserting in lieu thereof the following subsection :—

(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.

**14.** Subsection (2) of section 20 of the principal Act is amended by striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".

Amendment of principal Act, s. 20—  
Power of proprietor to detain and examine travelling stock.

**15.** Section 21 of the principal Act is amended by striking out the passage "one hundred pounds" occurring in subsection (3) and subsection (4) and inserting in lieu thereof in each case the passage "two hundred dollars".

Amendment of principal Act s. 21—  
Duties of proprietor detaining travelling stock.

**16.** Section 25 of the principal Act is amended by striking out the passage "ten pounds" and inserting in lieu thereof the passage "twenty dollars".

Amendment of principal Act, s. 25—  
Penalty for leaving diseased stock on lands undestroyed.

**17.** Section 26 of the principal Act is amended by striking out the passage "infectious or contagious".

Amendment of principal Act, s. 26—  
Compensation to owner.

**18.** The following sections are enacted and inserted in the principal Act after section 28 :—

Enactment of new ss. 28a and 28b—

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.

Diseased carcasses not to be sent out of State.

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.

Diagnostic laboratories.

**19.** Subsection (3) of section 31 of the principal Act is amended by striking out the passage "ten pounds for a first offence and not exceeding fifty pounds" and inserting in lieu thereof the passage "twenty dollars for a first offence and not exceeding one hundred dollars".

Amendment of principal Act, s. 31—  
Duty to dip sheep.

Amendment of  
principal Act,  
s. 32—  
Returns.

**20.** Section 32 of the principal Act is amended by striking out the passage “ten pounds” and inserting in lieu thereof the passage “twenty dollars”.

Repeal of  
ss. 35 and 36  
of principal  
Act.

**21.** Sections 35 and 36 of the principal Act are repealed.

Amendment of  
principal Act,  
s. 42—  
Rights to  
travel stock.

**22.** Subsection (6) of section 42 of the principal Act is amended by striking out the passage “twenty pounds nor more than one hundred pounds” and inserting in lieu thereof the passage “forty dollars nor more than two hundred dollars”.

Enactment of  
s. 45a of  
principal Act—

**23.** The following section is enacted and inserted in the principal Act after section 45 thereof :—

Allegation in  
complaint  
deemed to be  
proved in  
absence of  
contrary proof.

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

(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.

Amendment of  
principal Act,  
s. 47—  
Penalty for  
breach of Act.

**24.** Section 47 of the principal Act is amended by striking out the passage “five pounds nor more than one hundred pounds” and inserting in lieu thereof the passage “ten dollars nor more than two hundred dollars”.

Amendment of  
Schedule to  
principal Act.

**25.** The Fifth Schedule to the principal Act is amended by striking out the passage “*Stock and Poultry Diseases Act, 1934.*” and inserting in lieu thereof the passage “*Stock Diseases Act, 1934-1968.*”.

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

J. W. HARRISON, Governor.