

TASMANIA.



1901.

ANNO PRIMO

EDWARDI VII. REGIS,

No. 22.



AN ACT to further amend "The Contagious Diseases (Cattle) Act, 1861," and for other purposes. A.D. 1901.
[13 December, 1901.]

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 This Act may be cited as "The Contagious Diseases (Cattle) Act, Short title. 1901."

2 In the construction of this Act—

- "Animals" mean cattle, sheep, and goats, and all other ruminating animals and swine: Interpretation.
- "Carcase" means the carcase of any animal, and includes part of a carcase and the meat, bones, hide, skin, horns, hoofs, offal, or other part of an animal, separately or otherwise, or any portion thereof:
- "Cattle-owner" and "Owner" having reference to any Cattle means every person claiming jointly or in severalty any right, title, or interest in any Cattle, and every superintendent and overseer or other person in possession or charge of any Cattle;

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39 Vict. No. 20.

25 Vict. No. 4.

Governor may
declare what may
be a disease.Separation of
diseased animals,
and notice to
Inspector.
57 & 58 Vict.,
c. 57, s. 4.Place infected
with disease.
Ib., s. 8.

"Cattle," means bulls, cows, oxen, heifers, and calves :

"Disease" shall mean and include anthrax, (that is to say, the disease called or known as anthrax, splenic fever, or splenic apoplexy of animals), cattle-plague (that is to say, rinderpest, or the disease commonly called cattle-plague), contagious pleuro-pneumonia of cattle (in this Act called pleuro-pneumonia), foot-and-mouth disease, or any other disease whatever in cattle which the Governor may at any time, by Proclamation, declare to be a disease for the purposes of this Act :

"Diseased" means infected with disease :

"Fodder" means hay or other substance commonly used for food of animals :

"Inspector" shall mean and include the Chief Inspector or any Inspector of Sheep appointed under "The Stock Act" :

"Litter" means straw or other substance used as bedding or otherwise for or about animals :

"Minister" means the Minister of Agriculture for the time being of the State of Tasmania :

"Prescribed" means prescribed by Regulations to be made under this Act :

"Suspected" means suspected of being diseased :

"The said Act" means "The Contagious Diseases (Cattle) Act, 1861."

3 It shall be lawful for the Governor, by Proclamation published in the *Gazette*, to declare any disease not specially mentioned in this Act to be a disease for the purposes of this Act.

4—(1.) Every person having in his possession or under his charge any diseased or suspected cattle shall—

I. As far as practicable keep any such cattle separate from animals not so affected ; and

II. Forthwith give notice of the animal being so affected to an Inspector.

(2.) The Inspector shall forthwith give information thereof to the Minister, or to such person as may be prescribed.

(3.) The Minister, on receiving the report of the Inspector as aforesaid, may instruct any veterinary surgeon, inspector, or other person to inspect such cattle, and make a report of the result of his inspection.

5—(1.) Where it appears to the Minister that disease exists, or has within a prescribed time existed, in a shed, field, or other place, he shall, by writing under his hand, declare such shed, field, or other place to be a place infected with disease.

(2.) The Minister shall cause notice thereof to be served personally or by post upon the occupier of such shed, field, or other place, and shall also cause notice thereof to be served personally or by post on

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the occupier of any land or buildings contiguous thereto as he may consider necessary. A.D. 1901.

(3.) The Minister may include in a place infected with disease any adjoining place.

(4.) The Minister may from time to time declare a place infected with disease, or any part thereof, to be free from disease.

6 Cattle shall not be moved into, within, or out of any place infected with disease, or any place within such distance thereof as may be prescribed, except in accordance with Regulations to be made under the provisions of this Act.

Movement of cattle into, within, or out of infected places.
57 & 58 Vict., c. 57, s. 11.

7—(1.) The Minister may, if he thinks fit, cause to be slaughtered—

Slaughter in case of disease and compensation.
Ib., s. 14.

i. All cattle affected with disease, and

ii. All cattle being or having been in the same shed, stable, or herd, or in contact with any cattle affected with disease :

iii. Any cattle suspected of being affected with disease, or being in a place infected with disease :

iv. Any cattle being within such distance as may be prescribed of a place infected with disease.

(2.) The Minister shall, for Cattle slaughtered under the provisions of this Section as Cattle suspected of being affected with disease, or being in a place infected with disease, or being within such distance as may be prescribed of a place infected with disease, pay compensation to the owner of such Cattle to the extent of Three-fourths of the value of such Cattle immediately before they were slaughtered, but so that the compensation does not in any case exceed the sum of Twenty Pounds for each head of Cattle slaughtered.

(3.) Notwithstanding anything in this Act, the Minister may, if he thinks fit, withhold, either wholly or partially, compensation in respect of any Cattle slaughtered under this Act by his order where the owner has in the judgment of the Minister been guilty in relation to such Cattle of an offence against this Act or any regulations made hereunder.

(4.) If the owner of any Cattle slaughtered under this Act by order of the Minister has an insurance on such Cattle, the amount of the money payable under the insurance shall be deducted from the amount of compensation awarded to him under this Act.

8—(1.) There shall be payable to "The Contagious Diseases (Cattle) Act Fund," upon and in respect of all Cattle above the age of Six months possessed by any Cattle-owner, and depastured and kept in any part of *Tasmania* or its Dependencies, a contribution of a sum not exceeding Threepence per annum for each head of Cattle above the age of Six months possessed by such Cattle-owner, the amount of such contribution in any one year to be fixed by the Governor by Proclamation published in the *Gazette*; and such contribution shall be paid to the Chief Inspector on the First day of *January*

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in every year, and shall be calculated for each year upon the number of Cattle possessed by such Cattle-owner on the said day.

(2.) No owner of less than Four head of Cattle shall be liable to pay any such contribution as aforesaid in respect of any Cattle owned by him.

(3.) All moneys paid to the Chief Inspector on account of such fund shall be by him paid into the Treasury to the credit of "The Contagious Diseases (Cattle) Act Fund Account."

(4.) If at any time it is certified by the Treasurer that it appears to him upon balancing such account that a certain proportion only of such contribution, or no contribution, will be necessary for the purposes of this Act during the then current year, it shall be lawful for the Governor, by Proclamation in the *Gazette*, to direct that the proportion so certified, and no more, of such contribution, or that no contribution, shall be payable in respect of such year.

Return of cattle for contribution.

9 Every Cattle-owner, when paying such contribution, shall deliver to the Chief Inspector a Return in the form in the Schedule (1), stating the number and description of all Cattle in his possession on the First day of *January* in such year; and every Cattle-owner who refuses or neglects to make such return shall forfeit and pay a penalty not exceeding Five Pounds.

Any person wilfully making any false return shall forfeit and pay a penalty not exceeding Five Pounds.

Contribution not paid in time.

10 Every Cattle-owner who omits to pay the contribution due from him on or before the First day of *March* in any year shall pay an additional amount equal to One-fourth part of such contribution; and if any Cattle-owner after the said First day of *March* omits or refuses to pay the contribution payable by him, then it shall be lawful for any Inspector to sue for and recover such contribution at any time not being more than one year after the time when such contribution should have been paid.

Payments from Fund.

11 There shall be applied out of "The Contagious Diseases (Cattle) Act Fund" such sums of money as shall be approved by the Minister for the purpose of paying compensation and generally of carrying out the provisions of this Act, and the Treasurer for the time being is hereby authorised and empowered to appropriate and issue such sums accordingly; but subject, nevertheless, to the provisions of "The Audit Act, 1901."

1 Ed. VII. No. 15.

Power for Governor to make orders for prevention or checking of disease, and other purposes.
57 & 58 Vict., c. 57, s. 22.

12 The Governor may make such Regulations as he thinks fit, subject and according to the provisions of this Act, for the following purposes, or any of them:—

- i. For prescribing and regulating the publication by placards, handbills, or otherwise, in the immediate neighbourhood of a place or area declared infected, of the fact of such declaration:

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- II. For prohibiting or regulating the movement of animals and persons into, within, or out of an infected place or area : A.D. 1901
- III. For prescribing and regulating the notice to be given to or by any person in case of any particular disease, or in case of the illness of an animal :
- IV. For prescribing and regulating the isolation or separation of animals being in an infected place or area :
- V. For prohibiting or regulating the removal of carcasses, fodder, litter, utensils, pens, hurdles, dung, or other things into, within, or out of an infected place or area :
- VI. For prescribing and regulating the destruction, burial, disposal, or treatment of carcasses, fodder, litter, utensils, pens, hurdles, dung or other things, being in an infected place or area, or removed thereout :
- VII. For prescribing and regulating the cleansing and disinfection of infected places and areas, or parts thereof :
- VIII. For prescribing and regulating the disinfection of the clothes of persons coming in contact with or employed about diseased or suspected animals, or being in an infected place ; and the use of precautions against the spreading of disease by such persons :
- IX. For prohibiting or regulating the digging up of carcasses which have been buried :
- X. For prohibiting or regulating the exposure of diseased or suspected animals in markets, sale-yards, or other public or private places where animals are commonly exposed for sale, and the placing thereof in places adjacent to or connected with markets or sale-yards, or where animals are commonly placed before exposure for sale :
- XI. For prohibiting or regulating the sending or carrying of diseased or suspected animals, or of dung or other thing likely to spread disease, or causing the same to be sent or carried on railways, or rivers, or in coasting vessels, or otherwise :
- XII. For prohibiting or regulating the carrying, leading, or driving of diseased or suspected animals, or causing them to be carried, led, or driven on highways or thoroughfares, or elsewhere :
- XIII. For prohibiting or regulating the placing or keeping of diseased or suspected animals on unenclosed lands, or in fields or other places insufficiently fenced, or on the sides of highways :
- XIV. For prescribing and regulating the seizure, detention, and disposal of a diseased or suspected animal exposed, carried, kept, or otherwise dealt with in contravention of any Regulation made by the Governor ; and for prescribing and regulating the liability of the owner or consignor or consignee of such animal to the expenses connected with the seizure, detention, and disposal thereof :

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- xv. For prescribing and regulating the destruction, burial, disposal, or treatment of carcases of animals slaughtered by order of the Minister, or dying while diseased or suspected :
- xvi. For prohibiting or regulating the movement of animals, and the removal of carcases, fodder, litter, dung, and other things, and for prescribing and regulating the isolation of animals newly purchased :
- xvii. For prescribing and regulating the issue and production of licences respecting movement and removal of animals and things :
- xviii. For prohibiting or regulating the holding of markets, exhibitions, and sales of animals :
- xix. For prescribing and regulating the cleansing and disinfection of places used for the holding of markets, exhibitions, or sales of animals, or for yards, sheds, stables, and other places used for animals :
- xx. For prescribing and regulating the cleansing and disinfection of vessels, vehicles, and pens and other places, used for the carrying of animals for hire or purposes connected therewith :
- xxi. For prescribing modes of cleansing and disinfection :
- xxii. For prohibiting the conveyance of animals by any specified vessel to or from any port in *Tasmania* for such time as the Governor may consider expedient :
- xxiii. For insuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing :
- xxiv. For protecting them from unnecessary suffering during the passage and on landing :
- xxv. For protecting animals from unnecessary suffering during inland transit :
- xxvi. For securing a proper supply of water and food to animals during any detention thereof :
- xxvii. For prohibiting, absolutely or conditionally, the use, for the carrying of animals or for any purpose connected therewith, of a vessel, vehicle, or pen, or of the use whereof, a penalty has been recovered from any person for an offence against this Act :
- xxviii. For providing and regulating the seizure, detention, and disposal (including slaughter) of stray dogs and of dogs not muzzled, and of dogs not being kept under control, and the recovery from the owners of dogs of the expenses incurred in respect of their detention :
- xxix. For prescribing and regulating the payment and recovery of expenses in respect of animals :
- xxx. For prescribing and regulating the form and mode of service or delivery of notices and other instruments :
- xxxi. For prescribing the mode of ascertaining the value of any Cattle slaughtered, or liable to be slaughtered, by order of

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the Minister, and in respect of which compensation is payable under this Act : A.D. 1901

- xxxii. For regulating applications for, and the mode of payment of, compensation to be paid for any Cattle slaughtered, and in respect of which compensation is payable under this Act :
- xxxiii. For extending, for all or any of the purposes of this Act, the definition of animals in this Act, so that the same shall for those purposes, or any of them, comprise any kind of four-footed beasts, in addition to the animals mentioned in this Act ; and
- xxxiv. Generally, for the better execution of this Act, or for the purpose of in any manner preventing the spreading of disease.

13 If any person shall commit any breach of any of the provisions of this Act or any regulations made thereunder, he shall be liable to a penalty not exceeding Fifty Pounds, and all such offences shall be heard and determined and penalties shall be recovered before any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*. Penalties for breach of Act or Regulations.
19 Vict. No. 8.

14 All contributions required to be paid to the Chief Inspector under the provisions of this Act may be recovered in a summary way before Two Justices of the Peace in the mode prescribed by "*The Magistrates Summary Procedure Act*". Recovery of contribution.
19 Vict. No. 8.

15 This Act and the said Act, and every Act amending the same, shall, save as amended by this Act, be read and construed together as one and the same Act. Acts to be read together

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SCHEDULE.

(1.)

"THE CONTAGIOUS DISEASES (CATTLE) ACT, 1901."

RETURN of Number of Cattle by Owner to the Chief Inspector.

<i>Name of Run : Name and Address of Owner and Person in charge.</i>	<i>Number of Cattle.</i>	<i>Brands and other Marks.</i>

I, _____ of _____ do hereby solemnly and sincerely declare that the above Return contains a just and true account of the several matters therein set forth ; all which matters I conscientiously believe to be true.

Owner.