

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 30 of 1933.

## AN ORDINANCE Relating to Diseases in Stock.

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, pursuant to the powers conferred by the *Seat of Government Acceptance Act* 1909 and the *Seat of Government (Administration) Act* 1910-1933, as follows:—

1. This Ordinance may be cited as the *Stock Diseases Ordinance* 1933. Short title.

2.—(1.) The *Stock Ordinance* 1920-1924 in so far as it relates to diseases in, and the quarantine of, large stock and sheep, is repealed. Repeal.

(2.) All regulations, proclamations, notifications or notices, relating to diseases in, or the quarantine of, large stock and sheep, made, published or given under the *Stock Ordinance* 1920, or under that Ordinance as subsequently amended, and in force immediately before the commencement of this Ordinance, shall, except so far as they are inconsistent with this Ordinance, be deemed to have been made, published or given under this Ordinance, and any references in any such regulations, proclamations, notifications, or notices to any provisions of the *Stock Ordinance* 1920, or of that Ordinance as subsequently amended, shall be construed as references to the corresponding provisions of this Ordinance.

3. In this Ordinance, unless the contrary intention appears— Definitions.

“Disease” means any disease which the Minister declares by notice in the *Gazette* to be a disease for the purposes of this Ordinance;

“Infected area” means any area of land, building or place, declared under and for the purposes of this Ordinance to be an infected area;

“Infected stock” means stock that are suffering from any disease or are, or have been, in contact with stock which are suffering from any disease or have been kept, pastured or driven upon land upon which stock suffering from any disease have been kept or pastured during the three months prior to the date on which the stock were so kept, pastured or driven;

"Inspector" means an Inspector of Stock appointed under this Ordinance and includes the Director;

"Owner", in relation to stock, means the owner of the stock, or any person, whether a representative of the owner or not, for the time being, having the custody or control, or being in charge, of the stock;

"Stock" means any horse, cattle, sheep, swine, goat, dog or any animal or bird declared by the Minister to be stock for the purposes of this Ordinance;

"The Director" means the Director of the Division of Veterinary Hygiene in the Department of Health;

"The Minister" means the Minister of State for Health;

"This Ordinance" includes the Regulations made thereunder;

"Travelling stock" means stock that is being taken to any place of destination in or outside the Territory.

**Powers of Minister.**

4. The Minister may, by notice in the *Gazette*—

(a) declare any disease to be a disease for the purposes of this Ordinance; and

(b) declare any animal or bird to be stock for the purposes of this Ordinance.

**Appointment of Inspectors.**

5. The Minister may appoint such Inspectors as he thinks necessary for the purposes of this Ordinance.

**Powers of entry.**

6.—(1.) An Inspector may, with such assistance as he deems necessary, enter at any reasonable time upon any land or premises and inspect any stock, hides, or carcasses or portions of carcasses upon the land or premises.

(2.) For the purpose of carrying out the provisions of this section, an inspector may order the owner of any stock to muster the stock on the land or premises and to provide crushes or such other means of restraint as an inspector deems necessary.

(3.) An inspector may, in relation to any stock suspected of being infected stock, use any tests approved by the Director to determine the existence of any disease, and may require the owner of infected stock to take such steps as the inspector deems necessary to eliminate or prevent the spread of the disease.

**Notification of disease.**

7. The owner of any stock shall, immediately upon the appearance of disease amongst the stock owned by him or in his charge or under his custody or control, give notice in writing of the appearance of disease to the Director or to the nearest inspector.

**Compensation for stock destroyed under instructions from Director.**

8.—(1.) If, on examining stock, an inspector has reason to believe that any stock is infected with disease, he shall report accordingly to the Director who, on being satisfied that the stock is so infected, may order the destruction of the infected stock.

(2.) The owner shall be entitled to compensation not exceeding fifty per centum of the fair market value of any stock destroyed in pursuance of this section.

(3.) For the purposes of this section, "fair market value" means the value of the stock so destroyed as determined by agreement between the owner and an inspector. In default of agreement between the owner and the inspector, the Minister shall determine fair market value of the stock and his decision shall be final and conclusive and without appeal.

9. Notwithstanding anything contained in any other law of the Territory, an inspector may— Powers of inspector.

- (a) take possession of any infected stock or stock in respect of which, in his opinion, an offence against this Ordinance has been or is being committed;
- (b) detain travelling stock for the purposes of examination or until the provisions of this Ordinance are complied with;
- (c) order the owner of travelling stock which are infected stock to take them back to the land or premises from which they came or to hold them subject to such conditions as the inspector thinks fit; and
- (d) order the destruction of any carcase or of any hide, skin, fitting or articles which, in his opinion, are likely to cause or spread disease.

10. When, in the opinion of an inspector, any stock are infected with disease, he may order such stock to be detained on such land or premises as he thinks fit and may declare such land, or premises to be an infected area. Infected areas.

11. Any person who—

Offences.

- (a) abandons any infected stock or permits any infected stock to stray from his charge;
- (b) leaves, or causes or permits to be left, the carcase of any stock on or within half-a-mile of any public road or in any creek or water hole;
- (c) sells or offers for sale or purchases or receives for purchase any infected stock;
- (d) wilfully communicates any disease to any stock;
- (e) without the consent in writing of the Director uses on any stock—
  - (i) any virus, vaccine or biological product containing living organisms; or
  - (ii) for the purposes of diagnosis, any biological product which does not contain living organisms;
- (f) breaks down or damages any fence, gate or fastening on or adjacent to any infected area;
- (g) refuses or fails to carry out any order lawfully given by an inspector under this Ordinance;
- (h) obstructs an inspector in the execution of his duty under this Ordinance;

- (i) allows, suffers or permits, without the consent in writing of an inspector, any stock to enter or leave an infected area;
  - (j) contravenes or fails to comply with any provision of this Ordinance;
- shall be guilty of an offence.

Penalty: One hundred pounds.

**12.** The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and in particular for prescribing matters for and in relation to—

**Regulations:**

- (a) the prohibition of the entry into the Territory of any infected stock;
- (b) the conditions under which stock may be brought into the Territory;
- (c) the inspection of stock brought into the Territory;
- (d) the prevention of the introduction into, or spread of any disease in, the Territory;
- (e) the detention, treatment, inoculation, vaccination or isolation of any stock in an infected area;
- (f) the movement of any stock in, into or out of any infected area;
- (g) the seizure and destruction of infected stock;
- (h) the subjection of stock to such restrictions or remedial measures as are deemed necessary to prevent the introduction or spread of disease;
- (i) the treatment or disinfection of any place, premises, buildings, fittings, carcass, hide, skin or article likely to spread disease;
- (j) the branding of infected stock;
- (k) the closing of any road in or adjacent to an infected area or the erection of fences or gates across any road for the purpose of regulating or preventing the movement of stock;
- (l) the methods of diagnosis and discovery of disease; and
- (m) the imposition of penalties not exceeding Fifty pounds for breaches of the Regulations.

Dated this twenty-ninth day of November, 1933.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

C. W. C. MARR

for Minister of State for the Interior.

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