This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber, Sydney, 10 August, 1866.

CHA. TOMPSON, Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO

VICTORIÆ REGINÆ.

No.

An Act to prevent the introduction or propagation of Infectious or Contagious Diseases amongst Cattle and other Animals.

HEREAS it is expedient to prevent the introduction into or Preamble. propagation within the Colony of all infectious or contagious diseases to which cattle or other animals are or may be subject and for that purpose to regulate and control the importation and intro-5 duction of all such animals and to ensure their destruction in certain cases Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :--

1. In the construction of this Act "Governor" shall mean the Interpretation clause—Governor. 10 Governor with the advice of the Executive Council. "Australian Colonies" shall include only those Colonies of Australian Colonies.

- Great Britain situate in the island known as Australia or New Holland.
- 15

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- "Minister" shall mean the Minister charged with the adminis- Minister. tration of this Act.
- "Inspector" shall mean the Chief or any Inspector duly Inspector. appointed under this Act or under the Cattle Export Act or any Scab in Sheep or Diseases in Sheep Act.
- "Master" shall mean the master of any vessel or other person Master. in his absence or in his stead temporarily in charge of such vessel.
 - 33-A

"Owner"

Cattle Diseases Prevention.

	Guille Diseases 1 Tebeniton.
	"Owner" shall mean any owner or proprietor whether jointly ^{Owner} or in severalty superintendent or person in possession or charge of any cattle or other animals.
5	"Market value" shall mean the value of any cattle animals or
	cattle animals or property may be when ordered to be destroyed.
	"Run" shall mean any station farm paddock yard or other Run. place where cattle or other animals graze or are kept.
10	
	enumerated under the word "run"—in which cattle or other animals are or have been kept.
	"Cattle" shall mean bull cow ox heifer or calf-and "animals" Cattle-animals.
15	
	asses goats and swine.
	"Destroy" shall mean entirely to consume by fire or to Destroy. slaughter and bury at a depth of not less than six feet
	under ground.
20	
	contained any regulations or proclamations made here- under.
	2. It shall be lawful for the Governor to appoint a Chief and Power to Governor
	other inspectors to carry out the provisions of this Act and all inspectors.
25	Inspectors appointed or that may hereafter be appointed under any
	Scab in Sheep Diseases in Sheep or Cattle Export Acts in force for
	the time being shall be Inspectors hereunder and shall so far as may be deemed necessary and applicable hereto exercise as Inspectors here-
	under all powers and authorities which under such last-mentioned
30	Acts or any Acts amending the same they now are or may hereafter
	be empowered to exercise.
	3. No cattle or other animals stalls stall-fittings fodder litter Cattle or other manure or other substance matter or thing whatsoever that has been hibited to be
	used with or about such cattle or animals or been found in such stalls landed from vessels.
35	shall be imported landed or otherwise introduced from any vessel into
	or upon the Territory of New South Wales unless it shall be proved
	to the satisfaction of the Inspector or other person authorized by the Minister to act in that behalf that such cattle or animals have
	not within the next preceding six months been at any place other
	than the Australian Colonies and have been shinned on hoard such

40 than the Australian Colonies and have been shipped on board such vessel at some port or place or ports or places in such Colonies and that subsequently to such shipment such vessel has not touched elsewhere than at such port or place or ports or places Provided always that any Australian Colony may by proclamation by the 45 Governor be for the purposes of this Act excluded from the number

of Australian Colonies wherein cattle or other animals may be shipped for importation into the Colony of New South Wales and thereupon such Colony shall not be deemed to be an Australian Colony within the meaning of this section until such proclamation shall have been 50 withdrawn or rescinded.

4. The Officer of Customs who shall board and take charge of Customs Officer to any vessel upon arrival at any port or place in the Colony shall require master of vessel to sign decla-immediately upon his going on board such vessel require the master ration and to detain to sign one or other of the declarations in Schedule A hereto and in refusal.

55 the event of his refusal shall as expeditiously as possible notify the fact of such refusal to the Collector or Chief Officer of Customs of the port or place of arrival of such vessel and also to the nearest Inspector and shall cause such vessel together with her crew passengers and cargo to be detained and shall prevent any communication being held

Cattle Diseases Prevention.

	held with such vessel from the shore until the arrival on board of the
	Inspector or some person duly authorized in that behalf by the
	Minister and if such vessel is bound for the port of Sydney he shall
	prevent her from proceeding beyond Fort Denison.
5	5. The Collector or Chief Officer of Customs of the port or Minister may order
	place of arrival of such vessel upon the receipt of any such notifica- vessel into quaran-
	tion or report as in the next preceding section mentioned shall from detention.
	forward the same to the Minister who shall immediately upon
	receipt thereof instruct the Inspector or some other person to
10	proceed on board any vessel so detained as aforesaid and ascertain
	by examination and inspection whether there is reasonable ground
	for ordering such vessel to be placed in quarantine by reason of
	her having or having had on board cattle or other animals herein-
	before prohibited and to report thereupon to him the said Minister
15	and the said Minister may order such vessel to be placed in quarantine
	or may release her from detention as in his judgment may seem
	requisite under the circumstances.
	6. The owner of any cattle or other animals infected with Owners of diseased
	"The Cattle Plague" otherwise known as "Rinderpest" or "The cattle &c. to give
20	"The Cattle Plague" otherwise known as "Rinderpest" or "The cattle &c. to give notice to Inspector. Foot and Mouth Disease" otherwise known as "Vesicular Aphtha"
	shall immediately upon the existence of such infection becoming
	known to him give notification thereof in writing to the nearest
	Inspector to be left at his residence or transmitted by registered letter
	and such Inspector shall thereupon place in quarantine such infected
25	cattle or animals and any run or premises infected by them and the
	owner upon the Inspector's written notice shall cause all the cattle Owner to destroy
	or animals specified in such notice to be destroyed and any premises diseased cattle upon stalls stall-fittings or other articles therein specified to be disinfected
	stalls stall-fittings or other articles therein specified to be disinfected

in manner therein directed.

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- 30 7. Any Inspector suspecting that any cattle or other animals Inspector to give are infected as aforesaid shall forthwith examine such cattle or animals notice to owner in certain cases. and if he shall find them to be so infected such Inspector shall place such cattle or animals and any run or premises infected by them in quarantine and shall give written notice thereof to the owner and
- 35 require him to destroy such cattle or animals and to disinfect the premises occupied or infected by them in like manner as in the next preceding section described.

8. It shall be lawful for the Inspector in any case to require Inspector may 8. It shall be lawful for the inspector in any case to require inspector may the owner to destroy all stall-fittings fodder litter manure or other require fittings &c. 40 things which in his the said Inspector's opinion are infected with or in any way capable of transmitting either of the before-mentioned

diseases by contagion or otherwise.

9. Upon any person failing to comply with any order of Inspector to carry destruction or of disinfection given by an Inspector such Inspector on destruction &c. 45 shall carry out such destruction or disinfection at such person's

expense.

10. Upon any cattle or other animals or property being Compensation for destroyed in compliance with the provisions of this Act the owner of cattle &c. destroyed hereunder. such cattle animals or property may within one month after the date

- 50 of their destruction make an application for compensation for such cattle animals or property in the form of Schedule B hereto to the Court of Petty Sessions nearest to the run or premises where such destruction took place by delivering such application at the residence
- of the Clerk of such Court or transmitting the same by registered 55 letter to his address And upon the receipt by such Clerk of such application such Court shall appoint a day and hour not sooner than five nor later than fourteen days thereafter for the hearing of such application of which day and hour due notice shall be given to the applicant to the Inspector mentioned in such application and to any witnesses

Cattle Diseases Prevention.

witnesses whose evidence may be required by personal service of such notice upon each such person or by leaving the same at his residence And upon the day so appointed inquiry shall be made in open Court touching the destruction of such cattle animals or property and their 5 fair market value immediately before infection and for this purpose such Court shall have authority to hear and determine every such matter to hear receive and examine evidence summon witnesses administer oaths and otherwise to act in that behalf as if the said inquiry were a proceeding instituted before such Court by way of 10 summons issued upon application of the said owner and directed to the said Inspector And the assessment of such compensation by the

Court shall in no case exceed two-thirds of such valuation. 11. The said Court shall upon the determination of such Court of Petty

inquiry sign and give to the owner so applying as aforesaid a certificate of destruc-15 cate under the hands and seals of the Justices before whom such tion and assessment inquiry was held according to the form in Schedule C hereto of the of compensation. destruction of and of the amount of compensation assessed for the cattle or other animals described in such owner's application But no certificate shall in any case be given if it shall appear to such Court

20 that such owner has not complied with all the provisions of this Act. 12. Upon the presentation or transmission to the Colonial Colonial Treasurer to Treasurer of such certificate so signed as aforesaid and approved by pensation to owner. the Minister there shall be paid to the said owner or his order under warrant of the Governor out of the Cattle Diseases Fund

25 hereinafter mentioned or in the event of such fund being inadequate out of the Consolidated Revenue the amount of compensation so assessed as aforesaid.

13. A special fund to be called the "Cattle Diseases Fund" shall A Cattle Disease be raised by annual contributions from all owners of horses and by contributions 30 cattle possessed of at least twelve or twenty-four head respectively at from owners of cattle and horses. the rate of one penny per head of the former and one half-penny per head of the latter and such contributions shall be levied collected enforced and recovered as far as possible in the same manner and at

- the same time as contributions under the Scab in Sheep Act or 35 Diseases in Sheep Act in force for the time being and all such contributions shall be paid in each year to the Colonial Treasurer or to such other person as shall be authorized by regulations hereunder to receive such contributions and shall be carried over to the Consolidated Revenue Fund to the credit of the said Cattle Diseases
- 40 Fund Account Provided that if at any time it shall appear upon balancing such account that the moneys so carried over exceed the requirements of this Act the Governor may reduce or remit such contributions for any period to be specified by proclamation in the Gazette.
- 14. All owners of cattle or horses liable to contribution Owners to make 45 hereunder shall on or before the first day of January in each year returns. deliver personally or transmit by registered letter to the Clerk of Petty Sessions nearest to the run or premises in which such cattle or horses then are a return thereof accompanied by a declaration made
- 50 before a Justice according to the form in Schedule D hereto And any owner failing to make such return shall incur a penalty not exceeding twenty pounds and a further penalty of a like amount for each several failure or neglect after notice by the Inspector Provided that no second or subsequent conviction shall lie until one month after the

55 preceding conviction. 15. The said Clerk of Petty Sessions shall thereupon make and Clerks of Petty Sessions to make transmit to the Colonial Treasurer such returns with respect to such returns as under contributions and execute and perform all such other duties for "Diseases in Sheep Act of 1866." the purposes of this Act as are *mutatis mutandis* directed under

the

the Acts twenty-seven Victoria number six twenty-nine Victoria number thirteen and any Act amending or repealing the same.

16. The Governor may from time to time as occasion shall Governor to make require make all necessary regulations for carrying out the provisions regulations. 5 of this Act-

- (1.) As to the removal or destruction of cattle animals and
- other matters hereby authorized to be removed or destroyed. (2.) As to the detaining of vessels and placing them in quarantine.
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- (3.) As to the placing of runs and premises in quarantine.
- (4.) As to the cleansing and disinfection of any premises stalls stall-fittings enclosures and other matters articles and things hereinbefore mentioned.
- (5.) As to the mode of collection and of payment of contributions leviable hereunder And generally as to all other matters of detail necessary for giving effect to the provi-

sions of this Act.

And such regulations upon publication in the Gazette shall have the full force of law and copies thereof shall be laid before Parliament 20 if in Session within fourteen days after such publication and if not then within fourteen days after the commencement of the next Session.

17. Any owner feeling aggrieved by the notice of an Inspector Appeal against to destroy any cattle or other animals or property as aforesaid may Inspecto appeal against such notice to the Court of Petty Sessions nearest the

- 25 run or premises where such cattle animals or property ordered to be destroyed shall then be by giving notice of such appeal to the Clerk of Petty Sessions within twenty-four hours of the time of the receipt by him of such notice and entering into such recognizance before a Justice and on such other conditions as to costs as such Justice may require
- 30 and such appeal shall be conducted before the said Court as far as possible in the same form and manner as the inquiry hereinbefore described with respect to applications for compensation and the decision of the Court thereon shall in all cases be final and conclusive.
- 18. Any owner may appeal from the decision of any Court of Appeal from assess-35 Petty Sessions in the matter of compensation to the District Court tion by Petty held nearest to such Court of Petty Sessions and the decision of such Session Court on such appeal shall be final and conclusive and the certificate of the Judge of such District Court if any shall have been granted shall be in the form of Schedule C hereto annexed and shall be dealt
- 40 with in all respects as certificates granted by Courts of Petty Sessions Provided that such owner shall within two days after the decision of the said Court of Petty Sessions have lodged with the Clerk thereof a written notice of his intention to appeal against such decision.

19. If any person refuse to allow any Inspector or other person Penalties. 45 duly authorized as aforesaid to enter upon any run or premises or to board and examine any vessel or shall hinder or impede or attempt to hinder or impede him therein or shall act in contravention of any provision in this Act contained or of any proclamation or regulation made hereunder or of any adjudication award order or notice made or

- 50 given by any District Court Judge Court of Petty Sessions Justice Inspector or other person authorized and empowered to do any act matter or thing he shall for each offence for which a special penalty is not elsewhere in this Act provided and directed incur a penalty not exceeding fifty pounds.
- 20. All cattle or other animals and all stalls stall-fittings fodder Cattle or animals 55 litter manure and other matters and things hereby prohibited from and fittings &c. to be destroyed if being landed or introduced into this Colony which may be landed or landed contrary to introduced contrary to the provisions of this Act and all such cattle Act.

essions to District

or animals matters or things removed from quaratine in contravention of the provisions of this Act shall be destroyed at the owner's expense and without compensation.

21. Any person by force or violence resisting or impeding an Penalties &c.
5 Inspector or other duly authorized person in the execution of his office or duty—any master of a vessel making a false declaration—any owner making a false return—and any person introducing landing or assisting at or being privy to the landing of any cattle animals or other matters hereinbefore prohibited from any vessel whether before or after such

10 vessel is detained or placed in quarantine or removing or assisting at or being privy to the removal of any cattle or animals placed in quarantine under the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be liable at the discretion of the Court to a penalty not exceeding five hundred pounds and not

15 less than fifty pounds or to imprisonment for any term not exceeding two years.

22. Any penalty for any offence other than such as are Recovery &c. of enumerated in the next preceding section hereof incurred under this penalties. Act or under any regulation or proclamation made thereunder may

20 together with all costs be recovered in a summary way before any two Justices on information by any Inspector or owner at any time within twelve months after the commission of the offence omission or default upon which such penalty shall have been incurred and shall after the deduction of expenses incurred in the recovery thereof be 25 paid by the Clerk of Petty Sessions one half to the informer or pro-

25 paid by the Clerk of Petty Sessions one half to the informer or prosecutor and the remaining half to the Colonial Treasurer to be placed by him to the credit of the Cattle Diseases Fund.

23. Any expenses hereby authorized to be incurred by an Recovery of Inspector may be recovered by him in a summary way before any expenses. 30 two Justices.

24. The provisions contained in any Customs or Quarantine Provisions of Acts in force for the time being relating to the boarding of vessels Customs and shall be applicable to and be incorporated with this Act and the powers to apply hereto. conferred upon Customs and Health Officers by the said Acts so far 35 as the same may be applicable shall be applied possessed and enforced

by all Inspectors and other persons authorized hereunder.

25. This Act may be cited as the "Cattle Diseases Prevention short title. Act 1866."

SCHEDULES.

Cattle Diseases Prevention.

SCHEDULES.

SCHEDULE A.

Form of Declaration by Master of Vessel.

T Master (or Acting Master as the case may be) 5 do hereby solemnly declare that the vessel now under my charge has not during this present voyage at any time received or had on board any cattle horses sheep mules asses goats swine or any stalls stall fittings fodder litter manure or other substance matter or thing that has been used with or about any such cattle or animals as above enumerated.

10 Dated this

day of 18 (Signature in full)

Form of Declaration for Master of a Vessel arriving from an Australian Colony.

Master (or Acting Master as the case may be) do hereby solemnly declare that the vessel now under my charge 15 sailed on the commencement of her present voyage from (here name the port or place) in the Colony of being an Australian Colony within the meaning of the Cattle Diseases Prevention Act of 1866 and has not at any time since the commencement of such voyage touched at any port or place not exempted by the said Act. And I further declare that no cattle or other animals or matters prohibited by the 20 said Act have been transhipped on board the said vessel from any other vessel.

Dated this day of

(Signature in full)

18

SCHEDULE B.

Form of application to Clerk of Petty Sessions by Owner of destroyed cattle &c. 25 To the Clerk of Petty Sessions for

25 To the Clerk of Petty Sessions for
I the undersigned (name in full) of (residence in full) having in compliance with a notice bearing date the day of 18 given by
an Inspector under the Cattle Diseases Prevention Act of 1866 destroyed (here state the number of cattle or animals destroyed and the date of the destruction) of which I am the 30 owner (or a joint owner) then running (or kept) at (state the place) and branded (here describe brands if any) and having duly complied with all the requirements of the said Act in respect of such (cattle or animals) do hereby apply to the Court to ascertain and verify the fact of such destruction and to fix and determine the amount of compensation therefor to which I am entitled under section ten and to grant me the certificate of therefor to which I am entitled under section ten and to grant me the certificate of 35 destruction and value directed by section eleven of the said Act.

Dated this day of

18 (Signature in full) (Residence)

SCHEDULE C.

40 Form of Certificate of destruction and assessment of compensation by Justices in Petty Sessions.

To the Honorable the Colonial Treasurer.

We hereby certify that at a Court of Petty Sessions holden at We hereby certify that at a Court of Petty Sessions holden at day of 18 for the hearing of an application duly made under 45 section ten of the Cattle Diseases Prevention Act of 1866 by of and bearing date the day of 18 it was satisfactorily proved to us that (here state the number and kind of cattle or animals destroyed) were destroyed by the said applicant on the day of 18 in terms of a notice dated the day of 18 to that effect given by the output of the cattle or animal destroyed by the said applicant on the day of 18 to that effect given by on the 50 a duly authorized Inspector under the said Act and that the sum of \pounds d. was s. assessed by us as compensation for such (cattle or animals) We further certify that the said applicant has in all respects complied with the provisions of the said Act. Given under our hands and seals this day of in the year of our Lord 55 Justices of the Peace $\left\{ \begin{array}{l} A. B. \\ C. D. \end{array} \right.$ (L.S.)

Same

(L.S.)

Same form for Judge of District Court.

To the Honorable the Colonial Treasurer.

I hereby certify that at a District Court holden at on the day of 18 for the hearing of an appeal against the decision of a Court of 5 Petty Sessions holden at on the day of 18 on the application of under section ten of the Cattle Diseases Prevention Act it was satisfactorily proved that (here state the decision on

(L.S.) Signed

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appeal.)

Judge of the District Court of the District.

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SCHEDULE D.

Form of Return of number of Cattle or Horses to be made by Owner.

Return of all Cattle or Horses now depastured or kept at 15 made under the Cattle Diseases Prevention Act of 1866, to the Clerk of Petty Sessions at

			· · · · · · · · · · · · · · · · · · ·	A A A A A A A A A A A A A A A A A A A			
20	Run or place where kept.	Name and residence of Owner and of Superintendent or person in charge.	Description of Cattle or Horses.	Number of each descrip- tion.	Brand.	Remarks.	
I do solemnly declare that the several mand things contained in the above Return are true to the best of my knowledge and b							
25	Declared before mo this	e at day of	}		(or	Owner. Superintendent.)	

J.P.

[Price, 6d.]

Sydney : Thomas Richards, Government Printer .- 1866.

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber, Sydney, 10 August, 1866.

CHA. TOMPSON, Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO

VICTORIÆ REGINÆ.

No.

(As Amended in Committee of the Whole Council.)

An Act to prevent the introduction or propagation of Infectious or Contagious Diseases amongst Cattle and other Animals.

W HEREAS it is expedient to prevent the introduction into or Preamble. propagation within the Colony of all infectious or contagious diseases to which cattle or other animals are or may be subject and for that purpose to regulate and control the importation and intro-5 duction of all such animals and to ensure their destruction in certain cases Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :--

10 1. In the construction of this Act "Governor" shall mean the Interpretation Governor with the advice of the Executive Council. "Australian Colonies" shall include only those Colonies of Australian Colonies.

Australian Colonies "shall include only those Colonies of _{Australian} Great Britain situate in the island known as Australia or New Holland and Tasmania and New Zealand.

- "Minister" shall mean the Minister charged with the adminis- Minister. tration of this Act and the Minister for Lands shall be such Minister.
- "Inspector" shall mean the Chief or any Inspector duly Inspector. appointed under this Act or under the Cattle Export Act
 - or any Scab in Sheep or Diseases in Sheep Act.

"Master" shall mean the master of any vessel or other person Master. in his absence or in his stead temporarily in charge of such vessel. 33-A "Owner"

Note.—The words to be omitted are ruled through; the words to be inserted are printed in black letter.

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Cattle Diseases Preventi	on.
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	"Owner" shall mean any owner or proprietor whether jointly owner
	or in severalty superintendent or person in possession or
•	charge of any cattle or other animals or the agent of any
	owner.
5	"Market value" shall mean the value of any cattle animals or Market value.
	property calculated as at the run or premises where such cattle animals or property may be when ordered to be
	destroyed.
	"Run" shall mean any station farm paddock yard or other Run.
10	place where cattle or other animals graze or are kept.
	"Premises" shall mean any building outhouse shed stable Premises.
	stall pen or enclosure—other than such as are above enumerated under the word "run"—in which cattle or
	other animals are or have been kept.
15	"Cattle" shall mean bull cow ox heifer or calf-and "animals" Cattle-animals.
	shall mean cattle as above defined horses sheep mules
	asses goats and swine.
	"Destroy" shall mean entirely to consume by fire or to Destroy.
20	slaughter and bury at a depth of not less than six feet
20	under ground. "This Act" shall mean in addition to the enactments herein
-	contained any regulations or proclamations made here-
	under.
-	2. It shall be lawful for the Governor to appoint a Chief and Power to Governor
25	other Inspectors to carry out the provisions of this Act and all to appoint Inspectors appointed or that may hereafter be appointed under any
	Scab in Sheep Diseases in Sheep or Cattle Export Acts in force for
	the time being shall be Inspectors hereunder and shall so far as may
	be deemed necessary and applicable hereto exercise as Inspectors here-
	under all powers and authorities which under such last-mentioned
	Acts or any Acts amending the same they now are or may hereafter be empowered to exercise.
	3. No cattle or other animals as aforesaid stalls stall-fittings Introduction of
	fodder litter manure or other substance matter or thing whatsoever animals for other
35	that has been used with or about such cattle or animals or been found hibited to be
	in such stalls shall be imported landed or otherwise introduced from landed from

- be imported landed or otherwise introduced from any vessel into or upon the Territory of New South Wales unless it vessels. shall be proved to the satisfaction of the Inspector or other person authorized by the Minister to act in that behalf that such cattle or 40 animals have not within the next preceding six months been at any
- place other than the Australian Colonies and have been shipped on board such-vessel-at some-port-or-place-or-ports-or places-in-such-Colonies-and that subsequently to such shipment such vessel has not touched elsewhere than-at-such port-er-place-or-ports-or-places Provided always that any
- 45 Australian Colony may by proclamation by the Governor be for the purposes of this Act excluded from the number of Australian Colonies wherein whence cattle or other animals may be shipped-for-importation introduced into the Colony of New South Wales and thereupon such Colony shall not be deemed to be an Australian-Colony-within the meaning
- 50 of this section be excluded accordingly until such proclamation shall have been withdrawn or rescinded Provided also that the Governor with the advice of the Executive Council may upon sufficient ground being shewn and upon such terms and conditions as to quarantine or otherwise as may be thought fit permit the introduction into New
- 55 South Wales of cattle or other animals as aforesaid from countries ports or places not within the limits of the Australian Colonies anything to the contrary contained in this Act notwithstanding.

4. The Officer of Customs who shall board and take charge of Customs Officer to any vessel upon arrival at any port or place in the Colony shall require master of immediately

immediately upon his going on board such vessel require the master vessel to sign declato sign one or other of the declarations in Schedule A hereto and in vessel in case of the event of his refusal shall as expeditiously as possible notify the refusal. fact of such refusal to the Collector or Chief Officer of Customs of

- 5 the port or place of arrival of such vessel and also to the nearest Inspector and shall cause such vessel together with her crew passengers and cargo to be detained and shall prevent any communication being held with such vessel from the shore until the arrival on board of the Inspector or some person duly authorized in that behalf by the 10 Minister and if such vessel is bound for the port of Sydney he shall
 - prevent her from proceeding beyond Fort Denison.

5. The Collector or Chief Officer of Customs of the port or Minister may order place of arrival of such vessel upon the receipt of any such notifica- vessel into quaran-tine or release her tion or report as in the next preceding section mentioned shall from detention.

- 15 forward the same to the Minister who shall immediately upon receipt thereof instruct the Inspector or some other person to proceed on board any vessel so detained as aforesaid and ascertain by examination and inspection whether there is reasonable ground for ordering such vessel to be placed in quarantine by reason of
- 20 her having or having had on board cattle or other animals hereinbefore prohibited and to report thereupon to him the said Minister and the said Minister may order such vessel to be placed in quarantine or may release her from detention as in his judgment may seem requisite under the circumstances.
- 6. The owner of any cattle or other animals whatsoever infected Owners of diseased 25 with "The Cattle Plague" otherwise known as "Rinderpest" or "The notice to Inspector. Foot and Mouth Disease" otherwise known as "Vesicular Aphtha" shall immediately upon the existence of such infection becoming known to him give notification thereof in writing to the nearest
- 30 Inspector to be left at his residence or transmitted by registered letter and such Inspector shall thereupon place in quarantine such infected cattle or animals and any run or premises infected by them and the owner upon the Inspector's written notice shall cause all the cattle Owner to destroy or animals specified in such notice to be destroyed and any premises Inspector's notice.
- 35 stalls stall-fittings or other articles therein specified to be disinfected in manner therein directed.

7. Any Inspector suspecting that any cattle or other animals Inspector to give notice to owner in whatsoever are infected as aforesaid shall forthwith examine such cattle certain cases. or animals and if he shall find them to be so infected such Inspector shall

- 40 place such cattle or animals and any run or premises infected by them in quarantine and shall give written notice thereof to the owner and require him to destroy such cattle or animals and to disinfect the premises occupied or infected by them in like manner as in the next preceding section described.
- 8. It shall be lawful for the Inspector in any case to require Inspector may the owner to destroy all stall-fittings fodder litter manure or other to be destroyed. 45 things which in his the said Inspector's opinion are infected with or in any way capable of transmitting either of the before-mentioned diseases by contagion or otherwise.
- 9. Upon any person failing to comply with any order of Inspector to carry destruction or of disinfection given by an Inspector such Inspector on failure. 50 shall carry out such destruction or disinfection at such person's expense.
- 10. Upon any cattle or other animals or property being Compensation for cattle &c. destroyed 55 destroyed or prevented from being landed in compliance with the hereunder. provisions of this Act the owner of such cattle animals or property may within one month after the date of their destruction make an application for compensation for such cattle animals or property in the form of Schedule B hereto to the Court of Petty Sessions nearest

to

Cattle Diseases Prevention.

to the run or premises or place where such destruction or prevention from landing took place by delivering such application at the residence of the Clerk of such Court or transmitting the same by registered letter to his address And upon the receipt by such Clerk of such 5 application such Court shall appoint a day and hour not sooner than five nor later than fourteen days thereafter for the hearing of such application of which day and hour due notice shall be given to the applicant to the Inspector mentioned in such application and to any witnesses whose evidence may be required by personal service of such 10 notice upon each such person or by leaving the same at his residence And upon the day so appointed inquiry shall be made in open Court touching the destruction or prevention from landing of such cattle animals or property and in cases of destruction their fair market value immediately before infection and in cases of prevention from 15 landing the loss or injury thereby sustained and for-this purpose such Court shall have authority to hear and determine every such matter to hear receive and examine evidence summon witnesses administer oaths and otherwise to act in that behalf as if the said inquiry were a proceeding instituted before such Court by way of 20 summons issued upon application of the said owner and directed to the said Inspector And the assessment of such compensation by the Court in cases of destruction shall in no ease not exceed two-thirds of such valuation.

- 11. The said Court shall upon the determination of such Court of Petty 25 inquiry sign and give to the owner so applying as aforesaid a certificate of destruccate under the hands and seals of the Justices before whom such of compensation. inquiry was held according to the form in Schedule C hereto of the destruction or prevention from landing of and of the amount of compensation assessed for the cattle or other animals described in such
- 30 owner's application But no certificate shall in any case be given if it shall appear to such Court that such owner has not complied with all the provisions of this Act.

12. Upon the presentation or transmission to the Colonial Colonial Treasurer to Treasurer of such certificate so signed as aforesaid and approved by pensation to owner. 35 the Minister there shall be paid to the said owner or his order

- under warrant of the Governor out of the Cattle Diseases Fund hereinafter mentioned or in the event of such fund being inadequate out of the Consolidated Revenue the amount of compensation so assessed as aforesaid.
- 13. A special fund to be called the "Cattle Diseases Fund" shall A Cattle Disease Fund to be raised 40 be raised by annual contributions from all owners of horses-and by contributions cattle possessed of at least twelve-or twenty-four head respectively at cattle and horses. the rate of one penny per head of the former and one half-penny per head of the latter and such contributions shall be levied collected
- 45 enforced and recovered as far as possible in the same manner and at the same time as contributions under the Scab in Sheep Act or Diseases in Sheep Act in force for the time being and all such contributions shall be paid in each year to the Colonial Treasurer or to
- such other person as shall be authorized by regulations hereunder 50 to receive such contributions and shall be carried over to the Consolidated Revenue Fund to the credit of the said Cattle Diseases Fund Account Provided that if at any time it shall appear upon balancing such account that the moneys so carried over exceed the requirements of this Act the Governor may reduce or remit such 55 contributions for any period to be specified by proclamation in the Gazette.

14. All owners of cattle or horses liable to contribution Owners to make hereunder shall on or before the first day of January in each year returns. deliver personally or transmit by registered letter to the Clerk

of Petty Sessions nearest to the run or premises in which such cattle or horses then are a return thereof accompanied by a declaration made before a Justice according to the form in Schedule D hereto And any owner failing to make such return shall incur a penalty not exceeding 5 twenty pounds and a further penalty of a like amount for each several

failure or neglect after notice by the Inspector Provided that no second or subsequent conviction shall lie until one month after the preceding conviction.

15. The said Clerk of Petty Sessions shall thereupon make and Clerks of Petty sessions to make 10 transmit to the Colonial Treasurer such returns with respect to such returns as under contributions and execute and perform all such other duties for "Diseases in Sheep the nurposes of this Act as an mutatic mutandia directed under Act of 1866." the purposes of this Act as are mutatis mutandis directed under the Acts twenty-seven Victoria number six twenty-nine Victoria number thirteen and any Act amending or repealing the same.

16. The Governor may from time to time as occasion shall Governor to make require make all necessary regulations for carrying out the provisions regulations. 15 of this Act-

> (1.) As to the removal or destruction of cattle animals and other matters hereby authorized to be removed or destroyed.

20

30

(2.) As to the detaining of vessels and placing them in quarantine. (3.) As to the placing of runs and premises places and animals

in quarantine. (4.) As to the measures required for preventing the introduction 25 of cattle or other animals as aforesaid by land.

- (4.) (5.) As to the cleansing and disinfection of any premises stalls stall-fittings enclosures and other matters articles and things hereinbefore mentioned.
- (5.) (6.) As to the mode of collection and of payment of contributions leviable hereunder And generally as to all other matters of detail necessary for giving effect to the provisions of this Act.

And such regulations upon publication in the Gazette shall have the full force of law and copies thereof shall be laid before Parliament **35** if in Session within fourteen days after such publication and if not then within fourteen days after the commencement of the next Session.

17. Any owner feeling aggrieved by the notice of an Inspector Appeal against Inspector's order to to destroy any cattle or other animals or property as aforesaid may destroy. appeal against such notice to the Court of Petty Sessions nearest the 40 run or premises where such cattle animals or property ordered to be destroyed shall then be by giving notice of such appeal to the Clerk of Petty Sessions within twenty-four hours of the time of the receipt by him of such notice and entering into such recognizance before a Justice and on such other conditions as to costs as such Justice may require

- 45 and such appeal shall be conducted before the said Court as far as possible in the same form and manner as the inquiry hereinbefore described with respect to applications for compensation and the decision of the Court thereon shall in all cases be final and conclusive.
- 18. Any owner may appeal from the decision of any Court of Appeal from assess-50 Petty Sessions in the matter of compensation to the District Court tion by Petty held nearest to such Court of Petty Sessions and the decision of such Sessions to District Court. Court on such appeal shall be final and conclusive and the certificate of the Judge of such District Court if any shall have been granted
- shall be in the form of Schedule C hereto annexed and shall be dealt 55 with in all respects as certificates granted by Courts of Petty Sessions Provided that such owner shall within two days after the decision of the said Court of Petty Sessions have lodged with the Clerk thereof a written notice of his intention to appeal against such decision.

19.

19. If any person refuse to allow any Inspector or other person Penalties. duly authorized as aforesaid to enter upon any run or premises or to board and examine any vessel or shall hinder or impede or attempt to hinder or impede him therein or shall act in contravention of any 5 provision in this Act contained or of any proclamation or regulation made hereunder or of any adjudication award order or notice made or given by any District Court Judge Court of Petty Sessions Justice Inspector or other person authorized and empowered to do any act matter or thing he shall for each offence for which a special penalty is 10 not elsewhere in this Act provided and directed incur a penalty not

exceeding fifty pounds.

20. All cattle or other animals and all stalls stall-fittings fodder Cattle or animals litter manure and other matters and things hereby prohibited from be destroyed if

being landed or introduced into this Colony which may be landed or landed contrary to 15 introduced contrary to the provisions of this Act and all such cattle or animals matters or things removed from quaratine in contravention of the provisions of this Act shall be destroyed at the owner's expense and without compensation.

21. Any person by force or violence resisting or impeding an Penalties &c. 20 Inspector or other duly authorized person in the execution of his office or duty-any master of a vessel making a false declaration-any owner making a false return-and any person introducing landing or assisting at or being privy to the introducing or landing of any cattle animals or other matters hereinbefore prohibited from any vessel whether before

- 25 or after such vessel is detained or placed in quarantine or removing or assisting at or being privy to the removal of any cattle or animals placed in quarantine under the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be liable at the discretion of the Court to a penalty not exceeding five hundred pounds
- 30 and not less than fifty pounds or to imprisonment for any term not exceeding two years.

22. Any penalty for any offence other than such as are Recovery &c. of enumerated in the next preceding section hereof incurred under this Act or under any regulation or proclamation made thereunder may

- 35 together with all costs be recovered in a summary way before any two Justices on information by any Inspector or owner at any time within twelve months after the commission of the offence omission or default upon which such penalty shall have been incurred and shall after the deduction of expenses incurred in the recovery thereof be 40 paid by the Clerk of Petty Sessions one half to the informer or pro-
- secutor and the remaining half to the Colonial Treasurer to be placed by him to the credit of the Cattle Diseases Fund.

23. Any expenses hereby authorized to be incurred by an Recovery of Inspector may be recovered by him in a summary way before any expenses. 45 two Justices.

24. The provisions contained in any Customs or Quarantine Provisions of Acts in force for the time being relating to the boarding of vessels Quarantine Acts shall be applicable to and be incorporated with this Act and the powers to apply hereto. conferred upon Customs and Health Officers by the said Acts so far 50 as the same may be applicable shall be applied possessed and enforced

by all Inspectors and other persons authorized hereunder.

25. This Act may be cited as the "Cattle Diseases Prevention Short title and Act 1866" and shall remain in force until the 31st day of December duration. 1867 and until the end of the then next Session of Parliament.

SCHEDULES.

SCHEDULES.

SCHEDULE A.

Form of Declaration by Master of Vessel.

Master (or Acting Master as the case may be) 5 do hereby solemnly declare that the vessel now under my charge has not during this present voyage at any time received or had on board any cattle horses sheep mules asses goats swine or any stalls stall fittings fodder litter manure or other substance matter or thing that has been used with or about any such cattle or animals as above enumerated.

10 Dated this

18 day of (Signature in full)

Form of Declaration for Master of a Vessel arriving from an Australian Colony.

Master (or Acting Master as the case may be) do hereby solemnly declare that the vessel now under my charge 15 sailed on the commencement of her present voyage from (here name the port or place) in the Colony of being an Australian Colony within the meaning of the Cattle Diseases Prevention Act of 1866 and has not at any time since the commencement of such voyage touched at any port or place not exempted by the said Act. And I further declare that no cattle or other animals or matters prohibited by the

20 said Act have been transhipped on board the said vessel from any other vessel. day of 18

Dated this

(Signature in full)

SCHEDULE B.

No. 1.

Form of application to Clerk of Petty Sessions by Owner of destroyed cattle &c. 25 To the Clerk of Petty Sessions for

I the undersigned (name in full) of (residence in full) having in compliance with a notice bearing date the notice bearing date the day of 18 given by an Inspector under the Cattle Diseases Prevention Act of 1866 destroyed (here state the

an Inspector under the Cattle Diseases Prevention Act of 1800 destroyed (here state the 30 number of cattle or animals destroyed and the date of the destruction) of which I am the owner (or a joint owner) then running (or kept) at (state the place) and branded (here describe brands if any) and having duly complied with all the requirements of the said Act in respect of such (cattle or animals) do hereby apply to the Court to ascertain and verify the fact of such destruction and to fix and determine the amount of compensation 35 therefor to which I am entitled under section ten and to grant me the certificate of destruction and value directed by section eleven of the said Act destruction and value directed by section eleven of the said Act.

day of

Dated this

18

(Signature in full) (Residence)

40

No. 2.

Form of Application for Compensation in respect of Cattle &c. prevented from being landed.

To the Clerk of Petty Sessions for

I the undersigned (name in full) of (residence in full) having been pre-45 vented under the Cattle Diseases Prevention Act of 1866 from landing (here state the number of cattle or other animals prevented from being landed and the date) of which I am the owner (or a joint owner) do hereby apply to the Court to ascertain and verify the fact of such prevention from landing and to fix and determine the amount of compensation to which I am entitled under section ten 50 and to grant me a certificate thereof accordingly.

day of

Dated this

18

(Signature in full.) (Residence.)

SCHEDULE C.

SCHEDULE C.

Form of Certificate of destruction and assessment of compensation by Justices in Petty Sessions.

To the Honorable the Colonial Treasurer.

5 We hereby certify that at a Court of Petty Sessions holden at on the day of 18 for the hearing of an application duly made under section ten of the Cattle Diseases Prevention Act of 1866 by of and bearing date the day of 18 it was satisfactorily proved to us that (here state the number and kind of cattle or animals destroyed or prevented 10 from landing) were destroyed or prevented from landing by the said applicant on the day of 18 in terms of a notice dated the day of 18 to that effect given by aduly authorized Inspector under the said Act and

to that effect given by a duly authorized Inspector under the said Act and that the sum of \mathcal{L} s. d. was assessed by us as compensation for such (*cattle or animals*) We further certify that the said applicant has in all respects complied 15 with the provisions of the said Act.

Given under our hands and seals this	s day of	in the year of
our Lord	at	
Justices of the	e Peace $\left\{ \begin{array}{c} A. B. \\ C. D. \end{array} \right.$	(L.S.) (L.S.)

Same form for Judge of District Court.

To the Honorable the Colonial Treasurer.

I hereby certify that at a District Court holden at on the day of 18 for the hearing of an appeal against the decision of a Court of Petty Sessions holden at on the day of 25 18 on the application of under section ten of the Cattle Diseases Prevention Act it was satisfactorily proved that (here state the decision on appeal.)

(L.S.) Signed

Judge of the District Court of the District.

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SCHEDULE D.

Form of Return of number of Cattle or-Horses to be made by Owner.

Return of all Cattle or Horses now depastured or kept at

made under the Cattle Diseases Prevention Act of 1866, to the Clerk of Petty Sessions 35 at

Run or place where kept.	Name and residence of Owner and of Superintendent or person in charge.	Description of Cattle or-Horses.	Number of each descrip- tion.	Brand.	Remarks.
					Notice 2.5
•					
			1		

40 I do solemnly declare that the several matters and things contained in the above Return are true to the best of my knowledge and belief.

Declared before me at this	lay of	}		(or	Owner. Superintendent.)
		/	1		

J.P.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber, Sydney, 10 August, 1866.

CHA. TOMPSON, Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO

VICTORIÆ REGINÆ.

No.

(As amended [on Re-Committal] in Committee of the Whole Council.)

An Act to prevent the introduction or propagation of Infectious or Contagious Diseases amongst Cattle and other Animals.

WHEREAS it is expedient to prevent the introduction into or Preamble. propagation within the Colony of all infectious or contagious diseases to which cattle or other animals are or may be subject and for that purpose to regulate and control the importation and intro-5 duction of all such animals and to ensure their destruction in certain cases Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :-

1. In the construction of this Act "Governor" shall mean the Interpretation 10 Governor with the advice of the Executive Council. clause

"Australian Colonies" shall include only those Colonies of Australian Colonies. Great Britain situate in the island known as Australia or New Holland and Tasmania and New Zealand.

" Minister " shall mean the Minister charged with the adminis- Minister. tration of this Act and the Minister for Lands shall be such

Minister.

"Inspector" shall mean the Chief or any Inspector duly Inspector. appointed under this Act or under the Cattle Export Act or any Scab in Sheep or Diseases in Sheep Act.

"Master" shall mean the master of any vessel or other person Master.

in his absence or in his stead temporarily in charge of such vessel. 33-

"Owner"

Note .- The words to be omitted are ruled through ; the words to be inserted are printed in black letter.

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Cattle Diseases Prevention.

- "Owner" shall mean any owner or proprietor whether jointly owner or in severalty superintendent or person in possession or charge of any cattle or other animals or the agent of any owner.
- "Market value" shall mean the value of any cattle animals or Market value. property calculated as at the run or premises where such cattle animals or property may be when ordered to be destroyed.
- "Run" shall mean any station farm paddock yard or other Run. place where cattle or other animals graze or are kept.
- "Premises" shall mean any building outhouse shed stable Premises. stall pen or enclosure—other than such as are above enumerated under the word "run"—in which cattle or other animals are or have been kept.
- "Cattle" shall mean bull cow ox heifer or calf—and "animals" Cattle-animals. shall mean cattle as above defined horses sheep mules
- asses goats and swine. "Destroy" shall mean entirely to consume by fire or to Destroy. slaughter and bury at a depth of not less than six feet under ground.
- under ground. "This Act" shall mean in addition to the enactments herein contained any regulations or proclamations made hereunder.
- 2. It shall be lawful for the Governor to appoint a Chief and Power to Governor 25 other Inspectors to carry out the provisions of this Act and all to appoint Inspectors appointed or that may hereafter be appointed under any Scab in Sheep Diseases in Sheep or Cattle Export Acts in force for the time being shall be Inspectors hereunder and shall so far as may

be deemed necessary and applicable hereto exercise as Inspectors here-30 under all powers and authorities which under such last-mentioned Acts or any Acts amending the same they now are or may hereafter

be empowered to exercise.

3. No cattle or other animals as aforesaid stalls stall-fittings Introduction of fodder litter manure or other substance matter or thing whatsoever animals &c. pro-35 that has been used with or about such cattle or animals or been found hibited to be in such stalls shall be imported landed or otherwise introduced from landed from any vessel into or upon the Territory of New South Wales unless it shall be proved to the satisfaction of the Inspector or other person

- authorized by the Minister to act in that behalf that such cattle or 40 animals have not within the next preceding six months been at any place other than the Australian Colonies and have been shipped on board such vessel at some port or place or ports or places in such Colonies and that subsequently to such shipment such vessel has not touched elsewhere than at such port or place or ports or places. Provided always that any
- 45 Australian Colony may by proclamation by the Governor be for the purposes of this Act excluded from the number of Australian Colonies wherein whence cattle or other animals may be shipped for importation introduced into the Colony of New South Wales and thereupon such Colony shall not be deemed to be an Australian Colony within the meaning
- 50 of this section be excluded accordingly until such proclamation shall have been withdrawn or rescinded **Provided also** that the Governor with the advice of the Executive Council may upon sufficient ground being shewn and upon such terms and conditions as to quarantine or otherwise as may be thought fit permit the introduction into New
- 55 South Wales of cattle or other animals as aforesaid from countries ports or places not within the limits of the Australian Colonies anything to the contrary contained in this Act notwithstanding.

4. The Officer of Customs who shall board and take charge of Customs Officer to any vessel upon arrival at any port or place in the Colony shall ^{require master of} immediately

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Cattle Diseases Prevention.

5	immediately upon his going on board such vessel require the master to sign one or other of the declarations in Schedule A hereto and in the event of his refusal shall as expeditiously as possible notify the fact of such refusal to the Collector or Chief Officer of Customs of the port or place of arrival of such vessel and also to the nearest Inspector and shall cause such vessel together with her crew passengers	vessel to sign decla- ration and to detain vessel in case of refusal.
10	and cargo to be detained and shall prevent any communication being held with such vessel from the shore until the arrival on board of the Inspector or some person duly authorized in that behalf by the Minister and if such vessel is bound for the port of Sydney he shall prevent her from proceeding beyond Fort Denison.	
15	5. The Collector or Chief Officer of Customs of the port or place of arrival of such vessel upon the receipt of any such notifica- tion or report as in the next preceding section mentioned shall forward the same to the Minister who shall immediately upon receipt thereof instruct the Inspector or some other person to	tine or release her
20	proceed on board any vessel so detained as aforesaid and ascertain by examination and inspection whether there is reasonable ground for ordering such vessel to be placed in quarantine by reason of her having or having had on board cattle or other animals herein- before prohibited and to report thereupon to him the said Minister and the said Minister may order such vessel to be placed in quarantine or may release her from detention as in his judgment may seem requisite under the circumstances.	
25	a m c ttl - tl l l l l l l - tracerar infactod	Owners of diseased
	6. The owner of any cattle of other animals whatsoever infected with "The Cattle Plague" otherwise known as "Rinderpest" or "The Foot and Mouth Disease " otherwise known as "Vesicular Aphtha" shall immediately upon the existence of such infection becoming linearing to him give notification thereof in writing to the nearest	cattle &c. to give notice to Inspector.
	Foot and Mouth Disease " otherwise known as "Vesicular Aphtha"	
	shall immediately upon the existence of such infection becoming	
20	known to him give notification thereof in writing to the nearest Inspector to be left at his residence or transmitted by registered letter	and the second
30	and such Inspector shall thereupon place in quarantine such infected	
	cattle or animals and any run or premises infected by them and the	
	owner upon the Inspector's written notice shall cause all the cattle	Owner to destrov
	or animals specified in such notice to be destroyed and any premises	Inspector's notice.
35	stans stan-intrings of other articles therein specified to be disinfected	
	in manner therein directed.	Inspector to give
	7. Any Inspector suspecting that any cattle or other animals whatsoever are infected as aforesaid shall forthwith examine such cattle or animals and if he shall find them to be so infected such Inspector shall	certain cases.
40	place such cattle or animals and any run or premises infected by them in	
	quarantine and shall give written notice thereof to the owner and	
	require him to destroy such cattle or animals and to disinfect the	
	premises occupied or infected by them in like manner as in the next	
45	preceding section described. 8. It shall be lawful for the Inspector in any case to require	Inspector may
40	the owner to destroy all stall-fittings fodder litter manure or other things which in his the said Inspector's eminion are infected with	require fittings &c.
	things which in his the said Inspector's opinion are infected with	to be destroyed.
	or in any way capable of transmitting either of the before-mentioned	
-	diseases by contagion or otherwise.	Transford
50	9. Upon any person failing to comply with any order of destruction or of disinfection given by an Inspector such Inspector	out destruction &c.
	shall carry out such destruction or disinfection at such person's	on failure.
	expense.	
	10. Upon any cattle or other animals or property being	Compensation for
	destroyed as suggested from being landed in compliance with the	outro too. doorojou

55 destroyed or prevented from being landed in compliance with the hereunder. provisions of this Act the owner of such cattle animals or property

may within one month after the date of their destruction or prevention from landing make an application for compensation for such cattle animals or property in the form of Schedule B hereto to the Court of

Cattle Diseases Prevention.

of Petty Sessions nearest to the run or premises or place where such destruction or prevention from landing took place by delivering such application at the residence of the Clerk of such Court or transmitting the same by registered letter to his address And upon the 5 receipt by such Clerk of such application such Court shall appoint a day and hour not sooner than five nor later than fourteen days thereafter for the hearing of such application of which day and hour due notice shall be given to the applicant to the Inspector mentioned in such application and to any witnesses whose evidence may be 10 required by personal service of such notice upon each such person or by leaving the same at his residence And upon the day so appointed inquiry shall be made in open Court touching the destruction or prevention from landing of such cattle animals or property and in cases of destruction their fair market value immediately before infec-15 tion and in cases of prevention from landing the loss or injury thereby sustained and for this purpose such Court shall have authority to hear and determine every such matter to hear receive and examine evidence summon witnesses administer oaths and otherwise to act in that behalf as if the said inquiry were a proceeding instituted before such Court

- 20 by way of summons issued upon application of the said owner and directed to the said Inspector And the assessment of such compensa-tion by the Court in cases of destruction shall in-no-case not exceed two-thirds of such valuation.
- 11. The said Court shall upon the determination of such Court of Petty 25 inquiry sign and give to the owner so applying as aforesaid a certifi- certificate of destruccate under the hands and seals of the Justices before whom such tion and assessment inquiry was held according to the form in Schedule C hereto of the of compensation. destruction or prevention from landing of and of the amount of
- compensation assessed for the cattle or other animals described in such 30 ewner's application But no certificate shall in any case be given if it shall appear to such Court that such owner has not complied with all the provisions of this Act.

12. Upon the presentation or transmission to the Colonial Colonial Treasurer to Treasurer of such certificate so signed as aforesaid and approved by pensation to owner.

- 35 the Minister there shall be paid to the said owner or his order under warrant of the Governor out of the Cattle Diseases Fund hereinafter mentioned or in the event of such fund being inadequate out of the Consolidated Revenue the amount of compensation so assessed as aforesaid.
- 13. A special fund to be called the "Cattle Diseases Fund" shall A Cattle Disease be raised by annual contributions from all owners of horses-and by contributions 40 cattle possessed of at least twelve-or twenty-four head respectively at cattle and horses the rate of one penny per head-of-the-former and one half-penny per head of the latter and such contributions shall be levied collected
- 45 enforced and recovered as far as possible in the same manner and at the same time as contributions under the Scab in Sheep Act or Diseases in Sheep Act in force for the time being and all such contributions shall be paid in each year to the Colonial Treasurer or to such other person as shall be authorized by regulations hereunder 50 to receive such contributions and shall be carried over to the
- Consolidated Revenue Fund to the credit of the said Cattle Diseases Fund Account Provided that if at any time it shall appear upon balancing such account that the moneys so carried over exceed the requirements of this Act the Governor may reduce or remit such 55 contributions for any period to be specified by proclamation in the
- Gazette.

14. All owners of cattle or horses liable to contribution Owners to make hereunder shall on or before the first day of January in each year returns. deliver personally or transmit by registered letter to the Clerk

of

Cattle Diseases Prevention.

of Petty Sessions nearest to the run or premises in which such cattle or horses then are a return thereof accompanied by a declaration made before a Justice according to the form in Schedule D hereto And any owner failing to make such return shall incur a penalty not exceeding 5 twenty pounds and a further penalty of a like amount for each several failure or neglect after notice by the Inspector Provided that no second or subsequent conviction shall lie until one month after the preceding conviction.

15. The said Clerk of Petty Sessions shall thereupon make and Clerks of Petty 10 transmit to the Colonial Treasurer such returns with respect to such returns as under contributions and the Colonial Treasurer and the said Clerk of Petty "Diseases in Sheep Sessions shall respectively avagute and perform all such other duties Act of 1866." Sessions shall respectively execute and perform all such other duties for the purposes of this Act as are *mutatis mutandis* directed under the Acts twenty-seven Victoria number six twenty-nine Victoria

15 number thirteen and any Act amending or repealing the same.

16. The Governor may from time to time as occasion shall Governor to make require make all necessary regulations for carrying out the provisions of this Act-

(1.) As to the removal or destruction of cattle animals and

other matters hereby authorized to be removed or destroyed. (2.) As to the detaining of vessels and placing them in quarantine.

(3.) As to the placing of runs and premises places and animals in quarantine.

25 (4.) As to the measures required for preventing the introduction of cattle or other animals as aforesaid by land.

- (4.) (5.) As to the cleansing and disinfection of any premises stalls stall-fittings enclosures and other matters articles and things hereinbefore mentioned.
- 30

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(5.) (6.) As to the mode of collection and of payment of contributions leviable hereunder And generally as to all other matters of detail necessary for giving effect to the provisions of this Act.

And such regulations upon publication in the Gazette shall have the 35 full force of law and copies thereof shall be laid before Parliament if in Session within fourteen days after such publication and if not then within fourteen days after the commencement of the next Session.

17. Any owner feeling aggrieved by the notice of an Inspector Appeal against

to destroy any cattle or other animals or property as aforesaid may Inspector's order to 40 appeal against such notice to the Court of Petty Sessions nearest the run or premises where such cattle animals or property ordered to be destroyed shall then be by giving notice of such appeal to the Clerk of

Petty Sessions within twenty-four hours of the time of the receipt by him of such notice and entering into such recognizance before a Justice 45 and on such other conditions as to costs as such Justice may require and such appeal shall be conducted before the said Court as far as possible in the same form and manner as the inquiry hereinbefore described with respect to applications for compensation and the decision of the Court thereon shall in all cases be final and conclusive.

50 18. Any owner may appeal from the decision of any Court of Appeal from assess-Petty Sessions in the matter of compensation to the District Court ment of compensa-tion by Petty held nearest to such Court of Petty Sessions and the decision of such Sessions to District Court on such appeal shall be final and conclusive and the certificate Court. of the Judge of such District Court if any shall have been granted

55 shall be in the form of Schedule C hereto annexed and shall be dealt with in all respects as certificates granted by Courts of Petty Sessions, Provided that such owner shall within two days after the decision of the said Court of Petty Sessions have lodged with the Clerk thereof a written notice of his intention to appeal against such decision.

Sessions to make

19.

Cattle Diseases Prevention.

19. If any person refuse to allow any Inspector or other person Penalties. duly authorized as aforesaid to enter upon any run or premises or to board and examine any vessel or shall hinder or impede or attempt to hinder or impede him therein or shall act in contravention of any 5 provision in this Act contained or of any proclamation or regulation made hereunder or of any adjudication award order or notice made or given by any District Court Judge Court of Petty Sessions Justice Inspector or other person authorized and empowered to do any act matter or thing he shall for each offence for which a special penalty is 10 not elsewhere in this Act provided and directed incur a penalty not

exceeding fifty pounds.

20. All cattle or other animals and all stalls stall-fittings fodder Cattle or animals litter manure and other matters and things hereby prohibited from be destroyed if being landed or introduced into this Colony which may be landed or landed contrary to 15 introduced contrary to the provisions of this Act and all such cattle

or animals matters or things removed from quaratine in contravention of the provisions of this Act shall be destroyed at the owner's expense and without compensation.

21. Any person by force or violence resisting or impeding an Penalties &c. 20 Inspector or other duly authorized person in the execution of his office

- or duty-any master of a vessel making a false declaration-any owner making a false return-and any person introducing landing or assisting at or being privy to the introducing or landing of any cattle animals or other matters hereinbefore prohibited from any vessel whether before
- 25 or after such vessel is detained or placed in quarantine or removing or assisting at or being privy to the removal of any cattle or animals placed in guarantine under the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be liable at the discretion of the Court to a penalty not exceeding five hundred pounds
- 30 and not less than fifty pounds or to imprisonment for any term not exceeding two years.

22. Any penalty for any offence other than such as are Recovery &c. of enumerated in the next preceding section hereof incurred under this

- Act or under any regulation or proclamation made thereunder may 35 together with all costs be recovered in a summary way before any two Justices on information by any Inspector or owner at any time within twelve months after the commission of the offence omission or default upon which such penalty shall have been incurred and shall after the deduction of expenses incurred in the recovery thereof be 40 paid by the Clerk of Petty Sessions one half to the informer or pro-
- secutor and the remaining half to the Colonial Treasurer to be placed by him to the credit of the Cattle Diseases Fund.

23. Any expenses hereby authorized to be incurred by an Recovery of Inspector may be recovered by him in a summary way before any expenses. 45 two Justices.

24. The provisions contained in any Customs or Quarantine Provisions of Customs and Acts in force for the time being relating to the boarding of vessels Quarantine Acts shall be applicable to and be incorporated with this Act and the powers to apply hereto. conferred upon Customs and Health Officers by the said Acts so far

50 as the same may be applicable shall be applied possessed and enforced

by all Inspectors and other persons authorized hereunder. 25. This Act may be cited as the "Cattle Diseases Prevention Short title and Act 1866" and shall remain in force until the thirty-first day of duration. December one thousand eight hundred and sixty-seven and until the 55 end of the then next Session of Parliament.

6

SCHEDULES.

SCHEDULES.

SCHEDULE A.

Form of Declaration by Master of Vessel.

Ι Master (or Acting Master as the case may be) 5 do hereby solemnly declare that the vessel now under my charge has not during this present voyage at any time received or had on board any cattle herese sheep mules asses goats swine or any stalls stall fittings fodder litter manure or other substance matter or thing that has been used with or about any such cattle or animals as above enumerated.

10 Dated this

day of 18 (Signature in full)

Form of Declaration for Master of a Vessel arriving from an Australian Colony.

Master (or Acting Master as the case may be) do hereby solemnly declare that the vessel now under my charge 15 sailed on the commencement of her present voyage from (here name the port or place) in the Colony of being an Australian Colony within the meaning of the Cattle Diseases Prevention Act of 1866 and has not at any time since the commencement of such voyage touched at any port or place not exempted by the said

Act. And I further declare that no cattle or other animals or matters prohibited by the 20 said Act have been transhipped on board the said vessel from any other vessel. Dated this day of 18

(Signature in full)

SCHEDULE B.

No. 1.

Form of application to Clerk of Petty Sessions by Owner of destroyed cattle &c. 25

To the Clerk of Petty Sessions for

To the Clerk of Petty Sessions for I the undersigned (name in full) of (residence in full) having in compliance with a notice bearing date the day of 18 given by an Inspector under the Cattle Diseases Prevention Act of 1866 destroyed (here state the 30 number of cattle or animals destroyed and the date of the destruction) of which I am the owner (or a joint owner) then running (or kept) at (state the place) and branded (here describe brands if any) and having duly complied with all the requirements of the said Act in respect of such (cattle or animals) do hereby apply to the Court to ascertain and verify the fact of such destruction and to fix and determine the amount of compensation 35 therefor to which I am entitled under section ten and to grant me the certificate of 35 therefor to which I am entitled under section ten and to grant me the certificate of

destruction and value directed by section eleven of the said Act.

Dated this day of

(Signature in full) (Residence)

18

40

Form of Application for Compensation in respect of Cattle &c. prevented from being landed.

No. 2.

To the Clerk of Petty Sessions for

I the undersigned (name in full) of (residence in full) having been pre-45 vented under the Cattle Diseases Prevention Act of 1866 from landing (here state the number of cattle or other animals prevented from being landed and the date) of which I am the owner (or a joint owner) do hereby apply to the Court to ascertain and verify the fact of such prevention from landing and to fix and determine the amount of compensation to which I am entitled under section ten 50 and to grant me a certificate thereof accordingly.

Dated this day of 18

> (Signature in full.) (Residence.)

> > SCHEDULE C.

SCHEDULE C.

Form of Certificate of destruction and assessment of compensation by Justices in Petty Sessions.

To the Honorable the Colonial Treasurer.

To the Honorable the Colonial Treasurer.5We hereby certify that at a Court of Petty Sessions holden aton the6day of18 for the hearing of an application duly made under8section ten of the Cattle Diseases Prevention Act of 1866 byof9and bearing date theday of18 it was satisfactorily proved to us9that(here state the number and kind of cattle or animals destroyed or prevented10from landing) were destroyed by the said applicant or prevented from landing on the10form landing on the11the that effect given by12a duly authorized Inspector13that the sum of for solo diverses diverses by us as compensation for such (cattle or animals) d. was assessed by us as compensation for such (cattle or animals) that the sum of \pounds s. We further certify that the said applicant has in all respects complied 15 with the provisions of the said Act.

Given under our hands and seals this in the year of day of our Lord at Justices of the Peace $\left\{ \begin{array}{l} A. B. \\ C. D. \end{array} \right.$ (L S.)

Same form for Judge of District Court.

To the Honorable the Colonial Treasurer.

I hereby certify that at a District Court holden at on the 18 for the hearing of an appeal against the decision of a Court of day of day of Petty Sessions holden at 25 18 on the application of on the day of under section ten of the Cattle

Diseases Prevention Act it was satisfactorily proved that (here state the decision on appeal) (L.S.) Signed

30

20

Judge of the District Court District. of the

(LS.)

SCHEDULE D.

Form of Return of number of Cattle or Horses to be made by Owner.

Return of all Cattle or-Horses now depastured or kept at made under the Cattle Diseases Prevention Act of 1866, to the Clerk of Petty Sessions 35 at

Run or place where kept.	Name and residence of Owner and of Superintendent or person in charge.	Description of Cattle or-Horses.	Number of-each descrip- tion.	Brand.	Remarks.
•					
	dia na tito a		State of	-	

Declared before me at Owner. this day of (or Superintendent.)

J.P.

CATTLE DISEASE PREVENTION BILL.

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SCHEDULE of the Amendments made by the Legislative Council in the Bill intituled "An Act to prevent the introduction or propagation of Infectious or Contagious "Diseases amongst Cattle and other Animals," returned to the Legislative Assembly with Message of 12th September, 1866.

R. O'CONNOR,

Clerk of the Parliaments.

Page 1,		After "New Holland" add "and Tasmania and New
	Zealand."	
"	" line 16.	After "Act" add "and the Minister for Lands shall be
	such Minister."	
Page 2,		After "animals" add " or the agent of any owner."
"	" line 16.	Omit "horses"
"	,, ,,	Omit "mules"
,,	"	Omit "asses"
,,		After "animals" insert "as aforesaid"
"		and 37. Omit "from any vessel"
"		to 44. Omit "and have been shipped on board such vessel at
	*	ace or ports or places in such Colonies and that subsequently
		at such vessel has not touched elsewhere than at such port or
	" place or ports o	
,,	,, line 47.	Omit "wherein" insert "whence"
,,	" "	Omit "shipped for importation" insert "introduced"
,,		Omit "not be deemed to be an Australian Colony within the
		ection" insert "be excluded accordingly"
,,		After "rescinded" add "Provided also that the Governor
		ce of the Executive Council may upon sufficient ground
	•	and upon such terms and conditions as to quarantine or
		may be thought fit permit the introduction into New
		of cattle or other animals as aforesaid from countries
		s not within the limits of the Australian Colonies any-
		ontrary contained in this Act notwithstanding."
Page 3,		After "animals" insert "whatsoever"
"		After "animals" insert "whatsoever"
"	clause 10, line 55.	After "destroyed" insert "or prevented from being
	landed"	
,,	" line 57.	
Page 4,	clause 10, line 1.	
"	,, ,,	After "destruction" insert "or prevention from landing"
,,	,, line 12.	After "destruction" insert "or prevention from landing"
"	" line 13.	After "property and" insert "in cases of destruction"
"	" line 14.	After "infection" insert "and in cases of prevention
	from landing th	e loss or injury thereby sustained"
"	,, line 15.	Omit "for this purpose"
,,	" line 22.	After " Court" insert "in cases of destruction"
"	· >> >>	Omit "in no case" insert "not"
"	clause 11, line 28.	After "destruction" insert " or prevention from landing'
"	,, line 29.	Omit "for the cattle or other animals described in such
	owner's applicatio	m"
"	clause 13, line 41.	Omit "horses and"
"	" line 42.	Omit "twelve or"
,,		A 1. 1. 1. 1. 1.
	37 33	Omit " respectively "
,,	"""" ,, line 43.	Omit "respectively" Omit "one penny per head of the former and"

c 29—

Page 4, clause 13, line 44. Omit "of the latter"

clause 14, line 57. Omit "or horses" ••

Page 5, " line 2. Omit" or horses"

clause 15, line 11. After " contribution and " insert " the Colonial Treasurer ,, and the said Clerk of Petty Sessions shall respectively"

clause 16, line 22. Omit " and " ,,

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..

After " premises" insert " places and animals"

After Paragraph (3) insert new Paragraph :--

"(4.) As to the measures required for preventing the introduction of cattle or other animals as aforesaid by land."

Page 6, clause 21, line 23. Before "landing" insert "introducing or"

line 30. Omit " and not less than fifty pounds" "

clause 25, line 53. After "1866" add " and shall remain in force until the "thirty-first day of December one thousand eight hundred and sixty-"seven and until the end of the then next Session of Parliament"

Page 7, Schedule A, line 6. Omit "horses"

,,

line 7. Omit "mules" ,,

Omit "asses"

Schedule B. After "Schedule B" insert "No. 1."

After Schedule B as printed add-..

" No. 2.

" Form of Application for Compensation in respect of Cattle &c. prevented " from being landed.

" To the Clerk of Petty Sessions for

"I the undersigned (name in full) of (residence in full) having " been prevented under the Cattle Diseases Prevention Act of 1866 from " landing (here state the number of cattle or other animals prevented " from being landed and the date) of which I am the owner (or a joint "owner) do hereby apply to the Court to ascertain and verify the fact " of such prevention from landing and to fix and determine the amount " of compensation to which I am entitled under section ten and to grant " me a certificate thereof accordingly.

" Dated this day of

18

" (Signature in full.)

" (Residence.)"

Page 8, Schedule C, line 2. Omit "destruction and"

,,	" line 9.	After " destroyed"	insert	"or prevented from landing"		
,,	" line 10.	After " applicant "	insert	" or prevented from landing"		
,,	" lines 10	to 12. Omit				
	" on t	he day	of	18 in terms of a notice		
	" dated the	day of	18	to that effect given by		
	" a duly authorized Inspector"					
,,	Schedule D, line 32.	Omit " or Horses'	,			
,,	" line 33.	Omit " or Horses"	,			

3rd column. Omit " or Horses"

4th column. Omit "of each description."

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber, Sydney, 10 August, 1866.

CHA. TOMPSON, Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments. R. O'CONNOR, Legislative Council Chamber, Sydney, 12th September, 1866. Clerk of the Parliaments.

New South Wales.



ANNO TRICESIMO

VICTORIÆ REGINÆ.

No.

An Act to prevent the introduction or propagation of Infectious or Contagious Diseases amongst Cattle and other Animals.

WHEREAS it is expedient to prevent the introduction into or Preamble. propagation within the Colony of all infectious or contagious diseases to which cattle or other animals are or may be subject and for that purpose to regulate and control the importation and intro-5 duction of all such animals and to ensure their destruction in certain cases Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :---

1. In the construction of this Act "Governor" shall mean the Interpretation 10 I. In the construction of the Executive Council. Governor with the advice of the Executive Council. "Australian Colonies" shall include only those Colonies of Australian Colonies.

- Great Britain situate in the island known as Australia or New Holland and Tasmania and New Zealand.
- "Minister" shall mean the Minister charged with the adminis- Minister. tration of this Act and the Minister for Lands shall be such Minister.
- "Inspector" shall mean the Chief or any Inspector duly Inspector. appointed under this Act or under the Cattle Export Act or any Scab in Sheep or Diseases in Sheep Act.

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15

"Master" shall mean the master of any vessel or other person Master. in his absence or in his stead temporarily in charge of such vessel. "Owner" 33-

Nore .- The words to be omitted are ruled through ; the words to be inserted are printed in black letter.

Cattle Diseases Prevention. "Owner" shall mean any owner or proprietor whether jointly owner or in severalty superintendent or person in possession or charge of any cattle or other animals or the agent of any owner. "Market value" shall mean the value of any cattle animals or Market value. 5 property calculated as at the run or premises where such cattle animals or property may be when ordered to be destroyed. "Run" shall mean any station farm paddock yard or other Run. 10 place where cattle or other animals graze or are kept. "Premises" shall mean any building outhouse shed stable Premises. stall pen or enclosure-other than such as are above enumerated under the word "run"-in which cattle or other animals are or have been kept. "Cattle " shall mean bull cow ox heifer or calf-and " animals " Cattle-animals. 15 shall mean cattle as above defined horses sheep mules asses goats and swine. "Destroy" shall mean e shall mean entirely to consume by fire or to Destroy. slaughter and bury at a depth of not less than six feet under ground. "This Act" shall mean in addition to the enactments herein contained any regulations or proclamations made hereunder. 2. It shall be lawful for the Governor to appoint a Chief and Power to Governor 25 other Inspectors to carry out the provisions of this Act and all Inspectors. Inspectors appointed or that may hereafter be appointed under any Scab in Sheep Diseases in Sheep or Cattle Export Acts in force for the time being shall be Inspectors hereunder and shall so far as may be deemed necessary and applicable hereto exercise as Inspectors here-30 under all powers and authorities which under such last-mentioned Acts or any Acts amending the same they now are or may hereafter be empowered to exercise. 3. No cattle or other animals as aforesaid stalls stall-fittings Introduction of fodder litter manure or other substance matter or thing whatsoever animals &c. pro-35 that has been used with or about such cattle or animals or been found hibited to be in such stalls shall be imported landed or otherwise introduced from landed from any vessel into or upon the Territory of New South Wales unless it vessels. shall be proved to the satisfaction of the Inspector or other person authorized by the Minister to act in that behalf that such cattle or 40 animals have not within the next preceding six months been at any place other than the Australian Colonies and have been shipped on board such vessel at some port or place or ports or places in such Colonies and

that subsequently to such shipment such vessel has not touched elsewhere than at such port or place or ports or places Provided always that any 45 Australian Colony may by proclamation by the Governor be for the purposes of this Act excluded from the number of Australian Colonies

wherein whence cattle or other animals may be shipped for importation introduced into the Colony of New South Wales and thereupon such Colony shall not be deemed to be an Australian Colony within the meaning

- 50 of this section be excluded accordingly until such proclamation shall have been withdrawn or rescinded Provided also that the Governor with the advice of the Executive Council may upon sufficient ground being shewn and upon such terms and conditions as to quarantine or otherwise as may be thought fit permit the introduction into New 55 South Wales of cattle or other animals as aforesaid from countries
- ports or places not within the limits of the Australian Colonies anything to the contrary contained in this Act notwithstanding.

4. The Officer of Customs who shall board and take charge of Customs Officer to any vessel upon arrival at any port or place in the Colony shall require master of immediately

Cattle Diseases Prevention.

immediately upon his going on board such vessel require the master vessel to sign decla-to sign one or other of the declarations in Schedule A hereto and in vessel in case of the event of his refusal shall as expeditiously as possible notify the refusal. fact of such refusal to the Collector or Chief Officer of Customs of

- 5 the port or place of arrival of such vessel and also to the nearest Inspector and shall cause such vessel together with her crew passengers and cargo to be detained and shall prevent any communication being held with such vessel from the shore until the arrival on board of the Inspector or some person duly authorized in that behalf by the 10 Minister and if such vessel is bound for the port of Sydney he shall
- prevent her from proceeding beyond Fort Denison.

5. The Collector or Chief Officer of Customs of the port or Minister may order place of arrival of such vessel upon the receipt of any such notifica- vessel into quarantion or report as in the next preceding section mentioned shall from detention. 15 forward the same to the Minister who shall immediately upon

- receipt thereof instruct the Inspector or some other person to proceed on board any vessel so detained as aforesaid and ascertain by examination and inspection whether there is reasonable ground for ordering such vessel to be placed in quarantine by reason of
- 20 her having or having had on board cattle or other animals hereinbefore prohibited and to report thereupon to him the said Minister and the said Minister may order such vessel to be placed in quarantine or may release her from detention as in his judgment may seem requisite under the circumstances.
- 25 6. The owner of any cattle or other animals whatsoever infected Owners of diseased with "The Cattle Plague" otherwise known as "Rinderpest" or "The cattle &c. to give Foot and Mouth Disease " otherwise known as "Vesicular Aphtha" shall immediately upon the existence of such infection becoming
- known to him give notification thereof in writing to the nearest 30 Inspector to be left at his residence or transmitted by registered letter and such Inspector shall thereupon place in quarantine such infected cattle or animals and any run or premises infected by them and the owner upon the Inspector's written notice shall cause all the cattle Owner to destroy or animals specified in such notice to be destroyed and any premises diseased cattle upon stalls stall fittings on other articles therein are if all to be destroyed and any premises Inspector's notice.
- 35 stalls stall-fittings or other articles therein specified to be disinfected in manner therein directed.

7. Any Inspector suspecting that any cattle or other animals Inspector to give whatsoever are infected as aforesaid shall forthwith examine such cattle certain cases. or animals and if he shall find them to be so infected such Inspector shall

- 40 place such cattle or animals and any run or premises infected by them in quarantine and shall give written notice thereof to the owner and require him to destroy such cattle or animals and to disinfect the premises occupied or infected by them in like manner as in the next preceding section described.
- 8. It shall be lawful for the Inspector in any case to require Inspector may 45 the owner to destroy all stall-fittings fodder litter manure or other require fittings &c. things which in his the said Inspector's opinion are infected with or in any way capable of transmitting either of the before-mentioned diseases by contagion or otherwise.
- 9. Upon any person failing to comply with any order of Inspector to carry destruction or of disinfection given by an Inspector such Inspector on failure. 50 shall carry out such destruction or disinfection at such person's expense.

10. Upon any cattle or other animals or property being Compensation tor 55 destroyed or prevented from being landed in compliance with the hereunder, provisions of this Act the owner of such cattle animals or property cattle &c. destroyed may within one month after the date of their destruction or prevention from landing make an application for compensation for such cattle animals or property in the form of Schedule B hereto to the Court

of

Cattle Diseases Prevention.

of Petty Sessions nearest to the run or premises or place where such destruction or prevention from landing took place by delivering such application at the residence of the Clerk of such Court or transmitting the same by registered letter to his address And upon the 5 receipt by such Clerk of such application such Court shall appoint a day and hour not sooner than five nor later than fourteen days thereafter for the hearing of such application of which day and hour due notice shall be given to the applicant to the Inspector mentioned in such application and to any witnesses whose evidence may be 10 required by personal service of such notice upon each such person or by leaving the same at his residence And upon the day so appointed inquiry shall be made in open Court touching the destruction or prevention from landing of such cattle animals or property and in cases of destruction their fair market value immediately before infec-15 tion and in cases of prevention from landing the loss or injury thereby sustained and for this purpose such Court shall have authority to hear and determine every such matter to hear receive and examine evidence summon witnesses administer oaths and otherwise to act in that behalf as if the said inquiry were a proceeding instituted before such Court

20 by way of summons issued upon application of the said owner and directed to the said Inspector And the assessment of such compensation by the Court in cases of destruction shall in no case not exceed two-thirds of such valuation.

11. The said Court shall upon the determination of such Court of Petty 25 inquiry sign and give to the owner so applying as aforesaid a certificate of destruccate under the hands and seals of the Justices before whom such tion and assessment inquiry was held according to the form in Schedule C hereto of the destruction or prevention from landing of and of the amount of compensation assessed for the cattle or other animals described in such

30 owner's application But no certificate shall in any case be given if it shall appear to such Court that such owner has not complied with all the provisions of this Act.

12. Upon the presentation or transmission to the Colonial Colonial Treasurer to Treasurer of such certificate so signed as aforesaid and approved by pensation to owner.

- 35 the Minister there shall be paid to the said owner or his order under warrant of the Governor out of the Cattle Diseases Fund hereinafter mentioned or in the event of such fund being inadequate out of the Consolidated Revenue the amount of compensation so assessed as aforesaid.
- 13. A special fund to be called the "Cattle Diseases Fund" shall A Cattle Disease Fund to be raised 40 be raised by annual contributions from all owners of horses-and by contributions cattle possessed of at least twelve-or twenty-four head respectively at cattle and horses. the rate of one-penny per-head of the former and one half-penny per head of the latter and such contributions shall be levied collected

45 enforced and recovered as far as possible in the same manner and at the same time as contributions under the Scab in Sheep Act or Diseases in Sheep Act in force for the time being and all such contributions shall be paid in each year to the Colonial Treasurer or to such other person as shall be authorized by regulations hereunder

- 50 to receive such contributions and shall be carried over to the Consolidated Revenue Fund to the credit of the said Cattle Diseases Fund Account Provided that if at any time it shall appear upon balancing such account that the moneys so carried over exceed the requirements of this Act the Governor may reduce or remit such
- 55 contributions for any period to be specified by proclamation in the Gazette.

14. All owners of cattle or horses liable to contribution Owners to make hereunder shall on or before the first day of January in each year returns. deliver personally or transmit by registered letter to the Clerk

4

of

Cattle Diseases Prevention.

of Petty Sessions nearest to the run or premises in which such cattle or-horses then are a return thereof accompanied by a declaration made before a Justice according to the form in Schedule D hereto And any owner failing to make such return shall incur a penalty not exceeding 5 twenty pounds and a further penalty of a like amount for each several

failure or neglect after notice by the Inspector Provided that no second or subsequent conviction shall lie until one month after the preceding conviction.

15. The said Clerk of Petty Sessions shall thereupon make and Clerks of Petty 10 transmit to the Colonial Treasurer such returns with respect to such returns as under contributions and the Colonial Treasurer and the said Clerk of Petty "Diseases in Sheep Act of 1866." Sessions shall respectively execute and perform all such other duties for the purposes of this Act as are *mutatis mutandis* directed under the Acts twenty-seven Victoria number six twenty-nine Victoria 15 number thirteen and any Act amending or repealing the same.

16. The Governor may from time to time as occasion shall Governor to make require make all necessary regulations for carrying out the provisions of this Act-

(1.) As to the removal or destruction of cattle animals and

other matters hereby authorized to be removed or destroyed. (2.) As to the detaining of vessels and placing them in quarantine.

(3.) As to the placing of runs and premises places and animals in quarantine.

(4.) As to the measures required for preventing the introduction 25 of cattle or other animals as aforesaid by land.

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30

- (4.) (5.) As to the cleansing and disinfection of any premises stalls stall-fittings enclosures and other matters articles and things hereinbefore mentioned.
- (6.) As to the mode of collection and of payment of con-(5.)tributions leviable hereunder And generally as to all other matters of detail necessary for giving effect to the provisions of this Act.

And such regulations upon publication in the Gazette shall have the 35 full force of law and copies thereof shall be laid before Parliament if in Session within fourteen days after such publication and if not then

- within fourteen days after the commencement of the next Session. 17. Any owner feeling aggrieved by the notice of an Inspector Appeal against to destroy any cattle or other animals or property as aforesaid may Inspector's order to 40 appeal against such notice to the Court of Petty Sessions nearest the
- run or premises where such cattle animals or property ordered to be destroyed shall then be by giving notice of such appeal to the Clerk of Petty Sessions within twenty-four hours of the time of the receipt by him of such notice and entering into such recognizance before a Justice
- 45 and on such other conditions as to costs as such Justice may require and such appeal shall be conducted before the said Court as far as possible in the same form and manner as the inquiry hereinbefore described with respect to applications for compensation and the decision of the Court thereon shall in all cases be final and conclusive.
- 18. Any owner may appeal from the decision of any Court of Appeal from assess-Petty Sessions in the matter of compensation to the District Court ment of compensa-held nearest to such Court of Petty Sessions and the decision of such Sessions to District 50 Court on such appeal shall be final and conclusive and the certificate Court. of the Judge of such District Court if any shall have been granted
- 55 shall be in the form of Schedule C hereto annexed and shall be dealt with in all respects as certificates granted by Courts of Petty Sessions Provided that such owner shall within two days after the decision of the said Court of Petty Sessions have lodged with the Clerk thereof a written notice of his intention to appeal against such decision.

19.

Cattle Diseases Prevention.

19. If any person refuse to allow any Inspector or other person Penalties. duly authorized as aforesaid to enter upon any run or premises or to board and examine any vessel or shall hinder or impede or attempt to hinder or impede him therein or shall act in contravention of any 5 provision in this Act contained or of any proclamation or regulation made hereunder or of any adjudication award order or notice made or given by any District Court Judge Court of Petty Sessions Justice Inspector or other person authorized and empowered to do any act matter or thing he shall for each offence for which a special penalty is 10 not elsewhere in this Act provided and directed incur a penalty not

exceeding fifty pounds.

20. All cattle or other animals and all stalls stall-fittings fodder Cattle or animals litter manure and other matters and things hereby prohibited from be destroyed if being landed or introduced into this Colony which may be landed or landed contrary to 15 introduced contrary to the provisions of this Act and all such cattle

- or animals matters or things removed from quaratine in contravention of the provisions of this Act shall be destroyed at the owner's expense and without compensation.
- 21. Any person by force or violence resisting or impeding an Penalties &c. 20 Inspector or other duly authorized person in the execution of his office or duty-any master of a vessel making a false declaration-any owner making a false return-and any person introducing landing or assisting at or being privy to the introducing or landing of any cattle animals or other matters hereinbefore prohibited from any vessel whether before
- 25 or after such vessel is detained or placed in quarantine or removing or assisting at or being privy to the removal of any cattle or animals placed in quarantine under the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be liable at the discretion of the Court to a penalty not exceeding five hundred pounds
- 30 and not less than fifty pounds or to imprisonment for any term not exceeding two years.

22. Any penalty for any offence other than such as are Recovery &c. of enumerated in the next preceding section hereof incurred under this penalties.

- Act or under any regulation or proclamation made thereunder may 35 together with all costs be recovered in a summary way before any two Justices on information by any Inspector or owner at any time within twelve months after the commission of the offence omission or default upon which such penalty shall have been incurred and shall after the deduction of expenses incurred in the recovery thereof be
- 40 paid by the Clerk of Petty Sessions one half to the informer or prosecutor and the remaining half to the Colonial Treasurer to be placed by him to the credit of the Cattle Diseases Fund.

23. Any expenses hereby authorized to be incurred by an Recovery of Inspector may be recovered by him in a summary way before any expenses. 45 two Justices.

24. The provisions contained in any Customs or Quarantine Provisions of Acts in force for the time being relating to the boarding of vessels Quarantine Acts shall be applicable to and be incorporated with this Act and the powers to apply hereto. conferred upon Customs and Health Officers by the said Acts so far

50 as the same may be applicable shall be applied possessed and enforced by all Inspectors and other persons authorized hereunder.

25. This Act may be cited as the "Cattle Diseases Prevention Short title and Act 1866" and shall remain in force until the thirty-first day of duration. December one thousand eight hundred and sixty-seven and until the 55 end of the then next Session of Parliament.

SCHEDULES.

SCHEDULES.

SCHEDULE A.

Form of Declaration by Master of Vessel.

Master (or Acting Master as the case may be) 5 do hereby solemnly declare that the vessel now under my charge has not during this present voyage at any time received or had on board any cattle horses sheep mules asses goats swine or any stalls stall fittings fodder litter manure or other substance matter or thing that has been used with or about any such cattle or animals as above enumerated 10

Dated this

day of 18 (Signature in full)

Form of Declaration for Master of a Vessel arriving from an Australian Colony.

Master (or Acting Master as the case may be) do hereby solemnly declare that the vessel now under my charge 15 sailed on the commencement of her present voyage from (here name the port or place) in the Colony of being an Australian Colony within the meaning of the Cattle Diseases Prevention Act of 1866 and has not at any time since

the commencement of such voyage touched at any port or place not exempted by the said Act. And I further declare that no cattle or other animals or matters prohibited by the 20 said Act have been transhipped on board the said vessel from any other vessel. day of

Dated this

(Signature in full)

18

SCHEDULE B.

No. 1.

Form of application to Clerk of Petty Sessions by Owner of destroyed cattle &c. 25 To the Clerk of Petty Sessions for

I the undersigned (name in full) of (residence in full) having in compliance with a bearing date the day of 18 given by notice bearing date the day of 18 given by an Inspector under the Cattle Diseases Prevention Act of 1866 destroyed (here state the

30 number of cattle or animals destroyed and the date of the destruction) of which I am the owner (or a joint owner) then running (or kept) at (state the place) and branded (here describe brands if any) and having duly complied with all the requirements of the said Act in respect of such (cattle or animals) do hereby apply to the Court to ascertain and verify the fact of such destruction and to fix and determine the amount of compensation
35 therefore to which I am outified under section to work on the amount of compensation of the section of the section of the section of the section to which I amount of the section of the section of the section of the section to the section of the se 35 therefor to which I am entitled under section ten and to grant me the certificate of destruction and value directed by section eleven of the said Act.

day of

Dated this

18 (Signature in full) (Residence)

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No. 2.

Form of Application for Compensation in respect of Cattle &c. prevented from being landed.

To the Clerk of Petty Sessions for

I the undersigned (name in full) of (residence in full) having been pre-45 vented under the Cattle Diseases Prevention Act of 1866 from landing (here state the number of cattle or other animals prevented from being landed and the date) of which I am the owner (or a joint owner) do hereby apply to the Court to ascertain and verify the fact of such prevention from landing and to fix and determine the amount of compensation to which I am entitled under section ten 50 and to grant me a certificate thereof accordingly.

> Dated this day of

18

(Signature in full.)

(Residence.)

SCHEDULE C.

SCHEDULE C.

Form of Certificate of destruction and assessment of compensation by Justices in Petty Sessions.

To the Honorable the Colonial Treasurer.

We hereby certify that at a Court of Petty Sessions holden at on the We hereby certify that at a Court of Petty Sessions holden at on the day of 18 for the hearing of an application duly made under section ten of the Cattle Diseases Prevention Act of 1866 by of and bearing date the day of 18 it was satisfactorily proved to us that (here state the number and kind of cattle or animals destroyed or prevented to from landing) were destroyed by the said applicant or prevented from landing on the day of 18 in terms of a notice dated the day of 18 to that effect given by a duly entherized. Inspector under the said Act and 5

a duly authorized Inspector under the said Act and to-that-effect-given-by

d. was assessed by us as compensation for such (cattle or animals) that the sum of £ s. has in all respects complied We further certify that the said applicant 15 with the provisions of the said Act.

in the year of day of Given under our hands and seals this at our Lord Justices of the Peace $\left\{ \begin{array}{l} A. B. \\ C. D. \end{array} \right.$ (LS.)

Same form for Judge of District Court.

To the Honorable the Colonial Treasurer.

I hereby certify that at a District Court holden at 18 for the hearing of an appeal a on the for the hearing of an appeal against the decision of a Court of day of Petty Sessions holden at 25 18 on the application of day of on the under section ten of the Cattle

Diseases Prevention Act it was satisfactorily proved that (here state the decision on appeal.)

Signed (L.S.)

> Judge of the District Court District. of the

(LS.)

30

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SCHEDULE D.

Form of Return of number of Cattle or Horses to be made by Owner.

Return of all Cattle or Horses now depastured or kept at made under the Cattle Diseases Prevention Act of 1866, to the Clerk of Petty Sessions 35 at

Run or place where kept.	Name and residence of Owner and of Superintendent or person in charge.	Description of Cattle or Horses.	Number of-each descrip- tion.	Brand.	Remarks.

do solemnly declare that the several matters Ι 40 and things contained in the above Return are true to the best of my knowledge and belief.

Owner. Declared before me at (or Superintendent.) day of this J.P.

Sydney : Thomas Richards, Government Printer -1866.

[Price, 9d.]



New South Wales.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. XI.

An Act to prevent the introduction or propagation of Infectious or Contagious Diseases amongst Cattle and other Animals. [Assented to, 4th October, 1866.]

WHEREAS it is expedient to prevent the introduction into or Preamble. propagation within the Colony of all infectious or contagious diseases to which cattle or other animals are or may be subject and for that purpose to regulate and control the importation and introduction of all such animals and to ensure their destruction in certain cases Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. In the construction of this Act "Governor" shall mean the Interpretation Governor with the advice of the Executive Council. Governor.

- "Australian Colonies" shall include only those Colonies of Australian Colonies. Great Britain situate in the island known as Australia or New Holland and Tasmania.
- "Minister" shall mean the Minister charged with the adminis-Minister. tration of this Act and the Minister for Lands shall be such Minister.
- "Inspector" shall mean the Chief or any Inspector duly Inspector. appointed under this Act or under the Cattle Export Act or any Scab in Sheep or Diseases in Sheep Act.
- "Master" shall mean the master of any vessel or other person Master. in his absence or in his stead temporarily in charge of such vessel.

"Owner"

"Owner" shall mean any owner or proprietor whether jointly or in severalty superintendent or person in possession or charge of any cattle or other animals or the agent of any owner.

"Market value" shall mean the value of any cattle animals or property calculated as at the run or premises where such cattle animals or property may be when ordered to be destroyed.

"Run" shall mean any station farm paddock yard or other place where cattle or other animals graze or are kept.

"Premises" shall mean any building outhouse shed stable stall pen or enclosure-other than such as are above enumerated under the word "run"-in which cattle or other animals are or have been kept.

"Cattle" shall mean bull cow ox heifer or calf-and "animals" shall mean cattle as above defined sheep goats and swine.

- "Destroy" shall mean entirely to consume by fire or to slaughter and bury at a depth of not less than six feet under ground.
- "This Act" shall mean in addition to the enactments herein contained any regulations or proclamations made hereunder.

2. It shall be lawful for the Governor to appoint a Chief and other Inspectors to carry out the provisions of this Act and all Inspectors appointed or that may hereafter be appointed under any Scab in Sheep Diseases in Sheep or Cattle Export Acts in force for the time being shall be Inspectors hereunder and shall so far as may be deemed necessary and applicable hereto exercise as Inspectors hereunder all powers and authorities which under such last-mentioned Acts or any Acts amending the same they now are or may hereafter be empowered to exercise.

3. No cattle or other animals as aforesaid stalls stall-fittings fodder litter manure or other substance matter or thing whatsoever that has been used with or about such cattle or animals or been found in such stalls shall be imported landed or otherwise introduced into or upon the Territory of New South Wales unless it shall be proved to the satisfaction of the Inspector or other person authorized by the Minister to act in that behalf that such cattle or animals have not within the next preceding six months been at any place other than the Australian Colonies Provided always that any Australian Colony may by proclamation by the Governor be for the purposes of this Act excluded from the number of Australian Colonies whence cattle or other animals may be introduced into the Colony of New South Wales and thereupon such Colony shall be excluded accordingly until such proclamation shall have been withdrawn or rescinded.

4. The Officer of Customs who shall board and take charge of require master of vessel to sign decla any vessel upon arrival at any port or place in the Colony shall immediately upon his going on board such vessel require the master to sign one or other of the declarations in Schedule A hereto and in the event of his refusal shall as expeditiously as possible notify the fact of such refusal to the Collector or Chief Officer of Customs of the port or place of arrival of such vessel and also to the nearest Inspector and shall cause such vessel together with her crew passengers and cargo to be detained and shall prevent any communication being held with such vessel from the shore until the arrival on board of the Inspector or some person duly authorized in that behalf by the Minister and if such vessel is bound for the port of Sydney he shall prevent her from proceeding beyond Fort Denison.

Owner

2

Market value.

Run.

Premises.

Cattle-animals.

Destroy.

Power to Governor to appoint Inspectors.

Introduction of cattle or other animals &c. prohibited.

Customs Officer to ration and to detain vessel in case of refusal.

30° VICTORIÆ, No. 11.

Cattle Diseases Prevention.

5. The Collector or Chief Officer of Customs of the port or Minister may order place of arrival of such vessel upon the receipt of any such notifica- tine or release her tion or report as in the next preceding "section mentioned shall from detention. forward the same to the Minister who shall immediately upon receipt thereof instruct the Inspector or some other person to proceed on board any vessel so detained as aforesaid and ascertain by examination and inspection whether there is reasonable ground for ordering such vessel to be placed in quarantine by reason of her having or having had on board cattle or other animals herein-hefere prohibited and to report the second to be placed in the second to be placed to be before prohibited and to report thereupon to him the said Minister and the said Minister may order such vessel to be placed in quarantine or may release her from detention as in his judgment may seem requisite under the circumstances.

6. The owner of any cattle or other animals whatsoever infected Owners of diseased with "The Cattle Plague" otherwise known as "Rinderpest" or "The notice to Inspector. Foot and Mouth Disease" otherwise known as "Vesicular Aphtha" shall immediately upon the existence of such infection becoming known to him give notification thereof in writing to the nearest Inspector to be left at his residence or transmitted by registered letter and such Inspector shall thereupon place in quarantine such infected cattle or animals and any run or premises infected by them and the owner upon the Inspector's written notice shall cause all the cattle Owner to destroy or animals specified in such notice to be destroyed and any premises liseased cattle upon inspector's notice. stalls stall-fittings or other articles therein specified to be disinfected in manner therein directed.

7. Any Inspector suspecting that any cattle or other animals Inspector to give notice to owner in whatsoever are infected as aforesaid shall forthwith examine such cattle certain cases. or animals and if he shall find them to be so infected such Inspector shall place such cattle or animals and any run or premises infected by them in quarantine and shall give written notice thereof to the owner and require him to destroy such cattle or animals and to disinfect the premises occupied or infected by them in like manner as in the next preceding section described.

8. It shall be lawful for the Inspector in any case to require Inspector may the owner to destroy all stall-fittings fodder litter manure or other to be destroyed. things which in his the said Inspector's opinion are infected with or in any way capable of transmitting either of the before-mentioned diseases by contagion or otherwise.

9. Upon any person failing to comply with any order of Inspector to carry destruction or of disinfection given by an Inspector such Inspector on failure. shall carry out such destruction or disinfection at such person's expense.

10. Upon any cattle or other animals or property being Compensation for destroyed or prevented from being landed in compliance with the hereunder. provisions of this Act the owner of such cattle animals or property may within one month after the date of their destruction or prevention from landing make an application for compensation for such cattle animals or property in the form of Schedule B hereto to the Court of Petty Sessions nearest to the run or premises or place where such destruction or prevention from landing took place by delivering such application at the residence of the Clerk of such Court or transmitting the same by registered letter to his address And upon the receipt by such Clerk of such application such Court shall appoint a day and hour not sooner than five nor later than fourteen days thereafter for the hearing of such application of which day and hour due notice shall be given to the applicant to the Inspector mentioned in such application and to any witnesses whose evidence may be required by personal service of such notice upon each such person or by leaving the same at his residence And upon the day so appointed inquiry

inquiry shall be made in open Court touching the destruction or prevention from landing of such cattle animals or property and in cases of destruction their fair market value immediately before infection and in cases of prevention from landing the loss or injury thereby sustained and such Court shall have authority to hear and determine every such matter to hear receive and examine evidence summon witnesses administer oaths and otherwise to act in that behalf as if the said inquiry were a proceeding instituted before such Court by way of summons issued upon application of the said owner and directed to the said Inspector And the assessment of such compensation by the Court in cases of destruction shall not exceed two-thirds of such valuation.

11. The said Court shall upon the determination of such Sessions to give certificate of destruc- inquiry sign and give to the owner so applying as aforesaid a certifition and assessment cate under the hands and seals of the Justices before whom such inquiry was held according to the form in Schedule C hereto of the destruction or prevention from landing of and of the amount of compensation assessed But no certificate shall in any case be given if it shall appear to such Court that such owner has not complied with all the provisions of this Act.

12. Upon the presentation or transmission to the Colonial Treasurer of such certificate so signed as aforesaid and approved by the Minister there shall be paid to the said owner or his order under warrant of the Governor out of the Cattle Diseases Fund hereinafter mentioned or in the event of such fund being inadequate out of the Consolidated Revenue the amount of compensation so assessed as aforesaid.

13. A special fund to be called the "Cattle Diseases Fund" shall be raised by annual contributions from all owners of cattle possessed of at least twenty-four head at the rate of one half-penny per head and such contributions shall be levied collected enforced and recovered as far as possible in the same manner and at the same time as contributions under the Scab in Sheep Act or Diseases in Sheep Act in force for the time being and all such contributions shall be paid in each year to the Colonial Treasurer or to such other person as shall be authorized by regulations hereunder to receive such contributions and shall be carried over to the Consolidated Revenue Fund to the credit of the said Cattle Diseases Fund Account Provided that if at any time it shall appear upon balancing such account that the moneys so carried over exceed the requirements of this Act the Governor may reduce or remit such contributions for any period to be specified by proclamation in the Gazette.

14. All owners of cattle liable to contribution hereunder shall on or before the first day of January in each year deliver personally or transmit by registered letter to the Clerk of Petty Sessions nearest to the run or premises in which such cattle then are a return thereof accompanied by a declaration made before a Justice according to the form in Schedule D hereto And any owner failing to make such return shall incur a penalty not exceeding twenty pounds and a further penalty of a like amount for each several failure or neglect after notice by the Inspector Provided that no second or subsequent conviction shall lie until one month after the preceding conviction.

15. The said Clerk of Petty Sessions shall thereupon make and transmit to the Colonial Treasurer such returns with respect to such contributions and the Colonial Treasurer and the said Clerk of Petty Sessions shall respectively execute and perform all such other duties for the purposes of this Act as are mutatis mutandis directed under the Acts twenty-seven Victoria number six twenty-nine Victoria number thirteen and any Act amending or repealing the same.

Court of Petty of compensation.

Colonial Treasurer to pay assessed com pensation to owner.

A Cattle Disease Fund to be raised by contributions from owners of cattle.

Owners to make returns.

Clerks of Petty Sessions to make returns as under "Diseases in Sheep Act of 1866."

16.

16. The Governor may from time to time as occasion shall Governor to make regulations. require make all necessary regulations for carrying out the provisions of this Act-

- (1.) As to the removal or destruction of cattle animals and other matters hereby authorized to be removed or destroyed.
- (2.) As to the detaining of vessels and placing them in quarantine.
- (3.) As to the placing of runs premises places and animals in quarantine.
- (4.) As to the measures required for preventing the introduction of cattle or other animals as aforesaid by land.
- (5.) As to the cleansing and disinfection of any premises stalls stall-fittings enclosures and other matters articles and things hereinbefore mentioned.
- (6.) As to the mode of collection and of payment of contributions leviable hereunder And generally as to all other matters of detail necessary for giving effect to the provisions of this Act.

And such regulations upon publication in the Gazette shall have the full force of law and copies thereof shall be laid before Parliament if in Session within fourteen days after such publication and if not then within fourteen days after the commencement of the next Session.

17. Any owner feeling aggrieved by the notice of an Inspector Appeal against to destroy any cattle or other animals or property as aforesaid may Inspector's order to appeal against such notice to the Court of Petty Sessions nearest the run or premises where such cattle animals or property ordered to be destroyed shall then be by giving notice of such appeal to the Clerk of Petty Sessions within twenty-four hours of the time of the receipt by him of such notice and entering into such recognizance before a Justice and on such other conditions as to costs as such Justice may require and such appeal shall be conducted before the said Court as far as possible in the same form and manner as the inquiry hereinbefore described with respect to applications for compensation and the decision of the Court thereon shall in all cases be final and conclusive.

18. Any owner may appeal from the decision of any Court of Appeal from assess-Petty Sessions in the matter of compensation to the District Court tion by Petty held nearest to such Court of Petty Sessions and the decision of such Sessions to District Court on such appeal shall be final and conclusive and the certificate of the Judge of such District Court if any shall have been granted shall be in the form of Schedule C hereto annexed and shall be dealt with in all respects as certificates granted by Courts of Petty Sessions Provided that such owner shall within two days after the decision of the said Court of Petty Sessions have lodged with the Clerk thereof a written notice of his intention to appeal against such decision.

19. If any person refuse to allow any Inspector or other person Penalties. duly authorized as aforesaid to enter upon any run or premises or to board and examine any vessel or shall hinder or impede or attempt to hinder or impede him therein or shall act in contravention of any provision in this Act contained or of any proclamation or regulation made hereunder or of any adjudication award order or notice made or given by any District Court Judge Court of Petty Sessions Justice Inspector or other person authorized and empowered to do any act matter or thing he shall for each offence for which a special penalty is not elsewhere in this Act provided and directed incur a penalty not exceeding fifty pounds.

20. All cattle or other animals and all stalls stall-fittings fodder Cattle or animals litter manure and other matters and things hereby prohibited from be destroyed if being landed or introduced into this Colony which may be landed or landed contrary to introduced contrary to the provisions of this Act and all such cattle

or

or animals matters or things removed from quaratine in contravention of the provisions of this Act shall be destroyed at the owner's expense and without compensation.

Penalties &c.

Recovery &c. of penalties.

21. Any person by force or violence resisting or impeding an Inspector or other duly authorized person in the execution of his office or duty—any master of a vessel making a false declaration—any owner making a false return—and any person introducing landing or assisting at or being privy to the introducing or landing of any cattle animals or other matters hereinbefore prohibited from any vessel whether before or after such vessel is detained or placed in quarantine or removing or assisting at or being privy to the removal of any cattle or animals placed in quarantine under the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be liable at the discretion of the Court to a penalty not exceeding five hundred pounds or to imprisonment for any term not exceeding two years.

22. Any penalty for any offence other than such as are enumerated in the next preceding section hereof incurred under this Act or under any regulation or proclamation made thereunder may together with all costs be recovered in a summary way before any two Justices on information by any Inspector or owner at any time within twelve months after the commission of the offence omission or default upon which such penalty shall have been incurred and shall after the deduction of expenses incurred in the recovery thereof be paid by the Clerk of Petty Sessions one half to the informer or prosecutor and the remaining half to the Colonial Treasurer to be placed by him to the credit of the Cattle Diseases Fund.

23. Any expenses hereby authorized to be incurred by an Inspector may be recovered by him in a summary way before any two Justices.

24. The provisions contained in any Customs or Quarantine Acts in force for the time being relating to the boarding of vessels shall be applicable to and be incorporated with this Act and the powers conferred upon Customs and Health Officers by the said Acts so far as the same may be applicable shall be applied possessed and enforced by all Inspectors and other persons authorized hereunder.

25. This Act may be cited as the "Cattle Diseases Prevention Act 1866" and shall remain in force until the thirty-first day of December one thousand eight hundred and sixty-seven and until the end of the then next Session of Parliament.

Recovery of expenses.

Provisions of Customs and Quarantine Acts to apply hereto.

Short title and duration.

SCHEDULES.

SCHEDULES.

SCHEDULE A.

Form of Declaration by Master of Vessel.

Master (or Acting Master as the case may be) now under my charge has not do hereby solemnly declare that the vessel during this present voyage at any time received or had on board any cattle sheep goats swine or any stalls stall fittings fodder litter manure or other substance matter or thing that has been used with or about any such cattle or animals as above enumerated.

Dated this

18 day of

(Signature in full)

Form of Declaration for Master of a Vessel arriving from an Australian Colony.

Master (or Acting Master as the case may be) now under my charge do hereby solemnly declare that the vessel sailed on the commencement of her present voyage from (here name the port or place) in the Colony of being an Australian Colony within the meaning of the Cattle Diseases Prevention Act of 1866 and has not at any time since the commencement of such voyage touched at any port or place not exempted by the said Act. And I further declare that no cattle or other enimals on metters and this is the Act. And I further declare that no cattle or other animals or matters prohibited by the said Act have been transhipped on board the said vessel from any other vessel.

day of

Dated this

(Signature in full)

18

SCHEDULE B.

No. 1.

Form of application to Clerk of Petty Sessions by Owner of destroyed cattle &c.

To the Clerk of Petty Sessions for

I the undersigned (name in full) of (residence in full) having in compliance with a notice bearing date the day of 18 given by an Inspector under the Cattle Diseases Prevention Act of 1866 destroyed (here state the number of cattle or animals destroyed and the date of the destruction) of which I am the owner (or a joint owner) then running (or kept) at (state the place) and branded (here describe brands if any) and having duly complied with all the requirements of the said Act in respect of such (cattle or animals) do hereby apply to the Court to ascertain and verify the fact of such destruction and to fix and determine the amount of compensation therefor to which I am entitled under section ten and to grant me the certificate of destruction and value directed by section eleven of the said Act. destruction and value directed by section eleven of the said Act.

day of

Dated this

18

(Signature in full) (Residence)

No. 2.

Form of Application for Compensation in respect of Cattle &c. prevented from being landed.

To the Clerk of Petty Sessions for

I the undersigned (name in full) of (residence in full) having been prevented under the Cattle Diseases Prevention Act of 1866 from landing (here state the number of Cattle or other animals prevented from being landed and the date) of which I am the owner (or a joint owner) do hereby apply to the Court to ascertain and verify the fact of such prevention from landing and to fix and determine the amount of compensation to which I am entitled under section ten and to grant me a certificate thereof accordingly.

Dated this day of

> (Signature in full.) (Residence)

18

SCHEDULE C.

SCHEDULE C.

Form of Certificate of assessment of compensation by Justices in Petty Sessions. To the Honorable the Colonial Treasurer.

We hereby certify that at a Court of Petty Sessions holden at on the day of 18 for the hearing of an application duly made under section ten of the Cattle Diseases Prevention Act of 1866 by of and bearing date the day of 18 it was satisfactorily proved to us

and bearing date the day of 18 it was satisfactorily proved to us that (here state the number and kind of cattle or animals destroyed or prevented from landing) were destroyed by the said applicant or prevented from landing under the said Act and that the sum of \mathcal{L} s. d. was assessed by us as compensation for such (cattle or animals) We further certify that the said applicant has in all respects complied with the provisions of the said Act.

Given under our hands and seals this our Lord	day of at	in the year of	
Justices of the Peace	{ A. B. C. D.	(L.S.) (L.S.)	

Same form for Judge of District Court.

To the Honorable the Colonial Treasurer.

I hereby certify that at a District Court holden at on the 18 for the hearing of an appeal against the decision of a Court of day of Petty Sessions holden at 18 on the application on the day of on the application of under section ten of the Cattle Diseases Prevention Act it was satisfactorily proved that (here state the decision on appeal.)

(L.S.) Signed

> Judge of the District Court District. of the

SCHEDULE D.

Form of Return of number of Cattle to be made by Owner.

Return of all Cattle now depastured or kept at made under the Cattle Diseases Prevention Act of 1866, to the Clerk of Petty Sessions at

Run or place where kept.	Name and residence of Owner and of Superintendent or person in charge.	Description of Cattle.	Number.	Brand.	Remarks.
				-	

I do solemnly declare that the several matters and things contained in the above Return are true to the best of my knowledge and belief.

Declared before me at this	day of	}	 Owner. (or Superintendent.)	
		J.P.		

By Authority : THOMAS RICHARDS, Government Printer, Sydney, 1866.

[Price, 6d.]