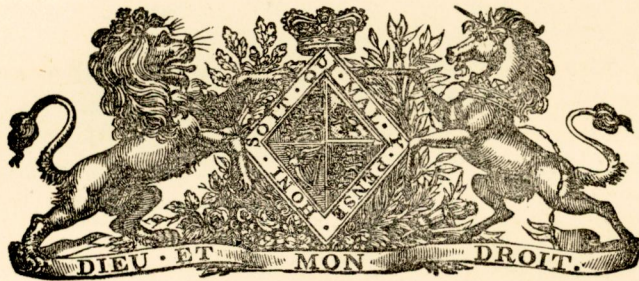


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*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.

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:—

- 10 1. In the construction of this Act "Governor" shall mean the Interpretation
Governor with the advice of the Executive Council. clause—
Governor.
- "Australian Colonies" shall include only those Colonies of Australian Colonies.
Great Britain situate in the island known as Australia or
New Holland.
- 15 "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.
- 20 "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.

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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.
- 5 “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 ^{Run.}
place where cattle or other animals graze or are kept.
- 10 “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.}
slaughter and bury at a depth of not less than six feet
under ground.
- 20 “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 <sup>Power to Governor
to appoint
Inspectors.</sup>
other Inspectors to carry out the provisions of this Act and all
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 <sup>Cattle or other
animals &c. pro-
hibited to be
landed from vessels.</sup>
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
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
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 <sup>Customs Officer to
require master of
vessel to sign decla-
ration and to detain
vessel in case of
refusal.</sup>
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
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
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
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.

Minister may order
vessel into quaran-
tine or release her
from detention.

20 6. The owner of any cattle or other animals 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
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
or animals specified in such notice to be destroyed and any premises
stalls stall-fittings or other articles therein specified to be disinfected
in manner therein directed.

Owners of diseased
cattle &c. to give
notice to Inspector.

Owner to destroy
diseased cattle upon
Inspector's notice.

30 7. Any Inspector suspecting that any cattle or other animals
are infected as aforesaid shall forthwith examine such cattle 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
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.

Inspector to give
notice to owner in
certain cases.

40 8. It shall be lawful for the Inspector in any case to require
the owner to destroy all stall-fittings fodder litter manure or other
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.

Inspector may
require fittings &c.
to be destroyed.

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

Inspector to carry
out destruction &c.
on failure.

50 10. Upon any cattle or other animals or property being
destroyed in compliance with the 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 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

Compensation for
cattle &c. destroyed
hereunder.

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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 inquiry sign and give to the owner so applying as aforesaid a certificate under the hands and seals of the Justices before whom such
 15 inquiry was held according to the form in Schedule C hereto of the 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.

Court of Petty Sessions to give certificate of destruction and assessment of compensation.

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
 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.

Colonial Treasurer to pay assessed compensation to owner.

13. A special fund to be called the "Cattle Diseases Fund" shall be raised by annual contributions from all owners of horses and
 30 cattle possessed of at least twelve or twenty-four head respectively at 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.

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

45 14. All owners of cattle or horses 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 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.

Owners to make returns.

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

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

Cattle Diseases Prevention.

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 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.
- 10 (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.
- 15 (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 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 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 to destroy any cattle or other animals or property as aforesaid may 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 35 Petty Sessions in the matter of compensation to the District Court held nearest to such Court of Petty Sessions and the decision of such 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 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 55 litter manure and other matters and things hereby prohibited from being landed or introduced into this Colony which may be landed or introduced contrary to the provisions of this Act and all such cattle

or

Cattle Diseases Prevention.

or animals matters or things removed from quarantine 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 penalties.
 enumerated in the next preceding section hereof incurred under this 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 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 expenses.
 Inspector may be recovered by him in a summary way before any
 30 two Justices.

24. The provisions contained in any Customs or Quarantine Provisions of Customs and Quarantine Acts to apply hereto.
 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
 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."

*Cattle Diseases Prevention.**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
 appeal.*)

(L.S.) Signed

10

 Judge of the District Court
 of the _____ District.

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 _____

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 matters
 and things contained in the above Return are true to the best of my knowledge and belief.

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

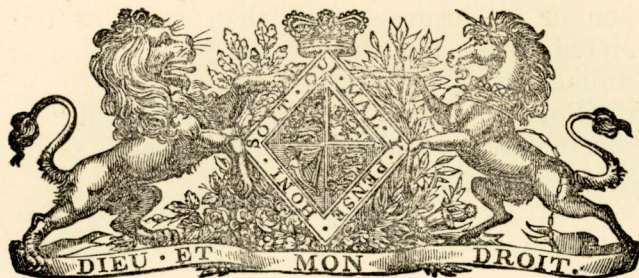
J.P.

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 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:—

- 10 1. In the construction of this Act "Governor" shall mean the Interpretation
clause—
Governor.
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.
- 15 "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.
- 20 "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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- “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.
- 10 “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.
- 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.~~
- 20 “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.
- “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 to appoint Inspectors.} 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 ^{Introduction of cattle or other animals &c. prohibited to be landed from vessels.} 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 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 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 ^{landed from vessels.} 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 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 ^{Customs Officer to require master of} 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 require master of} any vessel upon arrival at any port or place in the Colony shall immediately

Cattle Diseases Prevention.

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.

5. The Collector or Chief Officer of Customs of the port or place of arrival of such vessel upon the receipt of any such notification 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 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 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 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 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 or animals specified in such notice to be destroyed and any premises 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 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 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 the owner to destroy all stall-fittings fodder litter manure or other 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 destruction or of disinfection given by an Inspector such Inspector shall carry out such destruction or disinfection at such person's expense.

10. Upon any cattle or other animals or property being destroyed or prevented from being landed in compliance with the 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

vessel to sign declaration and to detain vessel in case of refusal.

Minister may order vessel into quarantine or release her from detention.

Owners of diseased cattle &c. to give notice to Inspector.

Owner to destroy diseased cattle upon Inspector's notice.

Inspector to give notice to owner in certain cases.

Inspector may require fittings &c. to be destroyed.

Inspector to carry out destruction &c. on failure.

Compensation for cattle &c. destroyed hereunder.

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 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 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 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 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 inquiry sign and give to the owner so applying as aforesaid a certificate 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 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 that such owner has not complied with all the provisions of this Act.

Court of Petty Sessions to give certificate of destruction and assessment of compensation.

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.

Colonial Treasurer to pay assessed compensation to owner.

13. A special fund to be called the "Cattle Diseases Fund" shall be raised by annual contributions from all owners of horses and cattle possessed of at least twelve or twenty-four head respectively at 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 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*.

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

14. All owners of cattle or horses 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

Owners to make returns.

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 15. The said Clerk of Petty Sessions shall thereupon make and transmit to the Colonial Treasurer such returns with respect to such contributions and 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.

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

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

Governor to make regulations.

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

20 (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 (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 to destroy any cattle or other animals or property as aforesaid may 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.

Appeal against Inspector's order to destroy.

18. Any owner may appeal from the decision of any Court of 50 Petty Sessions in the matter of compensation to the District Court held nearest to such Court of Petty Sessions and the decision of such 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.

Appeal from assessment of compensation by Petty Sessions to District Court.

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 ¹⁰ 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 and fittings &c. to be destroyed if landed contrary to Act.} litter manure and other matters and things hereby prohibited from being landed or introduced into this Colony which may be landed or ¹⁵ introduced contrary to the provisions of this Act and all such cattle or animals matters or things removed from quarantine 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.} 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 ²⁰ 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 penalties.} 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 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 expenses.} Inspector may be recovered by him in a summary way before any ⁴⁵ two Justices.
24. The provisions contained in any Customs or Quarantine ^{Provisions of Customs and Quarantine Acts to apply hereto.} 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 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 duration.} Act 1866" and shall remain in force until the 31st day of December 1867 and until the end of the then next Session of Parliament.

SCHEDULES.

Cattle Diseases Prevention.

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 _____ a duly authorized Inspector under the said Act and
 that the sum of £ _____ 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 _____ day of _____ in the year of
 our Lord _____ at _____

Justices of the Peace { A. B. (L.S.)
 C. D. (L.S.)

20 *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.

30

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 description.	Brand.	Remarks.

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 _____ day of _____ } _____ Owner.
 (or Superintendent.)

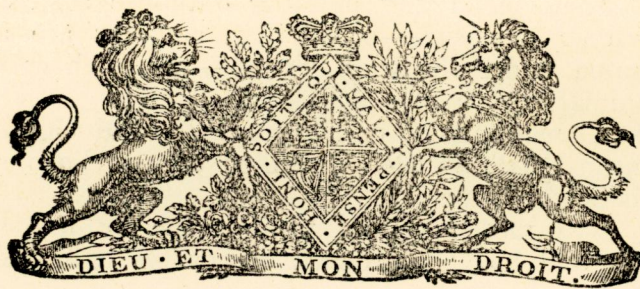
J.P.

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:—

- 10 1. In the construction of this Act "Governor" shall mean the Interpretation
Governor with the advice of the Executive Council. clause—
"Australian Colonies" shall include only those Colonies of Governor.
Great Britain situate in the island known as Australia or Australian Colonies.
New Holland and Tasmania and New Zealand.
- 15 "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.
- 20 "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.

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.
- 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.
- 10 “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.
- 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.~~
- 20 “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.
- “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 to appoint Inspectors.} 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 ^{Introduction of cattle or other animals &c. prohibited to be landed from vessels.} 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 ~~from any vessel~~ ^{landed from vessels.} 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 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 ^{wherein} 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 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 ^{South} 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 require master of} any vessel upon arrival at any port or place in the Colony shall immediately

Cattle Diseases Prevention.

- 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.
5. The Collector or Chief Officer of Customs of the port or place of arrival of such vessel upon the receipt of any such notification 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 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 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 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 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 or animals specified in such notice to be destroyed and any premises 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 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 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 the owner to destroy all stall-fittings fodder litter manure or other 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 destruction or of disinfection given by an Inspector such Inspector shall carry out such destruction or disinfection at such person's expense.
10. Upon any cattle or other animals or property being destroyed or prevented from being landed in compliance with the 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

vessel to sign declaration and to detain vessel in case of refusal.

Minister may order vessel into quarantine or release her from detention.

Owners of diseased cattle &c. to give notice to Inspector.

Owner to destroy diseased cattle upon Inspector's notice.

Inspector to give notice to owner in certain cases.

Inspector may require fittings &c. to be destroyed.

Inspector to carry out destruction &c. on failure.

Compensation for cattle &c. destroyed hereunder.

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 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 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 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 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 inquiry sign and give to the owner so applying as aforesaid a certificate 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 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 that such owner has not complied with all the provisions of this Act.

Court of Petty Sessions to give certificate of destruction and assessment of compensation.

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.

Colonial Treasurer to pay assessed compensation to owner.

13. A special fund to be called the "Cattle Diseases Fund" shall be raised by annual contributions from all owners of horses and cattle possessed of at least twelve or twenty-four head respectively at 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 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*.

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

14. All owners of cattle or horses 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

Owners to make returns.

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 15. The said Clerk of Petty Sessions shall thereupon make and
 10 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
 15 number thirteen and any Act amending or repealing the same.

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

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

Governor to make regulations.

20 (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 (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
 to destroy any cattle or other animals or property as aforesaid may
 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.

Appeal against Inspector's order to destroy.

50 18. Any owner may appeal from the decision of any Court of Petty Sessions in the matter of compensation to the District Court held nearest to such Court of Petty Sessions and the decision of such 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
 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.

Appeal from assessment of compensation by Petty Sessions to District Court.

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 and fittings &c. to be destroyed if landed contrary to Act.} litter manure and other matters and things hereby prohibited from being landed or introduced into this Colony which may be landed or ¹⁵ introduced contrary to the provisions of this Act and all such cattle or animals matters or things removed from quarantine 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.} 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 penalties.} 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 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 expenses.} Inspector may be recovered by him in a summary way before any ⁴⁵ two Justices.
24. The provisions contained in any Customs or Quarantine ^{Provisions of Customs and Quarantine Acts to apply hereto.} 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 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 duration.} Act 1866” and shall remain in force until the thirty-first day of December one thousand eight hundred and sixty-seven and until the ⁵⁵ end of the then next Session of Parliament.

Cattle Diseases Prevention.

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 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 authorized Inspector under the said Act and
 that the sum of £ 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 _____ day of _____ in the year of
 our Lord _____ at _____

Justices of the Peace { A. B. (L.S.)
 C. D. (L.S.)

20 *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.

30

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 description.	Brand.	Remarks.

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 _____ day of _____ } _____ Owner.
 (or Superintendent.)

J.P.

CATTLE DISEASE PREVENTION BILL.

*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, clause 1, line 14. *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, clause 1, line 3. *After "animals" add "or the agent of any owner."*
- " " line 16. *Omit "horses"*
- " " " *Omit "mules"*
- " " line 17. *Omit "asses"*
- " clause 3, line 33. *After "animals" insert "as aforesaid"*
- " " lines 36 and 37. *Omit "from any vessel"*
- " " lines 41 to 44. *Omit "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"*
- " " line 47. *Omit "wherein" insert "whence"*
- " " " *Omit "shipped for importation" insert "introduced"*
- " " line 49. *Omit "not be deemed to be an Australian Colony within the
 meaning of this section" insert "be excluded accordingly"*
- " " line 51. *After "rescinded" add "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
 " South Wales of cattle or other animals as aforesaid from countries
 " ports or places not within the limits of the Australian Colonies any-
 " thing to the contrary contained in this Act notwithstanding."*
- Page 3, clause 6, line 25. *After "animals" insert "whatsoever"*
- " clause 7, line 37. *After "animals" insert "whatsoever"*
- " clause 10, line 55. *After "destroyed" insert "or prevented from being
 landed"*
- " " line 57. *After "destruction" insert "or prevention from landing"*
- Page 4, clause 10, line 1. *After "premises" insert "or place"*
- " " " *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 the 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 application"*
- " clause 13, line 41. *Omit "horses and"*
- " " line 42. *Omit "twelve or"*
- " " " *Omit "respectively"*
- " " line 43. *Omit "one penny per head of the former and"*

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.

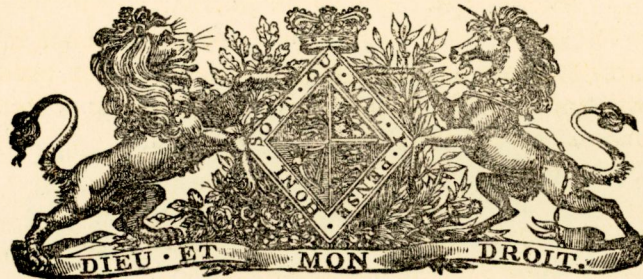
*Legislative Assembly Chamber,
Sydney, 10 August, 1866.* }

CHA. TOMPSON,
Clerk of Legislative Assembly.

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.
Legislative Council Chamber,
Sydney, 12th September, 1866.* }

R. O'CONNOR,
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-
duction of all such animals and to ensure their destruction in certain
5 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
clause—
Governor.
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.
- 15 "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.
- 20 "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.

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.
- 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.
- 10 “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.
- 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.} slaughter and bury at a depth of not less than six feet under ground.
- 20 “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 to appoint Inspectors.} 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 ^{Introduction of cattle or other animals &c. prohibited to be landed from vessels.} 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 ~~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 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 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 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 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 require master of} any vessel upon arrival at any port or place in the Colony shall immediately

Cattle Diseases Prevention.

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.

5. The Collector or Chief Officer of Customs of the port or place of arrival of such vessel upon the receipt of any such notification 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 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 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 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 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 or animals specified in such notice to be destroyed and any premises 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 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 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 the owner to destroy all stall-fittings fodder litter manure or other 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 destruction or of disinfection given by an Inspector such Inspector shall carry out such destruction or disinfection at such person's expense.

10. Upon any cattle or other animals or property being destroyed or prevented from being landed in compliance with the 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

vessel to sign declaration and to detain vessel in case of refusal.

Minister may order vessel into quarantine or release her from detention.

Owners of diseased cattle &c. to give notice to Inspector.

Owner to destroy diseased cattle upon Inspector's notice.

Inspector to give notice to owner in certain cases.

Inspector may require fittings &c. to be destroyed.

Inspector to carry out destruction &c. on failure.

Compensation for cattle &c. destroyed hereunder.

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 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 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 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 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 inquiry sign and give to the owner so applying as aforesaid a certificate 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 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 that such owner has not complied with all the provisions of this Act.

Court of Petty Sessions to give certificate of destruction and assessment of compensation.

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.

Colonial Treasurer to pay assessed compensation to owner.

13. A special fund to be called the "Cattle Diseases Fund" shall be raised by annual contributions from all owners of horses and cattle possessed of at least twelve or twenty-four head respectively at 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 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.

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

14. All owners of cattle or horses 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

Owners to make returns.

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

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

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

Governor to make regulations.

20 (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 (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.

35 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.

40 17. Any owner feeling aggrieved by the notice of an Inspector to destroy any cattle or other animals or property as aforesaid may 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.

Appeal against Inspector's order to destroy.

50 18. Any owner may appeal from the decision of any Court of Petty Sessions in the matter of compensation to the District Court held nearest to such Court of Petty Sessions and the decision of such 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 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.

Appeal from assessment of compensation by Petty Sessions to District Court.

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 and fittings &c. to be destroyed if landed contrary to Act.} litter manure and other matters and things hereby prohibited from being landed or introduced into this Colony which may be landed or ¹⁵ introduced contrary to the provisions of this Act and all such cattle or animals matters or things removed from quarantine 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.} 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 penalties.} 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 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 expenses.} Inspector may be recovered by him in a summary way before any ⁴⁵ two Justices.
24. The provisions contained in any Customs or Quarantine ^{Provisions of Customs and Quarantine Acts to apply hereto.} 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 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 duration.} Act 1866" and shall remain in force until the thirty-first day of December one thousand eight hundred and sixty-seven and until the ⁵⁵ end of the then next Session of Parliament.

Cattle Diseases Prevention.

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 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 authorized Inspector under the said Act and
 that the sum of £ 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 _____ day of _____ in the year of
 our Lord _____ at _____
 Justices of the Peace { A. B. (L.S.)
 C. D. (L.S.)

20 *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.

30

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 _____

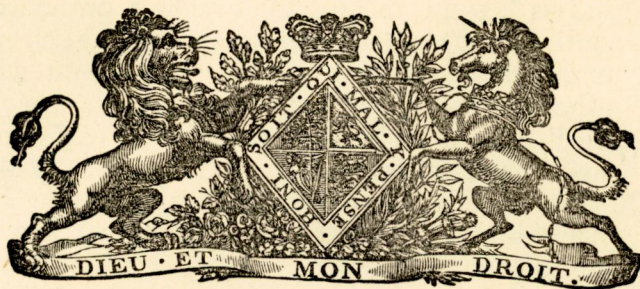
Run or place where kept.	Name and residence of Owner and of Superintendent or person in charge.	Description of Cattle or Horses.	Number of each description.	Brand.	Remarks.

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 _____ day of _____ } _____ Owner.
 this _____ day of _____ } _____ (or Superintendent.)

J.P.

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 clause— Governor. 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.
"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"

Cattle Diseases Prevention.

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.	“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.	“Run” shall mean any station farm paddock yard or other place where cattle or other animals graze or are kept.
Premises.	“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—animals.	“Cattle” shall mean bull cow ox heifer or calf—and “animals” shall mean cattle as above defined sheep goats and swine.
Destroy.	“Destroy” shall mean entirely to consume by fire or to slaughter and bury at a depth of not less than six feet under ground.
Power to Governor to appoint Inspectors.	<p>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.</p>
Introduction of cattle or other animals &c. prohibited.	<p>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.</p>
Customs Officer to require master of vessel to sign declaration and to detain vessel in case of refusal.	<p>4. The Officer of Customs who shall board and take charge of 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.</p>

Cattle Diseases Prevention.

5. The Collector or Chief Officer of Customs of the port or place of arrival of such vessel upon the receipt of any such notification 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 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 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.

Minister may order vessel into quarantine or release her from detention.

6. The owner of any cattle or 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 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 or animals specified in such notice to be destroyed and any premises stalls stall-fittings or other articles therein specified to be disinfected in manner therein directed.

Owners of diseased cattle &c. to give notice to Inspector.

Owner to destroy diseased cattle upon Inspector's notice.

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 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.

Inspector to give notice to owner in certain cases.

8. It shall be lawful for the Inspector in any case to require the owner to destroy all stall-fittings fodder litter manure or other 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.

Inspector may require fittings &c. to be destroyed.

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

Inspector to carry out destruction &c. on failure.

10. Upon any cattle or other animals or property being destroyed or prevented from being landed in compliance with the 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

Compensation for cattle &c. destroyed hereunder.

Cattle Diseases Prevention.

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.

Court of Petty Sessions to give certificate of destruction and assessment of compensation.

11. The said Court shall upon the determination of such inquiry sign and give to the owner so applying as aforesaid a certificate 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.

Colonial Treasurer to pay assessed compensation to owner.

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.

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

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*.

Owners to make returns.

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.

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

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.

Cattle Diseases Prevention.

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

- (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 to destroy any cattle or other animals or property as aforesaid may 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. Appeal against Inspector's order to destroy.

18. Any owner may appeal from the decision of any Court of Petty Sessions in the matter of compensation to the District Court held nearest to such Court of Petty Sessions and the decision of such 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. Appeal from assessment of compensation by Petty Sessions to District Court.

19. If any person refuse to allow any Inspector or other person 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. Penalties.

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

or

Cattle Diseases Prevention.

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

Penalties &c.

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.

Recovery &c. of penalties.

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.

Recovery of expenses.

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

Provisions of Customs and Quarantine Acts to apply hereto.

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.

Short title and duration.

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.

SCHEDULES.

Cattle Diseases Prevention.

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 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 £ ____ 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 _____ day of _____ in the year of _____ our Lord _____ at _____

Justices of the Peace { A. B. (L.S.)
C. D. (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 _____ 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.

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.