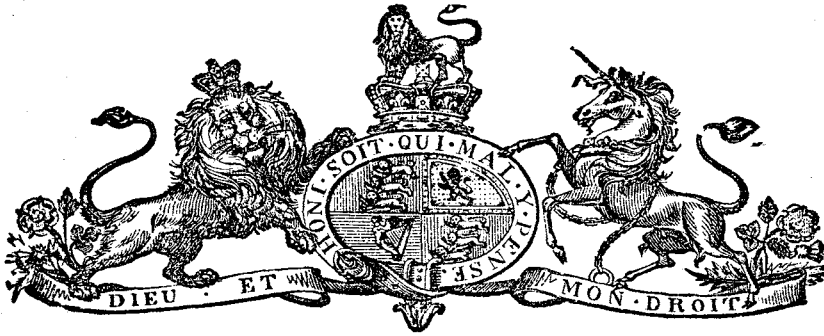


T A S M A N I A .



1869.

ANNO TRICESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 2.



AN ACT for the Prevention of the Disease in
Sheep called Scab. [22 October, 1869.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act shall commence and take effect on and after the First day of *March*, in the year 1870. Commencement of Act.

2 In the construction of this Act the word "Sheep" shall include Rams, Wethers, Ewes, and Lambs ; the word "Inspector" shall mean the Chief Inspector or any Inspector of Sheep who shall be appointed under this Act ; and in case Inspectors are appointed for particular Sheep Districts or parts of *Tasmania* the words "The Inspector" shall, as to all Sheep within any such Sheep District or part of *Tasmania*, and as to all notices, penalties, and other matters with reference to such Sheep and the owners thereof, mean the Inspector for such Sheep District or part of *Tasmania* ; the word "Flock" shall mean any Sheep shepherded or running in One flock, and any Sheep within the bounds of One paddock or enclosure or run used for One flock ; the word "Brand" shall mean a distinct and plain mark made with pitch, tar, or paint, or other suitable substance, in letters or figures, or otherwise, not less than Two inches in length, on the sides, back, shoulders, hips, or rump of any Sheep ; the words "Sheep-owner" or "Owner" having reference to any Sheep shall mean every person claiming jointly Interpretation of terms.

Scab Prevention.

or in severalty any right, title, or interest in any Sheep, and every superintendent and overseer in possession or charge of any Sheep; the word "Diseased" shall mean actually infected with the disease called "the Scab," and where the *Acarus* or Scab insect has been found; the word "Infected" shall apply to all Sheep that are diseased, all Sheep in any flock in which there are one or more diseased Sheep, all Sheep that have been within Two months in any flock of Sheep such as last aforesaid, or kept on runs in or on which any diseased Sheep have been within Two months, all Sheep that within Two months have been dressed for "the Scab," and all Sheep branded with the letter S on the rump; the word "Abandoned" shall mean left or forsaken; the word "Road" shall mean any cross or bye road, or any proclaimed or reserved or other road, or highway, or any land over which any Sheep have been commonly driven; the word "Destroy" shall mean to kill and bury at a depth of not less than Two feet under the ground, or consume by fire, or boil down; the words "Stray Sheep" shall mean Sheep not in the immediate keeping of any person upon any road or upon land not in the occupation of the owner of such Sheep; the words "Travelling Sheep" shall apply to any Sheep driven or carried by land or water, or which shall within One month have been driven or carried along or over any place whatsoever other than the land or run on which such Sheep are ordinarily kept or depastured; the word "Driven" shall mean driven or carried or removed or conducted in any manner whatsoever: Provided, that Sheep being removed from one run to another run the property of the same owner and not more than 10 miles apart, shall not be deemed travelling Sheep unless it is so decided by the Inspector.

Appointment of
Inspectors.

3 The Governor in Council may from time to time appoint a Chief Inspector and Inspectors of Sheep for *Tasmania*, or for any Sheep Districts or part thereof, by a Notice to be published in the *Gazette*, and may from time to time dismiss or remove such Inspectors; and every person so appointed shall have full power at any time to inspect any Sheep within the said Colony.

Powers of
Inspectors.

4 Every Inspector shall have, exercise, and discharge the several powers, authorities, and duties hereinafter mentioned; and if any person refuses to allow any Inspector to enter at any reasonable time upon his pasturage or out-door premises, or to examine any Sheep belonging to him or in his care or possession, or refuses to give the Inspector all reasonable assistance necessary for the proper inspection of the Sheep, or attempts to impede or hinder the Inspector from examining such Sheep upon such pasturage or premises, such person shall forfeit and pay a penalty not exceeding Ten Pounds.

Governor in
Council may
appoint Sheep
Districts.

5 The Governor in Council may, by Notice in the *Gazette*, divide the Colony into Sheep Districts, and define the boundaries of the same, and alter such Sheep Districts from time to time: Provided that if any such boundary or boundaries intersect any run, the Chief Inspector shall determine in what Sheep District such run shall be included; and on notice thereof having been given in the *Gazette*, such run shall be included in such Sheep District as though it had been so ordered by the Governor in Council: Provided also, that no alteration of any Sheep District or change of Inspector shall affect any right, liability, or proceeding under this Act, but the Inspector for the time being of any Sheep District shall be deemed to have done and permitted all acts and things lawfully done and permitted within such Sheep District by any previous Inspector thereof.

Scab Prevention.

6 There shall be payable to a fund to be called "The Scab Act Fund," upon and in respect of every Sheep possessed by One Sheep-owner, and depastured and kept in any part of *Tasmania* and its Dependencies, a contribution of a sum not exceeding One Farthing per annum for every Sheep possessed by such Sheep-owner, the amount of such contribution in any one year to be fixed by the Governor in Council, and proclaimed in the *Gazette*; and such contribution shall be paid to some person appointed by the Governor in that behalf on or before the First day of *March* in the year 1870, and in every succeeding year on or before the First day of *March*, and shall be calculated for the year 1871 upon the number of Sheep possessed by such Sheep-owner on the day this Act takes effect, and for every succeeding year on the number of Sheep possessed by such Sheep-owner on the First day of *March* next preceding. All moneys paid to any person appointed to receive the same on account of such fund shall be paid into the General Revenue, and shall be forthwith brought to the credit of a separate account to be kept in the Treasury which shall be called the "Scab Act Fund Account:" Provided that, if at any time it is certified by the Colonial Treasurer that it appears to him upon balancing such account that a certain proportion only of such contribution will be necessary for the purposes of this Act during the then current year, it shall be lawful for the Governor, by proclamation in the *Gazette*, to direct that the proportion so certified, and no more, of such contribution shall be payable in respect of such year.

Contribution to
Scab Act Fund.

7 Every Sheep-owner, when paying such contribution, shall deliver or send with the payment a Return in the form in the Schedule (A.), stating the number of Sheep in his possession on the day this Act takes effect in the year 1870, and on the First day of *March* in every succeeding year.

Return of Sheep
for contribution.

8 Every Sheep-owner who omits to pay the contribution due from him on or before the First day of *April* in each year shall pay an additional amount equal to One-fourth part of such contribution.

Contribution not
paid in time.

9 There shall be applied out of the moneys standing to the credit of the Scab Act Fund Account such sums of money as shall by the Colonial Treasurer be certified to be necessary for the purposes of this Act, and the said Colonial Treasurer for the time being is hereby authorised and empowered to appropriate and issue such sums accordingly; but subject, nevertheless, to the provisions of any Act in force for the time being with reference to the Audit of Public Accounts.

Payments from
Scab Act Fund.

10 Every Sheep-owner shall, within Two months after this Act takes effect, deliver to the Inspector for registration by him a description of the brand which such Sheep-owner uses or purposes to use in marking or branding his Sheep. Every owner of Sheep above the age of Eight months kept or depastured on any land shall cause all such Sheep to be branded with such brand as aforesaid, not less than two inches in length, in a conspicuous way, with pitch, paint, or some suitable composition; and if any two Sheep-owners in the same Sheep District have similar brands, the Inspector may require any such Sheep-owner to alter his brand to prevent mistakes or confusion, and the mark or impression of any registered brand upon any Sheep shall, for the purposes of this Act, be *primâ facie* evidence of the ownership of such Sheep in respect of the person in whose name such brand has been registered: Provided, that where Sheep are depastured in remote

Registration of
brands.Owner to use
registered brand.

Scab Prevention.

Proviso for
Islands and re-
mote situations.

situations and in the Islands adjacent to *Tasmania*, the Chief Inspector, on the representation of the owner or owners of the said Sheep, may exempt the same from the operation of this provision so far as relates to branding, so long as they are not removed from the said Islands or remote situations ; and every Sheep-owner who refuses or neglects to register or deliver such description in manner aforesaid, or to brand such Sheep and to keep them conspicuously branded, or to alter the brand when required by any Inspector as aforesaid, shall forfeit and pay a sum not exceeding Ten Pounds : Provided that any person who purchases Sheep privately or at auction shall, within Ten days after their removal, brand the said Sheep, and give notice of the same in writing to the Inspector, either delivered to him personally or posted to him ; and any person refusing or neglecting to brand the said Sheep, and give notice of the same to the Inspector as aforesaid, shall forfeit and pay a penalty not exceeding Five Pounds.

Proviso for
branding Sheep
purchased.

Infected Sheep to
be marked.

11 All infected Sheep shall, in addition to such registered brand, be legibly branded with the letter S in red paint on the rump, such letter to be at least Three inches in length ; and such Sheep shall be kept so branded so long as they continue so infected ; and every person who neglects to brand his Sheep if infected, or to keep the same branded as aforesaid, shall forfeit and pay a penalty of One Half-penny for each Sheep for every day that the said infected Sheep remain unbranded after he has become aware that they are infected : Provided, that for Eighteen months after this Act takes effect this provision shall not apply to Sheep that have been dipped as hereinafter provided.

Owners to make
an Annual Return
of Sheep to
Inspector.

12 Every Sheep-owner shall, within Two months after this Act takes effect, and on the First day of *March* in every succeeding year, cause a return to be made to the Chief Inspector or other person duly authorised of the number and description of the Sheep in his possession in the form in the Schedule (A.) ; and every Sheep-owner who refuses or neglects to make such return shall forfeit and pay a penalty not exceeding Ten Pounds.

Return of Sheep
and description to
be furnished when
called for by
Inspector.

13 Every Sheep-owner shall, whenever thereunto required by a notice in writing by the Inspector, to be personally delivered to such Sheep-owner, or left at his usual or last known place of abode in *Tasmania*, deliver to the Inspector requiring the same a correct account of all Sheep in his possession or charge, their sexes, and where depasturing or kept ; and if any such owner or other person within Fourteen days after the delivery of such notice neglects to deliver such account, he shall forfeit and pay for every such offence a penalty not exceeding Ten Pounds.

Neglecting to
give notice.

14 Every Sheep-owner who, on becoming aware that any of his Sheep are infected, wilfully neglects to give notice forthwith personally or in writing to the Inspector of the Sheep District in which his Sheep are depastured by leaving the same at the residence of the said Inspector, or posting the same to him, that the said Sheep are infected, shall forfeit and pay the sum of Sixpence per head up to Two hundred, and Threepence per head beyond that number, for every Sheep in the flock in which any such infected Sheep are found : Provided, that in no case shall such fine be more than Thirty Pounds, and provided that no such notice shall avail after the Inspector has entered on the lands occupied by such Sheep-owner : Provided further, that in the absence of direct proof that any Sheep-owner was aware of any of his Sheep being

Scab Prevention.

infected, proof that such Sheep have been infected for more than Twenty-one days shall be *prima facie* evidence of his having been aware of their being infected: Provided further, that for Eighteen months this provision shall not apply to any Sheep for which the owner thereof holds a Licence to clean the same as hereinafter provided.

15 Every owner of infected Sheep shall, in accordance with such directions as he receives from the Inspector, affix at each end of that part of any road which runs through or along or which forms any boundary line of any lands upon which such Sheep are depastured a notice signed by him, and printed or written in distinct legible characters not less than One half an inch in length, to the effect contained in Schedule B.; and every such notice shall be kept so affixed until such Sheep are inspected and certified in writing to be clean by an Inspector.

Notice of run being affected to be affixed.

16 Every owner of infected Sheep who fails or delays to cause such notice to be so affixed within Six days after he has become aware of his Sheep being infected, or kept so affixed, shall forfeit and pay a penalty not exceeding Ten Pounds: Provided that, until Eighteen months have elapsed after this Act takes effect, the provisions of this Section shall not come into operation.

Penalty for failing or neglecting to affix notice.

17 The Inspector shall give to every owner of infected Sheep a Licence in the form in the Schedule C. to keep the said Sheep, for the purpose of cleansing the same, for a period of Eighteen months: Provided that, if on the expiration of such Licence such Sheep are found to be still infected, the Inspector shall demand and recover from the owner of such Sheep a penalty of One Penny for every such Sheep infected, except in those cases in which the Chief Inspector is of opinion that the nature of the country is such that a further extension of the Licence ought to be given for a period of Two months and twenty-eight days without the infliction of the penalty aforesaid. The Inspector may renew such Licence or extended Licence for a period of Six months upon payment of the sum of Three half-pence per head for every such Sheep infected. And if at the expiration of such further renewal of Six months the said Sheep are still infected, the Inspector may renew the Licence from time to time for periods of not more than Six months, on payment of One Shilling per head for every such infected Sheep.

Infected Sheep may be licensed for the purpose of being cleansed.

18 When any Sheep in respect of which a Licence has been issued by an Inspector have, in the opinion of such Inspector, been thoroughly clean for a period of Three months, then, but not otherwise, such Inspector shall grant a Certificate in respect of such Sheep, in the form in the Schedule D.

Certificate of cleanness may be issued by Inspector.

19 It shall be lawful for the Chief Inspector, with the consent of the Governor in Council, to rent or purchase for the purposes of this Act, in one or more places in each Sheep District, land to serve as Quarantine Yards or Paddocks, and to cause the same to be securely and conveniently fenced.

Chief Inspector may cause Quarantine Yards to be erected.

20 If any infected Sheep are without the authority in writing of the Inspector removed from any place, and driven upon or along any road, or upon, over, or across any land not being in the actual occupation of the owner of such Sheep, the owner of such Sheep shall be liable to pay a penalty not exceeding Twenty-five Pounds. And if the person in charge of such Sheep refuses to produce the

Removing scabby Sheep without authority of Inspector.

Penalty.

Scab Prevention.

Inspector granting Permit knowing Sheep to be scabby. Penalty.

Inspector's Permit on being required to do so by any Sheep-owner or person duly authorised on his behalf, such person shall be liable to a penalty not exceeding Ten Pounds, or in default of payment to imprisonment with or without hard labour for any period not exceeding One month; and if any Inspector grants a Permit in respect of any Sheep which he knew to be actually diseased at the time of granting such Permit, or without having ascertained by personal inspection whether such Sheep were then infected or not, then such Inspector shall be liable to forfeit and pay a penalty of Fifty Pounds, and on conviction shall forfeit his office.

Proviso for fat Sheep travelling to market without a Permit.

21 Notwithstanding anything in this Act to the contrary, during the period of Eighteen months after this Act takes effect Fat Sheep may be taken to market, although the owner thereof may be in doubt whether such Sheep are diseased or not, but in every such case the owner of such Sheep shall, not less than Three days before the removal of the same, give notice in writing, to be served personally on the Inspector, or left at his residence, or posted to him, of his intention to remove the said Sheep, stating their description, where he intends to take them, and the road they will travel; and if the Inspector, after examination of such Sheep, finds they or some of them are diseased, the owner thereof shall be subject to a penalty not exceeding Two Shillings per head, and the said Sheep shall, if the Inspector thinks fit, be returned to the place or run from whence they came; and if the person in charge of the said Sheep, not being the owner thereof, refuses or neglects to take them back to the place or run from whence they came, such person not being the owner thereof shall be subject to a penalty of not exceeding Ten Pounds; and the Inspector may cause the said Sheep to be driven back or detained at the owner's cost, and may destroy the said diseased Sheep at the cost of the owner thereof.

Penalty.

Proviso for Store Sheep travelling to market with a Permit.

22 Notwithstanding anything in this Act contained to the contrary, during the said period of Eighteen months after this Act takes effect, Store Sheep may be removed from one part of the Colony to another, for the purpose of being taken to market or otherwise, under a Permit from an Inspector in manner hereinafter set forth; that is to say,—The owner of any Store Sheep desiring to remove the same for any of the purposes aforesaid shall, Seven days before the removal thereof, give notice in writing, to be served personally on the Inspector, or left at his residence, or posted to him, of the intention of such owner to remove the same, and that he is prepared to dip the said Sheep, if required by the Inspector, in some reputed effective Scab-destroying preparation before the removal of the same; and when the Inspector has satisfied himself that the said Sheep have been dipped within Five days of the day on which they are to be removed, or that it is not necessary to dip them, he shall grant a Permit for the removal of the same; and if the owner or person in charge of the said Sheep is interrupted while removing the same, in accordance with such Permit, by any person duly authorised in that behalf under this Act, the production of the Inspector's Permit shall be a sufficient answer; and any owner of Store Sheep who removes the same, provided they are infected, without a Permit from an Inspector shall forfeit and pay a penalty not exceeding Twenty Pounds.

Diseased or infected Sheep to be dipped twice after shearing.

23 Every owner of diseased or infected Sheep holding a Licence to cleanse the same shall dip the said Sheep at least twice immediately after shearing, at intervals of not less than Ten nor more than Fourteen days,

Scab Prevention.

in some reputed effective Scab-destroying preparation ; and if the Inspector thinks fit he may direct the said Sheep to be dipped a third time if in his opinion the first two dippings have not been sufficient. Every owner of such Sheep as aforesaid shall, Seven days before the dipping of the same, give notice in writing, to be served personally on the Inspector, or left at his residence, or posted to him, of his intention to dip the said Sheep ; and the Inspector shall satisfy himself that the said Sheep have been dipped ; and any owner of such Sheep who neglects or refuses to satisfy the Inspector that the said Sheep have been duly dipped, shall forfeit and pay a penalty not exceeding Twenty-five Pounds.

24 If any stray Sheep, either diseased or branded with the letter S on the rump, are found upon any land or road, the occupier of such land or his Agent may take possession of such Sheep and detain them on the land of such occupier until the Inspector has examined them ; and if thereupon the Inspector finds them to be diseased or infected, the said Inspector may cause such Sheep to be destroyed at the cost of the owner thereof.

Diseased or
branded Sheep
straying.

25 Any Sheep-owner or person in charge of Sheep wilfully abandoning any infected Sheep upon any land or road not in the occupation of the owner of such Sheep, shall forfeit and pay a penalty not exceeding One Pound nor less than One Shilling for every Sheep so abandoned, and such Sheep may be destroyed by any owner or his agent, in the presence of any Magistrate, Inspector, or Police Officer, or by the Inspector.

Wilfully abandon-
ing Sheep.

26 Any person who imports into this Colony any infected Sheep, and causes, suffers, or permits them to be landed without the authority in writing of an Inspector, and any person who drives inland any Sheep, whether infected or not, from the place where such Sheep are landed without a written Permit from an Inspector, shall be liable to a penalty not exceeding One hundred Pounds nor less than Fifty Pounds, and in default of payment to be imprisoned, with or without hard labour, for any period not exceeding Three months ; and any Inspector may seize and cause such measures to be taken as he may deem fit for the cleansing of any such Sheep, if infected, at the expense of the owner thereof ; or he may grant a Licence to the owner of the said Sheep in terms of this Act, if they can be removed to a convenient place for the purposes of such Licence under this Act.

Landing and
driving Sheep
without a Permit
from Inspector.

27 There shall be paid for the inspection of imported Sheep a fee of One Farthing for each Sheep to the Inspector who inspects the same.

Fee for inspecting
imported Sheep.

28 The Governor may from time to time, by Proclamation in the *Gazette*, prohibit any Sheep from entering this Colony from any of the neighbouring Colonies without a Permit from an Inspector or other person duly authorised to issue Permits ; and the Governor may also at any time in like manner remove such prohibition.

Governor may
prohibit Sheep
from entering the
Colony.

29 All offences against this Act shall, except where otherwise directed, be heard and determined, and all penalties and sums of money imposed or made payable by this Act shall be recovered, in a summary way by and before any Two Justices of the Peace in manner directed by *The Magistrates Summary Procedure Act* ; and no

Recovery of
penalties, &c.

Scab Prevention.

No *Certiorari*. procedure under this Act shall be quashed for want of form or be removed by Writ of *Certiorari* into the Supreme Court; and any person may appeal to the Court of General Sessions in the manner provided by "The Appeals Regulation Act."

Appropriation. **30** All penalties and sums of money imposed or made payable by this Act shall, when recovered, be paid into the General Revenue to the credit of "The Scab Act Fund," except where any sum is ordered to be paid to any person as compensation or reimbursement for expenses incurred, and in every such case such sum shall be paid to such person.

Sheep to be goods and chattels of person against whom a conviction has been made. **31** When any order or conviction is made under this Act in respect of any Sheep, or any matter or thing done or omitted to be done with reference to such Sheep, such Sheep shall, for the purposes of any warrant of distress following upon such order or conviction, be conclusively deemed and taken (notwithstanding any sale, assignment, or other dealing with such Sheep) to be of the goods and chattels of the person against whom such order or conviction is made.

Who shall be taken as owner of Sheep. **32** If any person against whom any proceeding may be taken under this Act as owner of any Sheep disputes his ownership thereof, or if it is uncertain who is the owner of any Sheep in respect of which any proceedings for the recovery of a penalty have been instituted, the said Justices may give judgment against the owner of the Sheep in respect of which such proceedings have been instituted by such description merely, and may direct that such penalty, and the costs of and attending the recovery thereof, shall be levied by seizure and sale of such Sheep, or of so many of such Sheep as may be necessary to satisfy the same: and if the amount realised from the sale of such Sheep is not sufficient to satisfy the judgment, then the difference may be recovered by a levy upon any other property the owner of the said Sheep may be found to possess.

Penalty for false Return. **33** Every person who wilfully makes any false Return under this Act shall forfeit and pay a penalty not exceeding Fifty Pounds.

Penalty for substituting inspected for uninspected Sheep. **34** Any Sheep-owner who removes Sheep that have not been inspected from an enclosure or run, and substitutes for them other Sheep that have been inspected, for the purpose of deceiving the Inspector, shall forfeit and pay a penalty not exceeding Fifty Pounds; and every person, not being an owner, aiding and assisting in such substitution of inspected for uninspected Sheep shall forfeit and pay a penalty not exceeding Ten Pounds.

Causing disease to be communicated. **35** Any person who wilfully communicates or causes to be communicated to any Sheep the disease called the Scab shall be guilty of a Misdemeanor, and shall be liable to imprisonment for any period not exceeding Three years: Provided, that any conviction for such offence shall not prejudice any civil proceeding against such person.

Governor in Council may make Regulations. **36** The Governor in Council may from time to time make Regulations for the instruction of Inspectors, and as to all other matters of detail for carrying this Act into full effect, so far as the same are consistent herewith and are not herein provided for by express enactment; and such Regulations upon being published in the *Gazette* shall have the force of Law, and copies thereof shall be laid before both Houses of Parliament forthwith if sitting, and if not sitting, then within Fourteen days after the opening of the next Session.

Scab Prevention.

37 "An Act for preventing Scab in Sheep" is hereby repealed.

Repeal of 32
Vict. No. 29.

38 This Act may for all purposes be cited as "The Scab Act, 1870."

Short Title.

SCHEDULE.

A.

SCAB ACT OF 1870.

RETURN of Number of Sheep by Owner to Chief Inspector or other Person duly authorised.

Name of Run.	Name and Address of Owner and Person in charge.	Description of Sheep & Lambs.	Number of each Description.	Brands or Marks.	Remarks.

Sheep-owner.

B.

SCAB ACT OF 1870.

Scab Notice.

THE Sheep upon my run [or land] called and known as _____, situate at _____, are diseased [or infected]; and I have to notify that I made this discovery on the _____ day of _____

(Name of Occupier.)

C.

SCAB ACT OF 1870.

Licence.

THESE are to certify that _____ in the Colony of Tasmania, the owner of the sheep mentioned in the Schedule below, which have been found to be infected with Scab, has this day received a licence to keep such sheep for a period of Eighteen months from this date, for the purpose of cleansing them.

Dated the _____ day of _____ 18

Inspector of Sheep.

Schedule referred to above.

Number.	Description.	Brands or Marks.	Name and Address of Owner and of Person in charge.	Name of Run and of portion of Run where Sheep are kept.

*Scab Prevention.***D.**

SCAB ACT OF 1870.

Certificate of Cleanness.

I, the undersigned, Inspector of Sheep for _____, having this day carefully examined the Sheep mentioned in the Schedule below, and made due enquiry concerning them, do hereby certify that such Sheep are not now infected Sheep within the meaning of *The Scab Act, 1870.*

The _____ day of _____ 18

Inspector of Sheep.

Schedule referred to above.

Number.	Description.	Brands or Marks.	Name and Address of Owner and of Person in charge.

E.

SCAB ACT OF 1870.

RETURN of Sheep dipped to be given to Inspector and declared to by Owner if required.

Name of Run.	Name and Address of Owner and Person in charge.	Description of Sheep.	Number of each Description.	Brands or Marks.	Nature of Mixture.

Sheep-owner.