

NORFOLK



ISLAND

Stock Diseases Act 1936

No. 5 of 1936

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Includes amendments up to: Norfolk Island Continued Laws Ordinance 2015
(No. 2, 2015)



Stock Diseases Act 1936

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Stock Diseases Act 1936

An Act relating to diseases in stock.

Short title

1. This Act may be cited as the *Stock Diseases Act 1936*.

Interpretation

2. (1) In this Act, unless the contrary intention appears —
“disease” means any disease which the Minister declares to be a disease for the purposes of this Act;
“infected area” means any area of land, building or place, declared under and for the purposes of this Act, to be an infected area;
“infected stock” means stock which are suffering from any disease or are, or have been, in contact with stock which are suffering from any disease or have been kept, pastured or driven upon land upon which stock suffering from any disease have been kept or pastured during the 3 months prior to the date on which the stock were so kept, pastured or driven;
“inspector” means an Inspector of Stock appointed under this Act;
“owner” in relation to stock, means the owner of the stock, or any person whether a representative of the owner or not, for the time being having the custody or control, or being in charge of the stock;
“stock” means any entire horse, mare, gelding, colt, filly or foal, any bull, cow, ox, steer, heifer, calf, sheep, goat, swine or dog, or any animal or bird declared by the Minister to be stock for the purposes of this Act.
(2) A declaration by the Minister under this Act shall be by notice published in the Gazette.

Powers of Minister

3. The Minister may —
 - (a) declare any disease to be a disease for the purposes of this Act; and
 - (b) declare any animal or bird to be stock for the purposes of this Act.

Prohibition of importation of stock from areas in which disease exists

3A. (1) The Minister may, if he has reason to believe that a specified disease affecting stock exists in a place outside the Territory, declare that place to be a place to which this section applies and shall, in the declaration, specify the stock that may be affected by the disease.

(2) A person shall not, while a declaration under subsection 3A(1) is in force, import into the Territory from the place to which this section applies —

- (a) stock or a part of stock specified in the declaration; or
- (b) any article likely to introduce into the Territory the disease with which stock so specified may be infected.

(3) Subsection 3A(2) does not apply to or in relation to the importation of stock, part of stock or an article by a person to whom the Administrator has issued a permit authorising the importation of the stock, part of stock or the article and who complies with the conditions (if any) that are specified in the permit.

(4) The inspector may seize any stock, part of stock or article imported in contravention of this section and the stock, part of stock or article so seized shall be destroyed in such manner as the Minister directs.

(5) In this section, “part of stock” includes the carcasses, hide, skin, fur, feathers and meat (whether processed or unprocessed) of stock.

Penalty: 20 penalty units.

Appointment of inspectors

4. The Chief Executive Officer may, by written instrument, appoint such inspectors as he thinks fit for the purposes of this Act.

Powers of entry

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

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

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

Notification of disease

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

Compensation for stock destroyed under instructions from Minister

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

(2) The owner shall be entitled to compensation not exceeding 50% of the fair market value of any stock destroyed in pursuance of this section.

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

Powers of inspector

8. Notwithstanding anything contained in any other law of the Territory, the inspector may —

- (a) take possession of any infected stock or stock in respect of which, in his opinion, an offence against this Act has been or is being committed;
- (b) order the destruction of any carcase or of any hide, skin, fitting or articles which, in his opinion, are likely to cause or spread disease.

Infected areas

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

Cost of treatment

9A. (1) The reasonable cost of treatment or advice given by or on behalf of the Administration for the purposes of this Act or the regulations is a debt due by the owner of the stock to the Administration.

(2) The Minister may, in his discretion, waive, in whole or in part, the liability of a person under subsection 9A(1).

Offences

10. Any person who —

- (a) abandons any maimed or infected stock or permits any maimed or infected stock to stray from his charge;
- (b) leaves, or causes or permits to be left, the carcase of any stock on or within half a mile of any public road or in any creek or water hole;
- (c) sells or offers for sale or purchases or receives for purchase any infected stock;
- (d) wilfully communicates any disease to any stock;
- (e) without the consent in writing of the Minister uses on any stock —
 - (i) any virus, vaccine, or biological product containing living organisms; or
 - (ii) for the purposes of diagnosis, any biological product which does not contain living organisms;
- (f) breaks down or damages any fence, gate or fastening on or adjacent to any infected area;
- (g) refuses or fails to carry out any order lawfully given by the inspector under this Act;
- (h) obstructs the inspector in the execution of his duty under this Act;
- (i) allows, suffers or permits, without the consent in writing of an inspector, any stock to enter or leave an infected area; or
- (j) contravenes or fails to comply with any provision of this Act for which no penalty is provided,

shall be guilty of an offence.

Penalty: For an offence arising under paragraph 10(i), 20 penalty units; in any other case, 10 penalty units.

Administration not liable for certain loss or damage

10A. (1) The Administration or an inspector is not liable for any loss or damage sustained by a person by reason of —

- (a) an act done in good faith and without negligence under, or purporting to be under, this Act or the regulations; or
- (b) an omission by an inspector in good faith and without negligence in respect of stock.

(2) A reference in this section to an inspector includes a reference to any person acting on behalf of the Administration.

Regulations

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

- (a) the prevention of the introduction into, or spread of any disease in, the Territory;
- (b) the detention, treatment, inoculation, vaccination or isolation of any stock in an infected area;
- (c) the movement of any stock in, into or out of, any infected area;
- (d) the seizure and destruction of infected stock;
- (e) the subjection of stock to such restrictions or remedial measures as are deemed necessary to prevent the introduction or spread of disease;
- (f) the treatment or disinfection of any place, premises, buildings, fittings, carcase, hide, skin, or article likely to spread disease;
- (g) the branding of infected stock;
- (h) the closing of any road in or adjacent to an infected area or the erection of fences or gates across any road for the purpose of regulating or preventing the movement of stock;
- (ha) measures to be taken to improve the health of stock;
- (i) the methods of diagnosis and discovery of disease; and
- (j) the imposition of penalties not exceeding 5 penalty units for breaches of the regulations.

NOTES

The *Stock Diseases Act 1936* as shown in this consolidation comprises Act No. 5 of 1936 and amendments as indicated in the Tables below.

| Enactment | Number and year | Date of commencement | Application saving or transitional provision |
|---|------------------------|-----------------------------|---|
| <i>Stock Diseases Act 1936</i> | 5, 1936 | 31.3.36 | |
| <i>Stock Diseases Act 1962</i> | 5, 1962 | 19.7.62 | |
| <i>Amendments Incorporation Act 1963</i> | 2, 1963 | 28.3.63 | |
| <i>Ordinances Citation Act 1976</i> | 11, 1976 | 25.11.76 | |
| <i>Ordinances Revision Act 1979</i> | 13, 1979 | 7.8.79 | 5 |
| <i>Stock Diseases Act 1979</i> | 7, 1979 | 8.11.79 | |
| <i>Ordinances Revision (Executive Members) Act 1980</i> | 8, 1980 | 6.11.81 | 5 |
| <i>Ordinances Revision (Decimal Currency) Act 1980</i> | 31, 1980 | 15.1.81 | |
| <i>Stock Diseases (Amendment) Act 1984</i> | 20, 1984 | 20.12.84 | |
| <i>Statute Law Revision (Penalties and Fees) Act 1984</i> | 9, 1985 | 13.5.85 | 4 |
| <i>[previously consolidated as at 1 December 1987]</i> | | | |
| <i>Interpretation (Amendment) Act 2012</i> <i>[to substitute throughout —</i> <i>Commonwealth Minister for Minister;</i> <i>and to substitute Minister for executive member]</i> | 14, 2012 | 28.12.12 | |

| Ordinance | Registration | Commencement | Application, saving and transitional provisions |
|---|-------------------------------|--|--|
| Norfolk Island Continued Laws Amendment Ordinance 2015 (No. 2, 2015) (now cited as Norfolk Island Continued Laws Ordinance 2015 (see F2015L01491)) | 17 June 2015 (F2015L00835) | 18 June 2015 (s 2(1) item 1) | Sch 1 (items 344, 345, 382–390) |
| as amended by | | | |
| Norfolk Island Continued Laws Amendment (Statutory Appointments and Other Matters) Ordinance 2018 | 28 Sept 2018 (F2018L01378) | Sch 1 (item 53): 29 Sept 2018 (s 2(1) item 1) | — |

Table of Amendments

ad = added or inserted am = amended rep = repealed rs = repealed and substituted

| Provisions affected | How affected | |
|----------------------------|---------------------|--|
| 1 | am | 2, 1963; 11, 1976 |
| 2 | am | 5, 1962; 8, 1980 |
| 3 | am | 5, 1962; 8, 1980 |
| 3A | ad | 5, 1962 |
| | am | 8, 1980; 20, 1984; 9, 1985 |
| 4 | am | 13, 1979; 8, 1980; Ord No 2, 2015 (as am by F2018L01378) |
| 5 | am | 8, 1980 |
| 7 | am | 8, 1980 |
| 9A | ad | 7, 1979 |
| | am | 20, 1984 |
| 10 | am | 7, 1979; 8, 1980; 9, 1985 |
| 10A | ad | 7, 1979 |
| 11 | am | 7, 1979; 8, 1980; 31, 1980; 9, 1985 |