

CHAPTER 40.

LIVE STOCK.

6 of 1901.
1 of 1907.
7 of 1918.
5 of 1922.
6 of 1942.
7 of 1944.
31 of 1949.

AN ORDINANCE RELATING TO INFECTIOUS AND CONTAGIOUS DISEASES IN SHEEP AND OTHER ANIMALS.

[15th October, 1901.]

Short title.

1. This Ordinance may be cited as the Live Stock Ordinance.

2. In this Ordinance—

Interpretation.

“Destroy” shall mean kill and either bury at a depth of not less than two feet under the ground or consume by fire or boil down.

“Sheep” means any ram, ewe, wether or lamb.

“Travelling sheep” means sheep being driven over any road or land not in the occupation of the owner of the sheep.

5 of 1922.

“Infected sheep” means any sheep infected with scab or other infectious or contagious disease or affected with any parasitic disease or which within six months have been exposed to disease as aforesaid.

31 of 1949.

“Stray sheep” means any sheep, not being a travelling sheep, upon land not in occupation of the owner of the sheep.

“Dipping” means immersing in some scab-destroying preparation approved by the Governor in Council, or, with reference to lice in sheep, means immersing in some lice-destroying preparation.

“Dressing” means applying to a sheep a scab-destroying preparation.

“Imported” means brought from any place beyond the limits of the Colony.

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“Inspector” means an inspector appointed under section 3 of this Ordinance.

“Farmer” means the owner of any sheep, and includes the manager, overseer or person in charge of any sheep.

“Owner” includes a lessee from the Crown and the agent or manager of any absentee owner or lessee, and, with reference to the ownership of sheep, includes the manager, overseer or person in charge of any sheep.

“Notice” means a notice in writing or in print, or partly in writing and partly in print, delivered to the person to be affected thereby or left at or affixed to the usual or last known place of abode of such person.

“Station” means the land, enclosures and buildings (but not a dwelling-house) occupied or used by any farmer.

3. For the purpose of carrying out the provisions of this Ordinance the Governor may appoint duly qualified persons to act as inspectors for such periods, at such salaries and on such terms and conditions as may be thought proper by the Governor in Council. No inspector shall, either directly or indirectly, be an owner of or dealer in sheep or act as the agent of any farmer, under a penalty for any such offence not exceeding £50. Inspectors to be appointed.
4. An inspector may at any time in the execution of his duty enter any station, and if any farmer will not permit such inspector, upon his demanding and stating his business, so to enter or refuses to collect within any enclosure upon such land any sheep, or if any person impede or hinder such inspector in the discharge of his duty, such farmer or person shall on conviction be liable to a penalty not exceeding £50. May enter and inspect sheep.
5. An inspector may where necessary employ any person to assist him in carrying out the provisions of this Ordinance or any regulations hereunder, and the owner through whose neglect, omission or other default, or by reason of the infection or removal of or other dealing with whose sheep the expense of such employment shall have been incurred, shall repay the same to the inspector on demand, as well as all other expenses incurred by the inspector in the performance of his duty in regard to any such sheep. May employ labour.
6. An inspector may call upon any person concerned in the charge, control or management of any sheep to give May demand information.

information to him as to facts within his knowledge relating to such sheep, and if any person being so called upon shall refuse or neglect to give such information, or shall make any statement knowing the same to be false, he shall be liable to a penalty not exceeding £25.

Must be lodged.

7. Any inspector in the discharge of his duty as such may demand suitable board and lodging of any farmer, and shall pay in respect thereof the sum of four shillings per day and night.

Sheep and cattle must be marked.

8. (1) All sheep and cattle above the age of six months shall be marked and kept legibly marked by the owner thereof with his registered mark.

31 of 1949.

(2) All ear marks and brands shall be subject to the approval of the Agricultural Officer and when approved shall be registered and a description thereof published in the *Gazette*.

(3) The registered mark for wethers and rams shall be on the off ear and for ewes shall be on the near ear, and no age mark shall be put on the ear which contains the registered mark.

Proof of ownership.

9. Proof that the registered mark of any owner is marked on any sheep and cattle, and that it is the only registered mark thereon, shall be *prima facie* evidence of the ownership of such sheep and cattle.

Offences.

10. Every person who shall:

Wrongful marking.

(1) wilfully or negligently mark or permit any sheep and cattle of which he is not the owner to be marked with his registered mark;

Defacing marks.

(2) wilfully deface, destroy, crop or alter any ear or other mark on sheep and cattle of which he is not the owner or permit or be privy thereto;

Mutilating.

(3) cut off the tip or more than one-fourth of the ear of any sheep;

Using another's mark.

(4) use on any sheep and cattle the registered mark of any other person without his authority

shall commit an offence and for every such offence be liable to a fine not exceeding £100.

11. (1) Between the 1st day of March and the 30th day of June in every year, every owner shall dip or cause to be dipped with an insecticidal dip approved by an inspector all sheep running on land whereof he is the occupier:

Annual dipping compulsory.
6 of 1942.

Provided that for purposes previously approved in writing by the inspector, the inspector may advance or extend the period during which sheep must be dipped but so that all sheep, excepting those used for experimental dipping, must be dipped before the 31st October, or before they are mixed with another flock that has been dipped since the 1st of March, whichever is the earlier:

Provided also that the Agricultural Officer may exempt the owner on any island from dipping in any one year if the sheep examined by him on that island are found to be absolutely free of tick, lice and scab in that year.

31 of 1949.

(2) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding two shillings for every sheep.

12. (1) If any inspector is satisfied that any sheep are affected with lice, he may give the owner thereof notice requiring him to dip such sheep to the satisfaction of the said inspector or any other inspector, within a period to be specified in such notice.

Notice to dip sheep affected with lice.

(2) Every such owner who refuses, neglects or fails to comply with such notice shall be liable, on conviction, to a penalty not exceeding £50:

Penalty for neglect to dip after notice.

Provided that if, in the opinion of any inspector, the said sheep are fit for slaughter, either for consumption as the food of man or for boiling down, and will be slaughtered before the expiration of the period in the said notice within which the said owner was required to dip such sheep, no penalty shall be incurred under this section.

(3) If after the expiration of one month from the date of a conviction under this section the sheep in respect of which such conviction has been obtained shall not have been dipped to the satisfaction of an inspector, the owner of such sheep shall, upon conviction, be liable to a further penalty of £50, and so on for every succeeding period of one week:

Provided that if, in the opinion of any inspector, the said sheep are fit for slaughter, either for consumption as the food of man or for boiling down, and will be slaughtered within

the period of one month from the date of a conviction under this section, no further penalty shall be incurred under this subsection.

Ewes not to be dipped during lambing time.

13. Notwithstanding anything contained in this Ordinance or any notice given thereunder, it shall not be necessary to dip any ewe affected with lice during such time previous to or after lambing as an inspector may appoint; and for such purpose any inspector may, in respect of ewes, extend any notice to dip for such time as he shall think fit.

Penalty for driving sheep affected with lice.

14. Every person who by himself, his agent, or servant, drives, without the permission of an inspector, or depastures or suffers to stray, any sheep from a station declared by such inspector to be affected with lice, shall be liable on conviction for every day during which such sheep shall be so driven, depastured or suffered to stray, to a penalty not exceeding £5 and not less than £1.

Penalty on owner of sheep affected with lice found in any pound, etc.

15. (1) If any sheep affected with lice shall be found in any pound or in any yard, or on any land or other place at which sheep are offered for sale, the owner of such sheep shall be liable to a penalty not exceeding £10.

(2) Any inspector may order the withdrawal from sale of any sheep affected with lice until such sheep have been dipped to the satisfaction of the said inspector or any other inspector, and every owner of such sheep who refuses, neglects or fails to comply with such order shall be liable to a further penalty not exceeding £20.

Farmers must notify infection.

16. Whenever a farmer shall become aware or have reasonable grounds to suspect that any of his sheep have become infected, he shall, within forty-eight hours thereafter, give notice thereof in writing to the owners of adjoining stations, and shall, within one week thereafter, give notice thereof in writing to an inspector. He shall also, within twenty-one days thereafter or on such date as is laid down in any rules or as may be ordered by an inspector, dip all such sheep and, within fourteen days of the completion of the first dipping, dip all such sheep a second time.

Order to clean sheep.

17. If an inspector is satisfied that any sheep are infected, he shall give the owner of such sheep an order in writing to

clean such sheep within twelve months from the date of such order, and if at any time during such period such owner shall not, in the opinion of an inspector, have made or be making reasonable exertions to clean such sheep, or if at the expiration of the twelve months such sheep shall, in the opinion of an inspector, still be infected sheep, the owner thereof shall upon conviction be liable to a penalty not less than $\frac{1}{2}$ d. and not more than 2d. for every such sheep.

18. If after the expiration of nine months from the date of a conviction under the preceding section such sheep shall, in the opinion of an inspector, still be infected sheep, the owner of such sheep shall upon conviction be liable to a further penalty of 2d. for every such infected sheep, and so on for every succeeding period of nine months:

Neglect to clean sheep.

Provided that a magistrate or two justices may, upon the application of an inspector, order the destruction of any sheep which have been infected for more than twenty-one months, and such inspector shall cause such sheep to be destroyed and the remains disposed of for the benefit of the owner as such inspector may direct.

31 of 1949.

19. An inspector, on being satisfied that any station or any part of a station is infected, shall on ascertaining the extent to which the infection has spread, define the boundaries of and place the infected land in quarantine, by giving notice to the proprietor or person in charge of such station in Form 1 of the Schedule hereto, and by notification in the *Gazette*, signed by such inspector, of the establishment of such quarantine, and all sheep within or which may be brought within such boundaries during the existence of such quarantine shall be included and kept therein until released by order of an inspector, and such quarantine shall continue in force until an inspector shall issue a certificate as in Form 2 in the Schedule hereto.

Inspector may quarantine.

20. No person shall remove into or take out of quarantine any sheep without the permission in writing of an inspector, and all sheep unlawfully taken in or out of quarantine may be seized by any person and shall be dealt with as an inspector shall direct.

Breach of quarantine.

Dip and appliances to be always ready.

21. Every farmer shall always have in readiness on every station all the materials and appliances necessary to dip and dress all the sheep on such station at least once to the satisfaction of an inspector.

Order to dip suspected sheep.

22. An inspector may at any time order that any sheep he may suspect to be infected be dipped and dressed, and require any owner to disinfect any premises, yard or articles used by any infected sheep.

Clean certificate.

23. No clean certificate as in Form 2 in the Schedule hereto shall be granted by an inspector under section 19 hereof until a declaration has been made by the farmer in Form 3 of the Schedule hereto.

Travelling sheep.

24. No person shall drive any sheep upon or across any station without

7 of 1944.

(a) the drover having in his possession a way-bill stating the number, description and markings of the sheep, and signed by the owner or vendor of the sheep;

(b) giving notice to the manager of such station in writing not less than twenty-four hours and not more than three days before such driving, of the intention so to do;

(c) giving notice of the places whence and whither such sheep are being driven, and the point at which the person driving such sheep will enter such station:

Provided that the farmer may give a permit in writing waiving, either absolutely or upon such terms as are stated in the permit, his claim to receive from any other person any notice required to be given by this section:

Provided also that any farmer or inspector may examine and count such travelling sheep and check them with the way-bill which must be produced on request.

Farmers may detain infected and suspected sheep.

25. Any farmer may seize and detain any infected sheep, and may detain and examine any travelling sheep approaching or being upon any part of his station, upon reasonable suspicion of their being infected, and, upon his giving the owner of such sheep written notice to that effect, he may detain them until their owner shall call in the inspector to examine such sheep and determine whether or not they are

infected: and if the owner shall prevent such sheep from being detained or examined as aforesaid, or impede or hinder the proprietor or person in charge in detaining or examining them, or shall not forthwith after their detention give the inspector written notice thereof, then such owner shall for every such offence incur a penalty not exceeding £100.

26. Any person so detaining any travelling sheep shall until the arrival of an inspector keep such sheep on his own station or make such arrangements as shall prevent the further spread of disease, and if such sheep shall be declared infected all necessary expenses incurred by such person in the detention and keep of such sheep shall be repaid to him by their owner, but if it shall be found that the sheep so detained were not infected and that there was no reasonable ground for suspecting them to be infected, the person detaining them shall pay the owner of such sheep the loss and expense occasioned by such detention.

Action on
detention.

27. If with intent to cause it to appear that any sheep are not infected within the meaning of this Ordinance, or to conceal the ownership of any sheep, any person shall separate any of the sheep of a flock from any others of the same flock, or conceal or destroy any sheep or remove any mark from any sheep, he shall be liable for every offence to a penalty not exceeding £100.

Concealing
cases of in-
fection.

28. Any person who shall cast any infected sheep into any stream or running water, or leave the carcasses of any such sheep in any stream or running water, shall be liable to a penalty not exceeding £100.

Leaving in-
fected sheep
in stream.

29. No person shall abandon any infected sheep or leave the dead carcasses of any infected sheep unburied or undestroyed by fire when it is possible to bury or so destroy the same. In cases where it is impossible to bury or destroy by fire such carcasses; he shall at once remove the skins thereof and take them away, well and securely packed in a bag.

Abandoning
infected
sheep or
leaving
carcase un-
destroyed.

30. If it shall appear to an inspector, upon his own view, that any infected sheep may, because of their vicinity to the flocks of sheep on an adjacent station, cause damage to the owner of those flocks, such inspector may order the owner

Removing
and herding
infected
sheep.

of such infected sheep to cause them to be removed to such other place on the station as may be approved by the inspector, or to cause such sheep to be constantly herded by day and kept at night within a proper enclosure.

Infected sheep not to be used for food.

31. No person shall slaughter for sale or expose for sale or export the carcase of any sheep suffering from scab or other infectious or contagious disease.

Expenses attending destruction of sheep.

32. All expenses attending the destruction of any sheep destroyed under this Ordinance shall be payable by their owner, and no person shall recover any compensation whatever for any sheep destroyed under the authority of this Ordinance.

Infesting sheep a misdemeanour.

33. Any person who wilfully communicates or attempts to communicate to any sheep scab or any other infectious or contagious disease shall be deemed guilty of a misdemeanour, and shall be liable to imprisonment with hard labour for any term not exceeding three years.

Farmers to notify neighbours when gathering.

34. Every farmer who shall gather any flock for the purpose of shearing, dipping, dressing, cutting, tailing or ear-marking, or removal from the station or for any other purpose, shall, forty-eight hours at least before gathering the same, give notice in writing to the occupiers of all the adjoining stations of his intention so to do.

Certificate, etc., of inspector to be evidence.

35. Any statement, certificate, notice or order of an inspector shall, in every case for the purpose of this Ordinance, be *prima facie* evidence of the truth of the matter contained therein, and shall be considered conclusive unless the contrary be proved.

False declaration a misdemeanour.

36. Every person who shall make or sign any declaration, report or certificate respecting any sheep, knowing the same to be false, or shall forge or alter any declaration, return, report, notice, certificate or permit, or utter the same knowing it to be forged or altered, shall be guilty of a misdemeanour, and shall be liable to imprisonment for any term not exceeding three years, with or without hard labour.

Penalties for neglect.

37. Where no specific penalty is provided in this Ordinance every person who shall wilfully neglect or omit to give any

notice or make any return required under this Ordinance shall be liable on conviction to a penalty not exceeding £5 for every day's default.

38. Any person who shall commit a breach of any of the provisions of this Ordinance, or of any proclamation or rule made hereunder to which a penalty is not attached, shall be liable on conviction to a penalty not exceeding £100.

Penalties for breach.

39. All penalties and expenses under this Ordinance may be recovered in a summary way before a magistrate or two justices on the complaint of an inspector, and shall be paid into the Colonial Treasury.

Recovery of penalties.

40. Every farmer shall, on or before the 30th day of June in each year, make and transmit to the Agricultural Officer a return in Form 4 of the Schedule hereto.

Annual return.
5 of 1922.

41. The forms set out in the Schedule to this Ordinance, or such other forms as the Governor may approve, shall be used in all cases to which such forms are applicable.

Forms.

42. The Governor in Council may by proclamation prohibit the importation or introduction into the Colony or into any particular port thereof of any sheep, cattle, horses or other animals, or of any hay, straw, fodder or other article, either generally or from any places that may be named in such proclamation, for such periods as he may deem necessary for the purpose of preventing the introduction of any infectious or contagious disorder among the sheep, cattle, horses or other animals in the Colony.

Governor may prohibit importation.

43. The Governor in Council may make such regulations for subjecting any sheep, cattle, horses or other animals to quarantine, or for causing the same to be destroyed upon their arrival in the Colony, or for destroying any hay, fodder or other article, whereby it appears to him that infection or contagion may be conveyed, and generally to make such regulations with respect to the importation of sheep, cattle, horses or other animals as he may consider necessary to prevent the introduction of any contagious or infectious disorder.

Regulations.

Rules.

44. The Governor in Council may make rules

For determining the powers and duties of inspectors;

For establishing proper places for dipping and prescribing the mode and times of dipping, the medicaments and appliances to be used, and the precautions and measures to be adopted by the owner of infected sheep;

For establishing proper paddocks in which sheep may be kept after being gathered for inspection;

For the inspection and landing of sheep, relating to quarantine, the marking of sheep, the seizure, destruction or disposal of stray sheep, and generally with reference to any matter in connection with this Ordinance, and the Governor may, subject to such rules, if any, and to the provisions of this Ordinance, impose such restrictions and conditions and issue such orders with reference to imported sheep, quarantine, paddocks, infected places or sheep therein as he may deem expedient.

SCHEDULE.

FORM 1. (Section 19.)

Scab Notice.

Notice is hereby given that the sheep on _____ belonging to _____ are infected sheep within the meaning of the Live Stock Ordinance, and that the * _____ is in quarantine.

Dated this _____ day of _____, 19 _____.

Inspector.

* Here insert exact locality.

FORM 2. (Section 19.)

Clean Certificate.

I certify that the sheep on _____ Station belonging to _____, an order to clean which sheep was issued on the _____ day of _____, 19 _____, are at the date hereof not infected sheep, and that the * _____ is released from quarantine.

Dated this _____ day of _____, 19 _____.

Inspector.

* Here insert exact locality.

FORM 3. (Section 23.)

Declaration.

I solemnly declare that (*I have made to the best of my belief a complete gathering of all sheep on station and that) my sheep marked being in number now being at have not within three months undergone any dipping or dressing, nor have they within six months been mixed with any infected sheep nor depastured on any land in quarantine nor placed in any yard or enclosure in which there were any infected sheep, and I make this solemn declaration, conscientiously believing the same to be true.

Owner.

Declared before me at this day of , 19 .

Inspector.

* May be omitted when not required by the Inspector.

FORM 4. (Section 40.)

Annual Return for the year ending 31st May, 19.....

31 of 1949.

Station Owner

Brand for Horses and Cattle..... Ear-mark for Sheep.....

Sheep.

Number of sheep on 31st May.

| Rams. | Breeding Ewes. | Other Ewes. | | Wethers. | Lambs. | Total. |
|-------|----------------|-------------|--------|----------|--------|--------|
| | | Cast | Maiden | | | |
| | | | | | | |

| | Ram. | Ewe. | Wether. | Total. |
|------------------------|-------|-------|---------|--------|
| Number of Lambs marked | _____ | _____ | _____ | _____ |
| Number of Lambs dipped | _____ | _____ | _____ | _____ |

| Sheep disposed of in year | | | Stock acquired in year | | | |
|-------------------------------------|--|--|------------------------|--|------|--------|
| Sold locally for Breeding .. | | | Type of Stock. | Country of origin or Station where bought. | Sex. | Total. |
| " " Mutton .. | | | | | | |
| " " Boiling down .. | | | | | | |
| " " Other reasons .. | | | | | | |
| Exported | | | | | | |
| Killed on Station for skins only .. | | | | | | |
| Boiled down on Station .. | | | | | | |
| Killed for Mutton | | | | | | |
| Total | | | | | | |

Number of Sheep shorn between 1st June, 19..... and 31st May, 19.....

Total Wool Shorn.....net lbs. Average Wool clipped per sheep.....net lbs.

Labour on 31st May.

| Shepherds. | Navvies. | Other Hands. | Total. |
|------------|----------|--------------|--------|
| | | | |

Total population on 31st May.

| Male. | Female. | Total. |
|-------|---------|--------|
| | | |

Annual Rainfall in inches where records are kept on Station.....inches.

Number of Houses on Station including Cookhouse..... Number vacant.....

Horses.

| Stallions. | Brood Mares. | All other horses. | All under 3 years old. | Total. |
|------------|--------------|-------------------|------------------------|--------|
| | | | | |

Cattle.

| Bulls. | Cows. | All under 2 years old | Other oxen. | Total. |
|--------|-------|-----------------------|-------------|--------|
| | | | | |

Swine.

| Boars. | Breeding Sows & Gilts. | All over 6 months. | All under 6 months. | Total. |
|--------|------------------------|--------------------|---------------------|--------|
| | | | | |

Poultry.

| Hens. | Cocks. | Pullets. | Total. |
|-------|--------|----------|--------|
| | | | |

Geese..... Turkeys.....

Note.—All private horses and privately owned cows and pigs on the Station to be included in these returns.

Ploughed LandAcres.

Area sown OatsAcres.

Other ground MownAcres.

I solemnly and sincerely declare that the foregoing is to the best of my knowledge and belief a correct and accurate statement.

Signature of Manager.

Note.—This return must be made to the Agricultural Officer on or before 30th June in each year.