**STOCK DISEASES BILL 1888**

**Legislative Assembly, September 25, 1888, pages 1115-6**

Second reading

The COMMISSIONER of CROWN LANDS (Hon. J. Coles) said the Bill consolidated all Acts except Act No. 19, of 1859, which dealt with scab. It repealed Act No. 12, of 1861, the Scab Act of 1863, and the proclamation of scab districts of 1867. The measure was first introduced into the Legislative Council.

The COMMISSIONER of CROWN LANDS (Hon. J. Coles) said this measure had been introduced in the Legislative Council for two reasons. First, because it would give the members of the other branch of the Legislature something to do in the earlier part of the session; and secondly, because a very large number of the members of that chamber had had very considerable experience of stock, and any suggestion that came from them would be valuable, and would perhaps guide members of this House in arriving at a proper conclusion with regard to the Bill. The necessity for introducing a measure of this sort was brought under his notice in 1884, but owing to the pressure of work at the time, and perhaps to his not fully realising the urgency of the case, the Bill was not introduced. No doubt similar reasons had actuated his predecessor in office.

The present law applied only to inspecting stock, and any other power the Government had assumed had been under the provisions of the Public Health Act, and proclamations bad been issued under that Act. The powers so taken were very doubtful indeed, and on that point he did not think he could do better than quote the opinion of the Crown Solicitor, who said:—"The provisions of the Public Health Act No, 22, of 1873, are so vague and unworkable for the purposes apparently required by the Chief Inspector that it is difficult to advise how to carry out the intention of the Legislature, and I strongly advise separate legislation on the subject." the Chief Inspector of Stock added :—"At present there are five Acts and eight sets of regulations dealing with live stock, and the law may be said to be very imperfect and not fairly workable to deal, as should be the case, with all descriptions of animals, and to preserve them in their present good state of health." The Government had endeavored in the Bill to meet all objections that had been raised, but still there were several amendments that he would suggest when the measure was in committee. Clause 4 referred to proclamations, and gave the Government very considerable powers with re­gard to the prohibition or restriction of the importation of stock. Under the Act of 1861 diseases must be shown to be prevalent in foreign countries before the Government could take the steps they considered necessary. In this clause power was given to prohibit or restrict the importation of stock or fodder. Sub-section 2 had reference to the prohibition or restriction of the movements of stock within the province. Sub-section 4 dealt with the establishment of quarantine districts. So far the provisions as to quarantine related to sheep scab only, and any other power exercised had been taken under the Public Health Act. The Bill extended the power to the Northern Territory. Clause 5 provided for the laying of proclamations before Parliament. The Government also took considerable powers with reference to the issue of regulations from time to time. The Chief Inspector of Stock Informed him that the present powers were limited to imported stock, and in the Bill power was taken to make the measure and the regulations apply to all stock, im­ported or otherwise. Clause 7 provided that the existing orders and regulations were to continue in force until other orders and regulations were made. The clause with regard to the appointment of the Chief Inspector of Stock, the deputy inspector, and the other inspectors would require some alteration, as under clause 16 a most crucial examination was provided for. Although the Chief Inspector of Stock might be unable to pass the examination which some people might consider necessary in order to qualify him for the position, all those who knew the chief inspector would admit that he did his duty most efficiently and possessed knowledge sufficient for all purposes required of him. It would be necessary to add to the clause a few words which would enable the present occupants of the offices to retain them without passing any examination. Clause 10 provided that the quarantine grounds were to be under the charge of the chief inspector, and clause 11 indicated the powers of inspectors. The additional powers here asked were in force in Victoria and New South Wales. Clause 12 provided that in cases of resistance the inspector might use all necessary force, and he thought no one would object to that, for unless he had some such power it would be little use for the inspector to interfere with any stock. Clause 13 was an important one, and stated—"If, upon examining any stock, an inspector shall believe the same to be diseased, he is hereby authorised and empowered to kill one of such stock, or to kill two head of stock forming part of a lot exceeding 100 in number." (Mr. Homburg—"That is very complicated.") He should only be too glad to avail himself of the assistance of the hon. member in making it less complicated. The inspector would also have power to deal similarly with travelling or stray stock. Clause 14 was one in which there might be a necessity for some little alteration. Its object was to give the inspector discretionary power in regard to innoculation, but as he thought it ought to be permissive he would at the right time move that "may" be inserted for "shall" (Mr. Homburg— "Are you prepared to say that innoculation is a cure? ") He was not prepared to say so, but there were many hon. members who had had experience in innoculation and they would have the benefit of their opinion. He believed that in the large majority of cases innoculation was effective, but he did not think it ought to be compulsory upon the inspector to innoculate a whole herd. Then innoculation should not be enforced unless pure virus was obtainable, otherwise they might do more harm than good. Clause 16 simply empowered the inspector to employ assistance, and was copied from the Acts in force in the other colonies.

Clause 16 provided that the inspector might destroy diseased stray and travelling stock, and stock ordered by the Commissioner to be destroyed. That might appear harsh, but it was a very necessary power in connection with stock that was diseased. (Mr Homburg—"Any compensation?") He would come to that directly. Clause 18 again gave the Commissioner power to order the destruction of stock under certain circumstances. The next clause referred to the duties of the owners of diseased stock. Very often the chief inspector was the last person who heard of diseased stock, because there was nothing to compel owners to notify the authorities that their stock was diseased. Now, however, they proposed to provide that "Every owner of diseased stock shall, within 24 hours from the time when such stock shall have been discovered to be diseased, forward by post in a prepaid letter notice thereof, in the form of schedule B hereto, to the nearest inspector, and also to the chief inspector at Adelaide." And for any evasion of this there was to be a penalty of not less than £1, nor more than £20. He thought hon. members would say that this was necessary in order to compel owners to disclose the presence of disease in their flocks. Clause 20 set out that persons driving stock across runs were to give notice, and were not to travel less than five miles a day. That provision was included in the existing legislation except with regard to horses, and as some two or three years ago they had had some unpleasant experiences with regard to diseased horses, they thought it advisable to make the law apply to this class of stock also. Clause 21 provided that any proprietor might detain and examine travelling stock, and also for their owner giving notice of detention to the Inspector. (Mr. Howe—"That is a great power to the proprietor.") No doubt it was, but it was a very necessary power; but in the following clause it was provided that if a stationholder detained stock which was not diseased he would have to pay full compensation as well as the expense occasioned by such detention. Of course an interested stationholder might detain travelling stock in order to get his own first to market, but he thought the penalty would deter him from any such act . (Mr. Howe—" You know as well as I do that scarcely any stock passes the border free of disease.") With this proviso the station holders would be cautious. (Mr. Handyside—"They might have a reasonable sup­position.") Well, he admitted that it was an important clause, and they would have an opportunity of considering it in committee. Clause 24 provided that stock illegally introduced, & , might be seized and forfeited; and clause 31 enabled them to fix certain points on the border where stock would have to be introduced. Clauses 26 and 26 did not demand explanation, and 27 fixed a penalty for leaving diseased stock on land undestroyed. This was taken from the New South Wales Act, and he might say that a considerable portion of the measure was copied from the legislation of that colony where it had been found to work very well. Clause 29 stated—"No compensation whatever shall be payable to, or recoverable by, any person for or in respect of the forfeiture, killing, or destruction of any stock, fodder, or fittings, forfeited, killed, or destroyed under the authority of this Act or the regulations : Provided that full compensation shall be paid to the owner for all stock destroyed under the provisions of section 13, and which shall be found to be free from infectious or contagious disease." The remaining part of the Bill referred to the legal procedure and general matters, and he trusted that hon. members would enable him to get into committee, where the details could be fully discussed.

On the motion of Mr. J. L. STIRLING the debate was adjourned until Thursday next.