**STOCK DISEASES BILL 1888**

**Legislative Council, 26 July 1888, pages 109-10**

Second reading

**The CHIEF SECRETARY (Hon. J. G. Ramsay),** in moving the second reading of the Bill, said its object was to provide against the introduction of infectious diseases among cattle. This was a matter of interest to all classes, and everyone would admit the importance of a Bill of this kind. If disease should break out owners and inspectors of stock should be placed in a position to take immediate steps to stamp it out. The market should be supplied with good healthy meat, and this would not be the case if disease were ever allowed to get a hold upon cattle. The disease which broke out in the horses in the north-eastern portion of the colony last year showed the necessity of a Bill such as this. By bringing a number of Acta into requisition the Government were able to draw up Stock Regulations, but not until the disease had made considerable headway, and the Inspector of Stock was not sure that those regulations were altogether legal. There were already several Acts in force dealing with scab in sheep, but this Act extended the powers of the inspector to other diseases. The Bill provided in clause 11 that—“Every inspector shall nave power to enter at any time into any conveyance, or upon any land, for the purpose of inspecting any stock, and shall have all such other powers and authorities as may be necessary for enabling him to enforce the provisions of this Act and the regulations, and may direct the owner of any diseased or Infected stock to place such stock in a quarantine ground, to be appointed by the inspector, and to take such measures as regards their treatment, or to do other such acts as in the opinion of the inspector shall be necessary to eradicate or check the spread of disease.” Every inspector would be empowered, in case of resistance, to use all necessary force to effect an entry upon any land or into any conveyance, and

to obtain and maintain possession of any stock, carcass, fodder, or fittings there found.” It was also enacted that—“If, upon examining any stock, an inspector shall believe the same to be diseased or infected, he is hereby authorised and empowered to kill such stock (if the same does not exceed two in number), or to kill two head of stock forming part of a lot not exceeding 100 in number, for the purpose of deciding whether such stock are diseased or infected. Provided that if there are more than 100 head of stook in any lot he may kill in addition one head in every hundred or part of a hundred of the excess.” These provisions were necessary to provide against carelessness or willful negligence. The bill also gave the inspector power to deal with mobs of cattle, and in clause 15 it was provided that an inspector “ may seize and destroy any diseased or infected stray stock or diseased or infected travelling stock, and may also seize and destroy any stock which the Commissioner shall order to be destroyed in cases where the owner of such stock shall fail or neglect forthwith to destroy the same.” In clause 16 it was enacted that any person who should obstruct or hinder any inspector in the exercise of his powers or in the performance of his duty, or “ who shall fail or neglect to obey any lawful direction of an inspector,” should on conviction be liable to a penalty not exceeding £50. Power was given to quarantine stock for the purpose of eradicating any contagious trouble. This confined the disease within a smaller area, and gave the inspector a better chance of exterminating the disease. The Bill gave power to make by-laws, and to extend the Act to the Northern Territory by proclamation. The measure would altogether be a very great advantage to the stockowners as a whole. The provisions were considered at the Stock Conference held in Sydney in 1886, and he moved that the Bill be read a second time.

On the motion of the Hon. J. WARREN, the debate was adjourned till Tuesday next.

**STOCK DISEASES BILL 1888**

**Legislative Council, 3 July 1888, pages 186-**

(Adjourned debate on the second reading)

The Hon. J WARREN, in supporting the second reading of the Bill, did so with pleasure, because he thought it was a laudable effort on the part of the Government to grapple with the prevention and eradication of disease in stock. He supported it also because it was a consolidating Act, reducing the number of Acts bearing especially on the subject from three to one, and at the same time giving opportunities to amend the law. He hoped that the government would see their way clear to introduce many more consolidating bills, for there was nothing more perplexing than a multiplicity of Acts bearing on one subject. Referring more directly to the Bill, he wished to direct attention to a few points which he would endeavor to amend in committee. The definition of “stray stock’' given in the Bill was not sufficiently definite. The eighth section appeared to be incomplete, and should have the last paragraph in section 5 added to it. The powers given in sections 11 to 18 and 23 to the inspector and the Commissioner would, he thought, require to be modified, as they were far too great to place in the hands of any one man. To have the power to order the destruction of a herd because an inspector believed that they were infected was more in accordance with what might be expected under autocratic rule than under constitutional government, especially when the provisions of section 28 were considered. If a person had two cows, or a fine pair of buggy horses, and an inspector fancying they were diseased killed them, the owner would get no compensation whether diseased or not. If they were killed the owner should certainly be compensated, because if they possessed no other like cattle they derived no benefit by the eradication of the disease other than the benefit the rest of the community derived. The cattle would be killed for the benefit of the public, and the public should pay the loss It would also make inspectors more careful in what they did, as, if the Government had to pay, they would see that the inspectors did not exceed their duty. The disease most fatal to cattle in this colony hitherto was pleuro­pneumonia, and that had in nearly every case been traceable to imported stock. This was borne out by the chief inspector of stock’s report, and when first introduced it was very virulent, destroying great numbers of stock of the farmers and other large owners, but assuming a mild form, gradually died out. Stringent measures should be taken to prevent its introduction, and this could be effected by quarantining cattle on the border for a short time under an inspector’s eye. For most other diseases an examination was sufficient, but for pleuro cattle should be under examination for a week or so to be sure that they were not infected, and before releasing the cattle the inspector should have to report to the commissioners, who might be appointed from the stockholders in the neighborhood, whose interest it was to prevent the introduction of diseases. The cost of this inspection should be borne by the owners of the cattle and not by the public. Some similar mode of quarantining could be adopted with respect to all diseased cattle; in fact, he knew an instance where the farmers themselves did this effectually to prevent pleuro introduced by some bullocks purchased by a butcher and paddocked with a farmer; the latter losing nearly all his milch cows by it. He also wished to point out that although there were very high penalties to which settlers were liable there were none specified for inspectors who transgressed the law. and his experience was that inspectors were not immaculate. He wished to suggest to the Chief Secretary that this and the Brands Bill were such Bills as should be sent to country institutes, and hoped that the Government would begin with these. They could be sent instead of the weekly copies of “ Hansard,” which were not valued.

The Hon W. A. E. WEST-ERSKINE said on page 2 of the Bill the word “destroy” was interpreted as burning with fire or burying not less than 9 feet under ground. He objected to the burying of diseased cattle, as M. Pasteur had discovered that a cattle disease had broken out afresh in France owing to the burying of the carcasses of the diseased cattle. The worms after feasting on the carcasses had risen to the surface of the ground again, and their excretions had communicated the disease to healthy cattle depastured at a distance of some hundreds of yards. He thought the provisions made for destroying cattle were not sufficient, but those for getting rid of the carcasses of sheep were. He had seen the ill effects of leaving cattle on the ground, or burying them only a little below the surface, and he trusted that this would be remedied.

On the motion of the Hon. Dr. CAMPBELL the debate was adjourned till Tuesday next.

**STOCK DISEASES BILL 1888**

**Legislative Council, 10 July, 1888, pages 265**

(Adjourned debate on the second reading)

The Hon. Dr. CAMPBELL said his idea in moving the adjournment of the debate was to allow the Royal Agricultural Society to consider the measure, and he hoped that in the course of the debate some hon. member would give them the benefit of the deliberations of the society. In 1878 a Stock Diseases Bill was passed in England, and having read this measure he thought it would be necessary to considerably amend the Bill before the Council prior to its being carried. There were some things in which the conditions were or should be the same as in England. The relation of a man to his own property in the colonies should be the same as in England, where, if the officers of the Government took possession of a person’s property under this Act they had to pay for it, and he hoped that the same provision would be made in the Act before them. In the English Act there were four diseases specially mentioned, and direction was given for the treatment of cattle infected with each. These diseases were the cattle plague, pleuro pneumonia, the foot and mouth disease, and the sheep pox or scab, the Act provided for the treatment of each of these diseases in a manner suited to each. In the case of cattle plague the inspector had to make and sign a document, and serve a notice on the owner of the cattle supposed to be infected, and to report the matter to the Privy Council. The cattle are then inspected by a competent veterinary surgeon. If the Privy Council were satisfied by the report of the veterinary surgeon they took action, but if not they reversed the decision of the inspector of stock. The Privy Council had to destroy all of the cattle proved to be infected with cattle plague, and might cause to be slaughtered all beasts suspected of having it, but for all cattle so killed they must pay compensation out of the money provided by Parliament at the following rates:- For an animal affected, half of its value immediately before being affected, but not a greater sum than £20. In every other case they had to pay the full value immediately before it was slaughtered, but not more than £40. In the case of pleuro pneumonia the same notice had to be given, and the local authorities, having made enquiries, had to employ a veterinary qualified to decide on the question, and to send a report to the Privy Council. The same conditions as to the slaughter of beasts applied as in the case of pleuro-pneumonia, and if the animal was found to be affected the full value of the beast, not exceeding £40, had to be refunded to the owner. In the case of an outbreak of the foot-and-mouth disease notice had to be served on the owner and the notice of action on the local authorities. The local authorities then enquire into the case, and declare the animal infected or the place infected, and had to forward a report to the Privy Council. No slaughter was ordered in the case of animals infected with this disease. In the case of other general diseases, the same forms were provided, and animals could be ordered to be slaughtered, but compensation had to be paid. Persons having a diseased animal had to give notice to the police, the police to the person authorised by the Privy Council, and he to the council. The Privy Council had the power, on being satisfied that the allegations were true, to make regulations for the publishing, by means of placards, the locality infected, and regulating the isolation of the animals, &c. The English Act also provided that the local authorities had to keep appointed at all times one veterinary inspector, or as many at other times as the Privy Council might think fit. Penalties were also provided for officers exceeding their duty and for other offences, and the right to appeal was provided for persons dissatisfied with the finding of the authorities. The Act before them as compared with the English measure was extremely simple, and freed from all red tapeism. (Laughter.) Inspectors of stock there were provided for in the Act,, but no veterinary and no Privy Council to confirm the decisions of the local authorities, and no compensation. The inspector was not asked to make any written report on any case, but the whole power was left in his hand to deal with the cattle summarily. The inspectors were not even asked to give written notice to the owners of the stock that were supposed to be diseased, but he was left to destroy cattle at his own sweet will. It seemed to him that it was very desirable to greatly restrict the powers that it was proposed to entrust to the inspectors. They were not vets. and had no very special knowledge of the different diseases to which cattle were subject. It seemed to him that there was only one way of restraining the powers vested in the inspectors, and that was by passing a clause giving a fair amount of compensation to the owner for the property destroyed. This provision already existed in respect to the stock in the colony, and he believed it worked very well. Those members of the Council who were better acquainted with cattle than he was would be able to say whether or not the powers vested in the inspectors now were well exercised. Regarding the working of the past Acts in the colony, those of 1861, 1863, and 1867, he had no knowledge, but he hoped that some other hon. members would enlighten them upon the matter. Taking an independent view of the matter, and after reading the English Act, he certainly was surprised to find that there were no clauses contained in this Bill regulating in any way the imperious power placed in the hands of the inspectors. He was sure that before the Bill passed the Council several very important alterations would have to be made. (Hear, hear).

The Hon. H. E. BRIGHT had been struck by the fact that the Bill provided for no compensation to be paid to the owners of cattle destroyed, and more particularly with the fact that clause 33 gave power for cattle to be destroyed which were only supposed to be infected. The inspectors might destroy beasts which were only in a poor condition believing them to be diseased, but still the owners were to receive no compensation for the stock destroyed in error. This was not fair to the owners of stock, and the clause needed amending with a view to providing compensation. As it stood at present a poor cowkeeper might have the whole of his small herd destroyed and himself ruined without any hope of receiving compensation. If our Stockowners were to be hampered by such provisions as this they would be very chary how they subjected themselves to this sort of thing. Then with regard to clauses 34 and 35, he would point out that if any country Stockowners wished to appeal against the inspector’s decision it must be made in the Local Court of Adelaide. When the ordinance of 1850 was passed no doubt there were very few Local Courts, but now that was changed, and it was very hard that appeals should only be heard in the city. They should be taken to the court nearest to the place where the action arose. It would only be just to the residents of the country that this should be provided, and justice was more likely to be carried out if the enquiry were made near to the place where cause of action arose. He would endeavor in committee to amend the Bill in the directions he had indicated. It would be very unwise to pass the measure without special protection being given to the stockowners of the country. He thought if the Chief Secretary would withdraw the Bill and introduce another Bill more on the lines of the English Act, it would be more likely to be carried, and would be more just to the holders of stock. (Hear, hear.)

The Hon. J. H. ANGAS said he had no doubt that now our ports were open for the importation of cattle from beyond the seas some farther legislation was required upon this important matter. The Government, however, had not been happy in framing the Bill, and there were many important matters in it which would have to be altered before it became law. (Hear, hear.) In Act 12 of 1861 provision was made for the destruction of stock during the time that their importation was prohibited by proclamation. Clause 2 provided that “any cattle infected with any contagious disease may, during the period when any such proclamation shall be in force, be shot or otherwise destroyed by any constable, Crown lands ranger, or other person duly authorised by the Commissioner of Crown Lands.” That was a very large power to confer upon any persons who were not qualified to form an opinion upon the nature and character of any disease with which cattle might be supposed to be in­fected. But that was only introduced to prevent the importation of diseased stock by sea, and he did not think that prerogative was ever exercised. But as our ports were again opened it was no doubt necessary that the inspectors should be armed with some powers of this sort, but those contained in the Bill were rather more than should be entrusted to any one man. The definition of destroy given in the Bill was not, he thought, adequate. The definition given was— “ To entirely consume by fire or to bury at a depth of not less than 2 feet under ground ; or in the case of sheep, if permitted by an inspector, to consume the wool and skin by fire, and to boil down the remainder of the carcase ” It had been discovered, however, by M. Pasteur, the great authority upon diseases of animals, that the germs of disease had been known to take effect from the worms which had generated in the carcases of the diseased animals. Consequently he did not think that burial at a depth of 2 feet was likely to do away with the danger arising from contagious diseases. The definition of disease seemed to him to include every disease they could name, and some which did not appear to exist in this country or in England. What “equine fever" meant be did not know, but he supposed that if a horse showed signs of feverishness it was liable to be slaughtered. He would like to know who was to determine the existence of a disease in cattle. Clause 13 gave the inspector very great powers. The clause said—“If, upon examining any stock, an inspector shall believe the same to be diseased or infected.” It did not say “ if he found them to be so," but only “ if he believed them to be diseased he is hereby authorised and empowered to kill such stock (if the same does not exceed two in number), or to kill two head of stock forming part of a lot not exceeding 100 in number, for the purpose of deciding whether such stock are diseased or infected. Provided that if there are more than 100 head of stock in any lot he may kill in addition one head in every hundred or part of a hundred of the excess.” By this he was empowered to destroy the animal whether it was diseased or not. (Laughter.) The worst of it was that the owners of these cattle—if after a post mortem examination it is found there was no disease—had no right to compensation. It was absolutely necessary that there should be some provision in the Bill for the appointment of a veterinary surgeon to decide whether animals were diseased or not, as veterinary science was not usually included in the education of those who were to be appointed inspectors under the Bill. Clause 14 stated that—“ Any inspector may, whenever necessary, employ any person or persons to assist him in carrying out the provisions of this Act and the regulations, and may pay such remuneration to such person or persons as he may deem reasonable, and the owner through whose neglect, omission, or other default, or by reason of the infection or removal of or other dealing with whose stock the expenses of such employment shall have been incurred, shall repay the same to the chief inspector on demand; and in default of payment such expenses may be recovered before any two justices of the peace in a summary way by or on behalf of an inspector, or such stock, or a sufficient number thereof, or any other stock of the same owner, may be seized and sold by order of the chief inspector to pay such expenses, together with the costs of seizure and sale.” From this clause it appeared that not only was the unfortunate owner of infected or supposed infected animals to bear the loss of the beasts, but also to pay the cost of the destroying of them, even if they were found to be perfectly healthy. In England compensation was paid to the owner of the animals in proportion to the dangerous nature of the disease, but in the Act before them no compensation at all was to be paid. The system of paying compensation was a very proper one excepting in the case of cattle brought by sea or land to this colony, for almost all disease was introduced among cattle, very little being spontaneous. The 18th clause provided that stock supposed to be diseased had to be destroyed whether really infected or not, the arbitrary orders of the inspector having to be obeyed without a veterinary being called in or instructions coming from any such body as the Privy Council in England. Clause 21 provided that “any proprietor detaining any travelling stock which appeared to him to be diseased shall, until the arrival of the inspector, either keep such stock on his own land or make such arrangements as shall prevent the further spread of the disease or infection under a penalty not exceeding £100; and if such stock shall be declared diseased or infected all necessary expenses incurred by such proprietor in the detention and keep of such stock shall be paid to him by their owner, to be recovered by action at law in any court of competent jurisdiction; provided, however, that if the stock so detained shall be found on examination not to be diseased or infected, and the proprietor detaining them had no reasonable grounds for suspecting them to be diseased or infected he shall pay to the owner of such stock £100, and also the loss and expense occasioned by such detention, to be recovered by action-at-law in any court of competent jurisdiction.” This clause threw all the onus of dealing with infected travelling stock upon the owner of the property being traversed, while the inspector had no liability, which was not fair, as it involved the double responsibility of caring for his own and others’ cattle. He thought he had said enough to show the House that it was not desirable to proceed further with the Bill until it was very considerably amended. (Hear, hear.) He would like to suggest that quarantine ground should be proclaimed, and that compensation should be paid to the owners for all cattle destroyed, save in the case of those imported from the neighboring colonies or from over the sea. The Agricultural Society would meet on the following day to consider the Bill under consideration and the Brands Bill, and the Council would have the benefit of their deliberations when they next met.

The CHIEF SECRETARY (Hon. J. G. Ramsay) wished to say that it would have been more to the purpose if the Hon. Dr. Campbell had studied the colonial Acts instead of the English Acts. The Act of 1859 dealing with scab in sheep had been in force ever since, and was acting admirably. (Hear, hear.) That Act not only did not give any compensation for the sheep destroyed, but imposed a fine upon any man bringing diseased sheep into the colony. Instead of giving the inspector power to stamp out diseases some of the speakers seemed to wish to encourage bringing it here and letting the Government pay for it. (An hon, member—“ No one has said so.”) That would be the effect of Dr Campbell’s arguments, which were followed up by the Hon. Mr. Bright. If such provisions as they wished were brought into force all the diseased animals in Queensland and New South Wales would come to South Australia in order that the owners might get compensation for their destruction. Most of the provisions of the Bill had been in force before. The powers asked for in this Bill regarding stock in this country and stock coming over the border had been in force for years with respect to stock coming over sea. These powers were necessary if they were to stamp out disease. The disease which broke out among the horses in the northeastern district not long ago would have been stamped out before it could have done much injury if they had possessed powers to deal with stock coming over the border. No one had ever suggested that the inspector had overstepped his powers hitherto. Power was given to the inspector to quarantine stock if they were suffering from a disease which might be cured, but if the disease was beyond all hope he would communicate with the Commissioner of Crown Lands, who would send a veterinary surgeon to examine them. (Hear, hear.) The clause of the Bill providing for the destruction of stock without compensation was copied from the Victorian Act, No. 10 of 1872, and it had worked well there. They wanted power to deal with diseased stock imported from the colony in any way. (Hear, hear.) The same power had existed in Victoria since 1872, and was also in force in New South Wales. (An hon. member—“New South Wales and Queensland give compensation.”) He had that day received a report from an inspector of stock in the colony on an outbreak of pleuro-pneumonia. He said:-“The neighboring farmers complain of the culpable carelessness of the owner, stating the carcasses of diseased animals are allowed to lie about and rot in the paddocks. I saw a number of carcasses, and one not long dead. Ihe place appeared to me to be simply a nursery for pleuro-pneumonia, and the inspectors sadly want the power to insist on precautionary measures being taken and diseased animals destroyed,” On again visiting this farm he reports “the beast which the owner promised to destroy was only partially burnt, and there were fresh tracks of cattle round the remains. Also saw another beast very bad and one sickening.” Again, “ in two different cases of bad tubercular disease brought into sale yards I endeavored to induce the owners to destroy them, but they well understood I had no power to enforce the destruction, and they were not destroyed.” This showed what inspectors of stock had to deal with, and he hoped, in the interests of stockowners and of the general public, hon. members would look at the Bill in a different light to that in which it had been viewed by same of the speakers. (Hear, hear.)

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On the motion of the Hon A. HAY the debate was adjourned until Tuesday next.

**STOCK DISEASES BILL 1888**

**Legislative Council, 17 July 1888, page 357**

(Adjourned debate on the second reading)

The Hon. A. HAY said the Bill was very necessary, though he did not agree with some of its provisions. It should be the interest of every one in the colony to keep their cattle free from disease. At present he was glad to say that there was very little disease. If imported cattie were found to be diseased they should be either slaughtered or quarantined, and those persons who imported such stock should not be able to claim any compensation. The law should aim at preventing people from attempting to introduce such stock. It was not right that the general public should be losers in this way, but that possessors of diseased stock should be the greatest losers.

The Bill was then read a second time.