

No. XXX.

ANIMALS INFEC-
TIOUS DISEASES.

An Act to provide against the communica- tion of Infectious Diseases to Animals. [16th March, 1888.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Animals Infectious Diseases Act of 1888."

Interpretation of
words.

2. In this Act, unless the context necessarily requires a different meaning—

"Infectious" means capable of passing by natural means, whether by contact, infection, hereditary transmission, or through air, food, or water, or otherwise howsoever from animal to animal, whether such animals be of the same or different kinds, or from man to man, or from any animal to man, and whether such infectious microbes pass and are propagated in the same or in altered forms.

"Medium"

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“Medium” means any matter or preparation used to keep microbes alive.

“Microbe” means any micro-organism, mite, or parasite, or other minute form of life.

“Minister” means the Minister for Lands for the time being.

“Noxious” means capable of producing any disease or pestilence in man, or in any wild or domestic animal.

3. It shall be unlawful for any person, not holding a license from the Minister as hereinafter provided, to introduce into New South Wales, or to receive when introduced, or to keep or distribute any noxious and infectious microbes or any substance or medium impregnated therewith; or to rear and propagate any such microbes.

Introduction and keeping of certain microbes declared illegal.

4. It shall be unlawful for any person, not holding a license from the Minister as hereinafter provided, to inoculate or otherwise infect any wild or domestic animal with any noxious and infectious microbes; or to keep any animal when so inoculated or otherwise infected as aforesaid.

Inoculation of animals declared illegal.

5. It shall be unlawful for any person, not holding a license from the Minister as hereinafter provided, to let loose, or to send, or remove, or to drive from place to place any wild or domestic animal inoculated or otherwise infected with any noxious and infectious microbes; or to transport or remove the dead body, or any portion of the dead body, of any such animal when inoculated or otherwise infected as aforesaid, or to dispose of the same otherwise than by burning or boiling.

Removal of inoculated animals declared illegal.

6. It shall be lawful for the Minister to grant to any person whom he may consider qualified a license to introduce into New South Wales, or to receive when introduced, and to keep any noxious and infectious microbes which may be specified in such license, or any substance or medium impregnated therewith; and to rear and propagate and distribute the same. Provided that no license under this section shall extend to the keeping of any such microbes in any other place than may be specified therein, or to the sending or distributing of such microbes to any person not holding a similar license.

License to introduce and keep microbes.

7. It shall be lawful for the Minister to grant to any person whom he may consider qualified a license to inoculate or otherwise infect, with any such noxious and infectious microbes as may be specified in such license, any wild or domestic animals of the kind or kinds therein mentioned; and to keep such animals when so infected. Provided that such animals shall be kept in security or confinement at such place or places as may be mentioned in such license, and shall not be sent or delivered to any person not holding a similar license.

License to inoculate animals.

8. Any license granted under either of the two preceding sections shall contain and be subject to all such reasonable conditions as the Minister may think fit to insert therein, and may at any time be withdrawn; and upon notice of such withdrawal, the former licensee shall immediately destroy all such noxious and infectious microbes, or all such animals infected with the same, together with the microbes wherewith they may be infected, as may have been kept or reared in pursuance of the license so withdrawn as aforesaid.

Conditions in, and withdrawal of license.

9. It shall be lawful for the Minister after such inquiry and experiment as to him may seem sufficient to approve by notification in the *Government Gazette* of the introduction, keeping, propagation, and application of any kind or kinds of microbes for the purpose of destroying rabbits or other wild animals. Provided that no such notification of approval shall be published until copies thereof have lain for thirty days upon the tables of both Houses of Parliament without being objected to by a specific resolution; and further provided that any such approval may in like manner be revoked.

Approval of methods of destroying rabbits, &c.

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Approved methods
to be exempt from
operation of the Act.

10. After an approval of the use and application for the purpose aforesaid of any kind or kinds of microbes has been duly notified as hereinbefore provided, and until the same shall be revoked, it shall be lawful to introduce, keep, propagate, use, and otherwise deal with such kind or kinds of microbes for the purpose aforesaid, as if this Act had not been passed; subject, however, to any regulations in that behalf which may be made under the "Rabbit Nuisance Act of 1883," or any Act repealing or amending the same.

Offences against Act
to be misdemeanours.

11. Any person not holding a valid license from the Minister who shall knowingly and wilfully do anything forbidden, or neglect to do anything enjoined by this Act shall be guilty of a misdemeanour, and shall be liable to a term of imprisonment not exceeding two years, or to a fine not exceeding one hundred pounds; and the burden of proving the possession of any valid license from the Minister shall lie upon the person claiming to hold the same.

Indictment and
proof.

12. In any indictment or information it shall be sufficient to describe any given microbes as noxious and infectious microbes within the meaning of this Act without specifying the kind or kinds or the scientific name or names thereof, and such general description shall be deemed to include and to extend to any microbes or forms of microbes by which any given microbes may, in the course of nature, be succeeded: Provided that subsequent existence in the same or any substituted medium or substance shall be *prima facie* evidence of such succession as aforesaid.

Evidence that
microbes are
noxious and infec-
tious.

13. It shall be lawful for the Minister by notification in the *Gazette* to declare that any specified kinds of microbes are noxious and infectious within the meaning of this Act. And upon any proceedings against any person not holding a license as hereinbefore provided for any offence committed after the issue of such notification the same shall be admissible as and be taken to be *prima facie* evidence that the kinds of microbes therein described or referred to are noxious and infectious.

Burden of proof in
certain cases.

14. If it be proved upon the trial of any person not licensed as hereinbefore provided, that any microbes have been found in his possession, and that he has reared and propagated the same, or that he has habitually reared and propagated microbes of the same or of a similar kind, the burden of proving that such microbes are not noxious and infectious shall lie upon such person.

Search warrants.

15. Any Justice of the Peace, on information upon oath that there is reasonable ground to believe that any offence is being committed in any place against the provisions of this Act, may issue his warrant authorizing any officer or constable of police to enter such place, and to search the same, and to take possession of any animals, vessels, substances, or media which may be reasonably suspected of being infected with or of containing any noxious and infectious microbes.

Seizure and
destruction of
microbes and
infected animals.

16. Upon the conviction of any person for an offence against the provisions of this Act, all animals, vessels, substances, and media in his possession, which are or are reasonably suspected of being infected with, or which contain or are reasonably suspected of containing, any noxious or infectious microbes, shall be forfeit to the Crown; and the Minister may authorize any person to enter any premises where the same may be, and to destroy the same.

Saving clause.

17. Nothing in this Act shall be held to apply to the introduction, receiving, keeping, propagation, or use of any lymph or other substance heretofore ordinarily used for the prevention of disease in man or in any domestic animal or of the like kind therewith, or to any microbes existing otherwise than in a state of artificial cultivation or method for preserving the vitality thereof.