

14 GEO. V. No. 2, 1923. *Diseases in Poultry Act.*

PETROLEUM.

See MINING.

POOLS.

See PRIMARY PRODUCE.

POULTRY.

An Act to Make Better Provision with respect to Diseases in Poultry.

14 Geo. V.
No. 2.

THE
DISEASES IN
POULTRY
ACT OF 1923.

[ASSENTED TO 20TH AUGUST, 1923.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Diseases in Poultry Act of 1923*," and shall come into operation on the first day of January, one thousand nine hundred and twenty-four.

Short title
and com-
mencement
of Act.

2. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say,—

Interpreta-
tion.
31 Vic.
No. 35, s. 2,
60 Vic. No. 1
s. 3.

"Destroy"—To consume by fire, bury under the ground, kill, or otherwise destroy to the satisfaction of an inspector

Destroy.

"Disease"—Chicken pox, avian diphtheria, common roup, favus (*Zophophyton Gallinæ*), fowl or chicken cholera (*Septicemia hæmorrhagica*), fowl enteritis, gapes (*Syngamus trachealis*), poultry lice (of all kinds), poultry tick (*Argus Persicus*), scabies (*Sarcoptes lævis*), stickfast flea (*Echidusphaga Gallinacea*), tuberculosis, tumours, vent gleet (*Cloacitis*), and any other disease affecting poultry which the Governor in Council, by Order in Council, declares to be a disease under and for the purposes of this Act;

Disease.

"Diseased poultry"—Poultry actually suffering from or affected with disease;

Diseased
poultry.

District.	“District”—A district constituted under this Act ;
Fittings.	“Fittings”—Any pen, house, box, roost or other structure for keeping or confining poultry, and any boxes or other articles or things whatsoever which have been brought into contact with poultry ;
Holding.	“Holding”—Any farm freehold or leasehold or place where poultry are kept ;
Infected area.	“Infected area”—Any part of the State which the Governor in Council has, by Order in Council, declared to be infected with disease, and any place which has been subjected to an order of quarantine by an inspector ;
Infected poultry.	“Infected poultry”—Diseased poultry, or poultry which are suspected by an inspector to be diseased or infected with disease or which in the opinion of an inspector have been in direct or indirect contact with disease within the last preceding three months ;
Inspector.	“Inspector”—An inspector appointed under this Act: the term includes an honorary inspector ;
Introduced poultry.	“Introduced poultry”—Poultry brought into this State from any place outside this State; and “introduction” has the correlative meaning ;
Minister.	“Minister”—The Secretary for Agriculture and Stock or other Minister of the Crown for the time being charged with the administration of this Act ;
Officer.	“Officer”—Any inspector or other officer appointed under this Act, or any person having for the time being authority to exercise all or any powers conferred by this Act on officers within the extent of such authority ;
Owner.	“Owner”—The owner, lessee, licensee, or occupier, whether jointly or severally, having charge or control of any holding or poultry, or the authorised agent or the superintendent of the owner ;
Poultry.	“Poultry”—Fowls, ducks, geese, turkeys, guinea fowls and pigeons, and any other birds which the Governor in Council by Order in Council from time to time declares to be poultry under and for the purposes of this Act ;

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- “Prescribed”—Prescribed by this Act; Prescribed.
- “Regulations”—Regulations made under this Act; Regulations.
- “This Act”—This Act and all Orders in Council This Act.
and regulations and orders and directions
made and given thereunder;
- “Treated”—Dipped, dressed, sprayed, inoculated, Treated.
disinfected, or treated with any medicament,
in any case as a cure for or prevention of
disease.

3. (1.) The Governor in Council may from time to time appoint such inspectors and other officers as may be necessary for the effectual execution of this Act. Inspectors,
&c.

No such inspector or officer other than an honorary inspector shall be either directly or indirectly a dealer in poultry, or act as the agent of an owner of or dealer in poultry.

(2.) Every member of the Police Force shall *ex officio* be and be deemed to be an officer appointed under this Act.

The Minister may, in writing, authorise any person to exercise all or any powers conferred by this Act on officers, and may revoke such authority.

(3.) For the purpose of the effectual execution of this Act the Minister may from time to time appoint, with power of revocation, any person or persons as honorary inspectors under this Act; and any person so appointed shall be entitled to exercise the powers conferred upon inspectors by this Act during the period of his inspectorship. Honorary
inspectors.

4. The Governor in Council may from time to time, by Order in Council— Governor in
Council may
appoint
districts, &c.

- (i.) Constitute any part of the State a district for the purposes of this Act;
- (ii.) Alter the boundaries of any district;
- (iii.) Declare any birds to be poultry under and for the purposes of this Act;
- (iv.) Declare any disease affecting poultry to be a disease under and for the purposes of this Act;
- (v.) Declare any part of Queensland to be an infected area with such boundaries as he thinks necessary, and alter the boundaries of such area;

- (vi.) Prohibit the sale or exposing for sale of any poultry within the State or within any district or districts for such period as may be fixed by the Order ;
- (vii.) Require the inspection and disinfection of introduced poultry as and when may be prescribed ; and direct that if any such poultry are infected poultry the same shall be dealt with under this Act ;
- (viii.) Prescribe the route or method of conveyance by which infected poultry shall be taken to their destination.

He may assign a district or districts to any inspector or officer.

Unless the Governor in Council otherwise directs, any inspector may exercise and discharge his powers and duties in any part of the State notwithstanding that a district or districts may have been assigned to him.

Quarantine.

5. An inspector, on being satisfied that any area is or is suspected to be infected, shall define the boundaries of the area in question, and place it in quarantine by giving written notice to the owner either personally or by registered letter.

Such quarantine shall continue until such area has been released by the Minister.

Poultry,
&c., may be
destroyed in
certain cases.

6. The Minister may order the destruction of any infected poultry, or any fittings, whenever in his opinion such destruction would tend to prevent the spread of disease.

All poultry and fittings ordered to be destroyed shall be destroyed in manner prescribed.

No compen-
sation.

No compensation shall be paid for the destruction of any poultry or fittings ordered to be destroyed under this section.

Owner to
give notice
of disease.

7. Every owner, when disease, except poultry lice, appears among his poultry, shall, before the expiration of one week from the time of his discovering the fact, give notice thereof to the nearest inspector or to the Under Secretary to the Department of Agriculture and Stock.

He shall also forthwith, as far as practicable, separate and continue to keep separate all such diseased poultry from poultry not affected with disease.

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8. An inspector may at any time, with or without assistants— Powers of inspector.

- (i.) Enter upon any holding, place, ship, vessel, or vehicle to inspect poultry or to carry out any order of the Minister or of an inspector (whether made by himself or any other inspector) if the owner has refused or neglected so to do ;
- (ii.) Examine and order to be treated any infected poultry.

9. Any person who thinks himself aggrieved by any order of an inspector may appeal to the Minister on giving to such inspector notice in writing seven clear days before the hearing of the appeal. Appeal to Minister.

The Minister shall hear and determine the appeal, and his decision shall be final, and may be enforced in any court of competent jurisdiction.

10. (1.) Every person who—

Offences.

- (a) Removes, or attempts to remove, or is in any way concerned in removing, poultry contrary to this Act or any order of an inspector ;
- (b) Refuses or neglects to give any prescribed notice ;
- (c) Prevents or obstructs an inspector or officer in the execution of the powers conferred upon him by this Act, or refuses to obey the order of an inspector ;
- (d) Is guilty of any breach of the regulations ;

shall be liable to a penalty not exceeding one hundred pounds or at the discretion of the adjudicating court to be imprisoned for any term not exceeding six months.

(2.) If any owner refuses or neglects to obey the order or any part of the order of an inspector, such inspector may carry out the work at the expense of the owner upon being directed by the Minister so to do, and recover from the owner the expenses of doing the work, by action in any court of competent jurisdiction.

All such expenses shall also be and remain a first charge upon any poultry treated or dealt with, notwithstanding any change that may take place in the ownership of them.

(3.) Any poultry removed contrary to this Act or any order of an inspector may be seized by an officer, and may, at the discretion of the Minister, either be sold or destroyed.

The proceeds of every such sale shall, after deducting expenses, be paid by the officer to the Minister, and shall be placed to the credit of the Consolidated Revenue.

Procedure.

11. (1.) All proceedings in respect of offences against this Act may be heard and determined in a summary way under **"The Justices Acts, 1886 to 1909."*

(2.) Any person who acts in violation of this Act shall, unless for such offence a penalty is expressly provided, be liable to a penalty not exceeding twenty pounds.

(3.) When any proceedings are taken in respect of poultry under this Act, the Court may, notwithstanding any change that has taken place in the meantime in the ownership or possession of the poultry, give judgment against the owner of the poultry without any further name or description, and may by such judgment order that the amount of the judgment and costs be levied by seizure and sale of so many of the poultry as are necessary to satisfy the same.

Regulations.

12. The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act, or that may be necessary or expedient to carry out the objects and purposes of this Act, and, where there may be in this Act no provision or not sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency; and, without limiting the generality of the foregoing provisions by such regulations, provision may be made for all or any of the purposes enumerated in the Schedule to this Act.

Schedule.

All such regulations shall be published in the *Gazette*, and shall thereupon have the same force and effect as if they were embodied in and formed part of this Act.

Such regulations shall be laid before Parliament within three weeks after such publication, if Parliament is then sitting, and if not, then within three weeks after the beginning of the then next session of Parliament.

* 50 Vic. No. 17 and Amending Acts, *supra*, pages 1132 *et seq.*

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If the Legislative Assembly passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within thirty sitting days of the House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

SCHEDULE.

SUBJECT-MATTER FOR REGULATIONS.

1. Prohibiting or regulating the movement of poultry into, within, or out of an infected area. Movement of poultry.
2. Prescribing and regulating the quarantine, isolation, or separation of poultry in an infected area. Isolation.
3. Prescribing and regulating the destruction or disposal of poultry, fittings, or other things in an infected area, or of connection with infected poultry. Destruction of poultry, &c.
4. Prescribing and regulating the cleansing and disinfection of infected areas and holdings and fittings in which infected poultry have been kept. Cleansing infected areas.
5. Prescribing means to be adopted for preventing the spread of infection or disease by any person, animal, matter, or thing. Spread of infection.
6. Prescribing with respect to the inspection and disinfection of introduced poultry and the manner of disposal of or terms of quarantine of such of them as are infected poultry. Introduced poultry.
7. Prescribing the terms of quarantine of poultry removed from one part of the State to another part of the State. Quarantine of poultry.
8. Prescribing the charges to be paid by owners while poultry are in quarantine. Quarantine charges.
9. Prohibiting or regulating the sending or carriage of infected poultry or other thing likely to spread disease, on railways, rivers, or in vessels within the territorial waters of Queensland. Carriage of stock.
10. Prescribing the medicaments to be used and the means to be adopted for treating infected poultry. Treatment, &c.
11. Prohibiting or regulating the exposure of infected poultry for sale in any place. Exposure for sale.
12. Prescribing and regulating the seizure, detention, and disposal of any infected poultry exposed, carried, kept, or otherwise dealt with contrary to this Act, and imposing upon the owner the expenses connected with the seizure, detention, and disposal thereof. Seizure of poultry.
13. Prescribing the fees payable by persons for matters and services arising under this Act. Fees.
14. Prescribing forms for notices and any documents or writings whatsoever under this Act. Forms.
15. Prescribing and regulating the payment and recovery of expenses in respect of holdings and poultry. Expenses.
16. Prescribing the qualifications of inspectors (other than honorary inspectors) and of officers appointed under this Act, and requiring that, before appointment, they shall give by examination or otherwise satisfactory evidence of their competency. Qualifications of inspectors, &c.