



Western Australia

Cattle Industry Compensation Act 1965

Cattle Industry Compensation Regulations 1966

These regulations were repealed by the *Biosecurity and Agriculture Management Regulations 2013* r. 137(p) as at 1 May 2013 (see r. 2(b) and *Gazette* 5 Feb 2013 p. 823).

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Cattle Industry Compensation Regulations 1966

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Defined terms

Cattle Industry Compensation Regulations 1966

1. Citation

These regulations may be cited as the *Cattle Industry Compensation Regulations 1966*¹.

2. Interpretation

- (1) In these regulations unless the context requires otherwise —
authorised person means a person authorised by the Chief Inspector;
testing means the application of the tuberculin test for tuberculosis or serological testing for brucellosis;
the Act means the *Cattle Industry Compensation Act 1965*;
words and expressions defined in section 6 of the Act and used in these regulations have the same respective meanings as in the Act.
- (2) Reference to “registered stud cattle” in any recommendation approved by the Governor in pursuance of section 16(3) of the Act, should be read as reference to a breeding animal that is registered in any recognized herd book maintained by a Breed Society whose rules require identification of individual animals, and in the case of a female breeding animal, an animal that is being used or is intended to be used for the purpose of producing registered progeny.

*[Regulation 2 amended in Gazette 19 Feb 1971 p. 522;
22 May 1972 p. 1360; 6 Nov 1981 p. 4581.]*

3. Chief Inspector may require cattle to be tested

The Chief Inspector may, on giving to the owner of cattle 7 days' previous notice in writing in the Form No. 1 in the Schedule, request that owner to submit, at a time and place to be specified in the notice, his cattle to inspection or to testing, or to both, by the Chief Inspector, an inspector, a veterinary officer of the Department, or a veterinary surgeon authorised by the Chief Inspector.

[Regulation 3 amended in Gazette 19 Feb 1971 p. 522.]

4. Owner to submit cattle for testing

Every owner of cattle, on receipt of notice pursuant to regulation 3, shall at the time and place specified in the notice, submit his cattle for the purpose referred to in that regulation, and shall render to the person inspecting or testing the cattle all reasonable assistance with the handling of them.

5. Owner to provide crush

- (1) Every owner of cattle shall provide a crush or other suitable means of restraint for the purpose of inspection or testing of his cattle under these regulations, to the satisfaction of the person carrying out the inspection or testing.
- (2) An owner who fails or neglects to provide a crush or other suitable means of restraint pursuant to this regulation commits an offence against these regulations.
- (3) Where a question arises as to whether a crush or other means of restraint is adequate for the purposes of this regulation, the question shall be referred to the Chief Inspector who shall determine the question and whose determination shall be final and conclusive.

[Regulation 5 amended in Gazette 19 Feb 1971 p. 522.]

6. Tuberculin testing

- (1) Where cattle have been submitted to a tuberculin test pursuant to the provisions of section 11 of the Act, the person who carried out the test shall within 7 days thereafter sign and furnish to the Chief Inspector —
 - (a) a report in the Form No. 2 in the Schedule, setting forth particulars of the number and kind of cattle tested, the number of positive reactors (if any) and the person's claim for any expenditure incurred for work authorised by the Department; and
 - (b) a return in the Form No. 3 in that Schedule of the positive reactors to the tuberculin test of the cattle.
- (2) The owner of the cattle so tested shall certify that the test has been made and the positive reactors identified and for that purpose shall sign the certificate endorsed on the Form No. 2 referred to in this regulation.

[Regulation 6 amended in Gazette 20 Jul 1984 p. 2195.]

6A. Brucellosis testing

- (1) Where cattle have been submitted to testing for brucellosis pursuant to the provisions of section 11 of the Act, the person who collected the samples for testing shall —
 - (a) individually identify the animals in relation to the samples taken and forthwith submit those samples to the Animal Health Laboratory or a Regional Laboratory conducted by the Department for examination; and
 - (b) within 7 days of the date of collecting those samples furnish to the Chief Inspector a return in the Form No. 3A in the Schedule.
- (2) The owner of the cattle so tested shall certify that blood samples were collected and the animals identified and for that purpose shall sign the certificate endorsed at the foot of the Form No. 3A referred to in this regulation.

[Regulation 6A inserted in Gazette 19 Feb 1971 p. 522.]

7. Positive reaction to tuberculin test

All cattle which upon being subjected to a tuberculin test give a positive reaction, or which upon being inspected are found to be showing clinical evidence of disease, shall be branded on the rump with the imprint of a †, or earmarked with a † earmark, and every animal that has reacted to the tuberculin test shall also be tagged for identification with a tag in a form approved from time to time by the Director and issued by the Department bearing the letters “TB” and a serial number.

[Regulation 7 amended in Gazette 22 Dec 1972 p. 4795.]

7A. Positive reaction to brucellosis test

All cattle which, upon being subjected to serological testing for brucellosis give a positive reaction or which have been shown to be infected by bacteriological examination shall be branded on the rump with the imprint “BR” or earmarked with a † earmark and shall be tagged for identification with a tag in a form approved from time to time by the Director and issued by the Department bearing the letters BR and a serial number.

[Regulation 7A inserted in Gazette 19 Feb 1971 p. 523; amended in Gazette 22 Dec 1972 p. 4795.]

8. Cattle suffering from disease

- (1) Where any cattle are found by inspection or by the application of a tuberculin test to be suffering from disease, the Chief Inspector shall give forthwith to the owner of the cattle notice in writing in the Form No. 4 in the Schedule, and by such notice shall require the owner within a time to be specified in the notice —
 - (a) to remove such cattle from the herd for the purpose of their being slaughtered; and
 - (b) either to destroy at his own expense such cattle within the meaning of the word “destroy” in the *Stock Diseases*

*Act 1895*² (as amended), or to convey or consign such cattle to an abattoir specified in the notice for the purpose of slaughter, and the owner shall keep such cattle isolated from the herd pending slaughter by him or conveyance or consignment for the purpose of slaughter.

- (2) Where any cattle are found by testing to be affected with brucellosis, the Chief Inspector may give notice thereof in writing to the owner of the cattle in the Form No. 4 in the Schedule.
- (3) The cost of transporting cattle conveyed or consigned to an abattoir for slaughter, pursuant to subregulations (1) or (2), whether that transport be by rail or by road shall be borne by the Fund.

[Regulation 8 amended in Gazette 19 Feb 1971 p. 523.]

8A. Order under section 14B of the Act

An order for the purposes of section 14B of the Act shall be in the form of Form 2A in the Schedule.

[Regulation 8A inserted in Gazette 7 Apr 1989 p. 1064.]

9. Claim for compensation if cattle destroyed

- (1) An application for payment of compensation in respect of cattle destroyed pursuant to the Act and these regulations, other than applications for payments of compensation referred to in relations 9A, 10 and 10A, shall be made to the Chief Inspector in the Form No. 3 in the Schedule within 30 days after the destruction of the animal or animals in respect of which compensation is claimed.
- (2) The application shall be in writing signed by the owner of the animal or animals in respect of which compensation is claimed, and shall contain particulars of the description and the value of each animal destroyed.

r. 9A

*[Regulation 9 amended in Gazette 26 May 1971 p. 1804;
7 Apr 1989 p. 1065.]*

9A. Claim for compensation for cattle destroyed under section 14B of the Act

An application for payment of compensation in respect of cattle which have been destroyed by or by order of the Chief Inspector under section 14B of the Act shall be made to the Chief Inspector in the form of Form 3B in the Schedule.

[Regulation 9A inserted in Gazette 7 Apr 1989 p. 1065.]

10. Claim for compensation if carcass unfit for consumption

- (1) An application for payment of compensation in respect of any carcass or portion of a carcass of an animal being a head of cattle which carcass or portion is, in pursuance of any Act, at an abattoir condemned because of disease as unfit for human consumption shall be made to the Chief Inspector in the Form No. 6 in the Schedule within 30 days after the condemnation of that carcass or portion of a carcass.
- (2) The application shall be in writing signed by the owner of the carcass or portion of a carcass in respect of which compensation is claimed, shall contain particulars of the weight of that carcass or portion of carcass, the market value thereof, the number of the tail tag (if any) attached in accordance with regulation 80 of the *Enzootic Diseases Regulations 1970* and the reason for condemnation, and shall be signed by the person responsible for the condemnation.

[Regulation 10 amended in Gazette 21 Sep 1972 p. 3861.]

10A. Claim for compensation in relation to specified diseases

An application for payment of compensation in respect of —

- (a) cattle which have died from a specified disease;

- (b) cattle which have been destroyed by the order of, or with the consent of, the Chief Inspector, because the cattle were suffering from a specified disease; or
- (c) carcasses which have been condemned by the Chief Inspector or an Inspector or other authorised person because of a specified disease as unfit for human consumption,

shall be made to the Chief Inspector in the form of Form 3AA in the Schedule.

[Regulation 10A inserted in Gazette 6 Nov 1981 p. 4581.]

11. Slaughter of diseased cattle

- (1) Where pursuant to regulation 8 cattle are ordered to be conveyed or consigned to an abattoir for slaughter, the Chief Inspector shall notify in writing forthwith the officer in charge of the abattoir specified in the notice given to the owner pursuant to that regulation, that the cattle are to be so conveyed or consigned and shall inform him of the approximate date of their delivery.
- (2) The notice to be given under subregulation (1) to the officer in charge of an abattoir shall be in the Form No. 7 in the Schedule and shall contain particulars of the description of the cattle to be destroyed, including the brands and tag numbers used for the purposes of identification by the person who carried out the testing in respect of the cattle.
- (3) On receipt of notice under this regulation the officer in charge of the abattoir, or the deputy of that officer, shall give instructions for the slaughter of the cattle when delivered and for the realisation of the carcasses.

[Regulation 11 amended in Gazette 19 Feb 1971 p. 523.]

12. Proceeds from sale of carcasses

After slaughter of cattle at an abattoir and realisation of the carcasses, in accordance with regulation 11, the officer in charge of the abattoir shall as soon thereafter as may be

r. 13

practicable notify the Department accordingly in the Form No. 8 in the Schedule, and remit to the Director the proceeds of realisation of the carcasses after deducting therefrom any slaughtering charges or other expenses actually incurred in relation to the destruction of the cattle and realisation of the carcasses.

13. Notification of loss or death

In the event of the loss or death of any cattle that have been ordered to be destroyed pursuant to the Act and these regulations, the owner of such cattle shall immediately notify the Chief Inspector of the loss or death and furnish him with particulars of the description of each animal that has become lost or has died.

14. Notification of diseased cattle

Notwithstanding that his herd of cattle has been inspected or tested in accordance with the Act and these regulations, every owner of cattle shall, whenever an animal is visibly suffering from disease, or is showing symptoms from which it may reasonably be suspected of suffering from disease, notify the Chief Inspector thereof immediately upon becoming aware of the same.

15. Breach of regulations an offence

A person who omits to do anything directed to be done or does or attempts to do anything forbidden to be done, by or under these regulations, commits an offence against these regulations, and is liable to a penalty not exceeding \$100.

Schedule

Form No. 1

Regulation 3

Cattle Industry Compensation Act 1965

TO (Owner of Cattle)
Address

I hereby give you notice that a Veterinary Surgeon authorised by the Chief Inspector of Stock will visit your property on
20..... at o'clock for the purpose of inspecting and conducting a tuberculin test of your cattle and you are hereby required to muster and yard such cattle at the time and date mentioned and submit them to such inspection and test and to render all reasonable assistance in connection with the handling of the animals.

Take notice also that you are required to provide a crush or other suitable means of restraint for the purpose of such inspection or tuberculin testing, and that failure or neglect by you so to do may render you liable to a penalty not exceeding \$100.

Date
.....
Chief Inspector of Stock.

Note. — “Cattle” refers to any bull, cow, ox, steer, heifer or calf.

**Cattle Industry Compensation Regulations 1966
Schedule**

| Date of Service | | FOR THE FOLLOWING SERVICES | | |
|-----------------|-------------|----------------------------|-------------------------------------|--|
| Quantity | Particulars | Rate | Amount \$ c | |
| | Testing | | | |
| | Travel | | | |
| | Autopsies | | | |
| | | | Total | |

I hereby certify that the above expenditure was incurred for work authorised by the Department of Agriculture, Western Australia.

Signed (Veterinary Surgeon) Date

OFFICE USE ONLY

| | |
|---|--|
| <p>I certify that this Account as regards computations castings and rates is correct and the service has been faithfully performed.</p> | <p>I certify that this Account is correct within the meaning of section 33 of the <i>Audit Act 1904</i>³.</p> |
| <p>Officer incurring the expense , 20</p> | <p>Certifying Officer , 20</p> |

Form No. 3

Regulations 6 and 9

Cattle Industry Compensation Act 1965

CLAIM FOR COMPENSATION

To Chief Inspector of Stock.

*I/WE of

DO SOLEMNLY AND SINCERELY declare that *I am/we are the owner(s) of the cattle described in the Schedule hereunder and that the information contained therein is to the best of *my/our knowledge and belief correct in every particular and *I/we make this solemn declaration by virtue of section 106 of the *Evidence Act 1906*.

AND

*I/We accept the valuation set out in the Schedule hereunder and apply for payment of compensation.

Declared at this day of, 20.....

Before me (witness). Signature of owner(s)

SCHEDULE OF PARTICULARS OF POSITIVE REACTORS TO TEST

* Delete as required.

| Metal Reactor tag Number | Brand or Ear tag Number | Sex | Colour | Breed | Age (years) | Valuation \$ c | |
|--------------------------|-------------------------|-----|--------|-------|-------------|-------------------|--|
| | | | | | | | |

Total Claimed

DISEASE TYPE:

1 TUBERCULOSIS

2 BRUCellosIS

3

If disease is not 1 or 2 above state type at 3. Signature of Stock Inspector.

Cattle Industry Compensation Regulations 1966
Schedule

Form No. 3AA

Regulation 10A

Cattle Industry Compensation Act 1965

CLAIM FOR COMPENSATION
 AND CERTIFICATE OF INSPECTOR

To: Chief Inspector of Stock.

*I/We of

DO SOLEMNLY AND SINCERELY declare that *I am/we are the owner(s) of the cattle described in the Schedule hereunder and that the information contained therein is to the best of *my/our knowledge and belief correct in every particular and *I/we make this solemn declaration by virtue of section 106 of the *Evidence Act 1906*.

AND

* I/We accept the valuation set out in the Schedule hereunder and apply for payment of compensation.

Declared at this day of 20.....

Before me (witness)

Signature of owner(s)

* Delete as required.

SCHEDULE OF PARTICULARS OF CATTLE/CARCASSES
 FOR WHICH COMPENSATION IS CLAIMED

| Brand or Ear tag Number | Sex | Colour | Breed | Age (years) | Died/ Destroyed | Valuation |
|-------------------------|-----|--------|-------|-------------|-----------------|-----------|
| | | | | | | |

Disease causing death for which cattle/carcasses destroyed

.....

After due enquiry I have no reason to doubt the correctness of the above declaration in any particular and certify that in my opinion the stock/carcasses are eligible for compensation, having died from/were destroyed because of, a disease specified by notice in the *Government Gazette* dated, and being located in

the area specified, namely

.....

.....

Inspector or other
authorised person.

.....

Date

Cattle Industry Compensation Regulations 1966
Schedule

Form No. 3A

Regulation 6A

Cattle Industry Compensation Act 1965

Practitioners Reference No.
Departmental File No.

Chief Inspector of Stock,
Department of Agriculture,
South Perth.

I hereby certify that blood samples were collected from each of the following cattle on the property of of on 20..... These animals were individually identified as per data sheets forwarded together with the samples to the Animal Health Laboratory/Regional Veterinary Laboratory for serological testing.

| | Licensed Milk Herd | Butterfat Herd | Beef Herd |
|---------|-----------------------|----------------|-----------|
| Bulls | | | |
| Cows | | | |
| Heifers | | | |
| Total | | | |

Date
.....
Veterinary Surgeon.

I hereby certify that blood samples were collected and animals identified by Veterinary Surgeon on the date shown.

Date
.....
Owner of Cattle.

Note: "Cattle" refers to any bull, cow or heifer over the age of 6 months.

Form 3B

[Reg. 9A]

Cattle Industry Compensation Act 1965

CLAIM FOR COMPENSATION

To the Chief Inspector of Stock

¹ I/We.....

of.....

¹ am/are the ¹ owner(s) of ²

situated at ³

the subject of an order under section 14B of the Act.

¹ I/We accept the valuation of \$ ⁴ and

hereby apply for payment of compensation for that amount.

Signature of ¹ owner(s).....

Date

- ¹ Delete as required.
- ² Number and description of cattle to be destroyed.
- ³ Description of property.
- ⁴ The value of the destroyed cattle determined by agreement under section 17 of the Act.

Form No. 6

Regulation 10

Cattle Industry Compensation Act 1965

Chief Inspector of Stock,
Department of Agriculture,
South Perth.

I, of
in the State of Western Australia, hereby make application for payment of
compensation for the carcasses or portions of carcasses condemned on
..... day of 20..... at

Schedule of Particulars of Carcasses or portions of Carcasses

| Date of Slaughter | Description, Weight and Tail-tag Number | Disease | Portion Condemned | Market Value |
|-------------------|---|---------|-------------------|--------------|
| | | | | |

And I, the said do solemnly and sincerely declare
that I am the owner of the carcasses or portions of carcasses described in the
above Schedule and that the information contained therein is to the best of my
knowledge and belief correct in every particular and I make this solemn
declaration by virtue of section 106 of the *Evidence Act 1906*.

Declared at
in the State of Western Australia the
..... day of
20.....

.....
(Signature of Owner.)

(To be completed by the person who issued the condemnation order.)

I certify that the statements made in the foregoing claim are correct.

.....
Meat Inspector.

Cattle Industry Compensation Regulations 1966
Schedule

Form No. 7
 Regulation 11

The Manager

 Abattoir

Cattle Industry Compensation Act 1965

NOTICE OF CONSIGNMENT OF DISEASED CATTLE FOR SLAUGHTER

Owner's Name Address

The diseased cattle described in the Schedule hereunder have been removed from the owner's herd and *destroyed/yarded for consignment on the 20..... by *rail/road for slaughter and sale of carcasses at the abattoir.

For Chief Inspector of Stock on 20.....

* Delete as required.

SCHEDULE OF PARTICULARS OF POSITIVE REACTORS TO TEST

| Metal Reactor Tag Number | Brand or Ear Tag Number | Sex | Colour | Breed | Age (years) | Sites of Lesions | Gen. | Loc. | NVL |
|--------------------------|-------------------------|-----|--------|-------|-------------|------------------|------|------|-----|
| | | | | | | | | | |

DISEASE TYPE:

ABATTOIR STOCK INSPECTOR

- 1 TUBERCULOSIS Lairage in Date 20
- 2 BRUCELLOSIS
- 3 Slaughter Date20

If disease is not 1 or 2 above state type at 3.

.....
 (Abattoir Stock Inspector)

Notes

- ¹ This is a compilation of the *Cattle Industry Compensation Regulations 1966* and includes the amendments made by the other written laws referred to in the following table ⁴. The table also contains information about any previous reprint.

Compilation table

| Citation | Gazettal | Commencement |
|--|--|---------------------|
| <i>Cattle Industry Compensation Regulations 1966</i> | 14 Feb 1966 p. 491-6 | 14 Feb 1966 |
| | 19 Feb 1971 p. 522-3 | 19 Feb 1971 |
| | 26 May 1971 p. 1804-5 | 26 May 1971 |
| | 22 May 1972 p. 1360 | 22 May 1972 |
| | 21 Sep 1972 p. 3861 | 21 Sep 1972 |
| | 22 Dec 1972 p. 4795 | 22 Dec 1972 |
| | Reprint of the <i>Cattle Industry Compensation Regulations 1966</i> authorised 31 Jul 1973 in <i>Gazette</i> 6 Aug 1973 p. 2977-84 (includes amendments listed above) | |
| | 7 May 1976 p. 1410-12 | 7 May 1976 |
| <i>Cattle Industry Compensation Amendment Regulations 1981</i> | 6 Nov 1981 p. 4581 | 6 Nov 1981 |
| <i>Cattle Industry Compensation Amendment Regulations 1984</i> | 20 Jul 1984 p. 2195-6 | 20 Jul 1984 |
| <i>Cattle Industry Compensation Amendment Regulations 1989</i> | 7 Apr 1989 p. 1064-5 | 7 Apr 1989 |
| Reprint of the <i>Cattle Industry Compensation Regulations 1966</i> as at 28 Jun 2002 (includes amendments listed above) | | |
| These regulations were repealed by the <i>Biosecurity and Agriculture Management Regulations 2013</i> r. 137(p) as at 1 May 2013 (see r. 2(b) and <i>Gazette</i> 5 Feb 2013 p. 823) | | |

² Repealed by the *Stock Diseases (Regulations) Act 1968*.

³ Repealed by the *Financial Administration and Audit Act 1985*.

⁴ The *Biosecurity and Agriculture Management Regulations 2013* r. 138 reads as follows:

138. Fees and expenses

On and from the commencement day —

- (a) any fees payable under a regulation repealed under regulation 137 and outstanding on the commencement day are to be regarded as payable under these regulations at the time, and in the manner, in which the fees would have been payable under the repealed regulation and may be recovered accordingly; and
- (b) any expenses recoverable under a regulation repealed under regulation 137 and outstanding on the commencement day may be recovered under regulation 128.

Penalty: a fine of \$10 000.

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined term | Provision(s) |
|-------------------------|---------------------|
| authorised person | 2(1) |
| testing..... | 2(1) |
| the Act..... | 2(1) |