

WESTERN AUSTRALIA

ACTS AMENDMENT (STOCK DISEASES) ACT

No. 44 of 1988

AN ACT to amend the *Cattle Industry Compensation Act 1965*
and the *Stock Diseases (Regulations) Act 1968*.

[Assented to 30 November 1988]

The Parliament of Western Australia enacts as follows:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment (Stock Diseases) Act 1988*.

Commencement

2. The provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

PART 2—CATTLE INDUSTRY COMPENSATION ACT 1965

Principal Act

3. In this Part the *Cattle Industry Compensation Act 1965** is referred to as the principal Act.

[*Reprinted as approved 30 March 1971 and amended by Acts Nos. 52 of 1976, 14 of 1979, 45 of 1981 and 98 of 1985.]

Section 6 amended

4. Section 6 of the principal Act is amended—

(a) in the definition of “Chief Inspector” by deleting “Act 1895” and substituting the following—

“ (Regulations) Act 1968 ”;

(b) by inserting after the definition of “Department” the following definition—

“ “destroy” means to consume by fire, bury under the ground, boil down, kill or otherwise destroy to the satisfaction of an inspector and includes disposal at an abattoir or slaughterhouse; ”; and

(c) by deleting the definition of “inspector” and substituting the following definition—

“ “inspector” means an inspector of stock appointed under the *Stock Diseases (Regulations) Act 1968*; ”.

Part IIA inserted

5. After Part II of the principal Act the following Part is inserted—

“ PART IIA—INFECTED CATTLE

Interpretation

14A. For the purposes of this Part—

“infected cattle” means diseased cattle or cattle which, in the opinion of an inspector, have been exposed to the risk of infection with disease or the cause of disease by reason of contact;

“property” means any run, station, farm, freehold or leasehold, or place where cattle are kept or pastured;

“specified” means specified in an order under section 14B.

Power to order destruction
of infected cattle

14B. (1) The Chief Inspector may issue an order, by giving notice in the prescribed form to the owner of cattle, for the destruction of all or any cattle in or upon any property notwithstanding that the cattle have not been tested, investigated or examined under section 11, where an inspector is of the opinion that the cattle have been in contact with diseased cattle.

(2) An order under subsection (1) may prescribe—

- (a) the manner in which;
- (b) the time within which; and
- (c) the person by whom,

the cattle shall be destroyed.

(3) For the purposes of subsection (2) (c) the order may direct that the cattle be destroyed by or under the supervision of a specified person on a specified property.

Procedure where owner
fails to comply with order

14C. (1) Where in any respect an owner fails to comply with an order under section 14B and without prejudice to any proceedings which may be taken upon such failure, the Chief Inspector may direct an inspector to enter the specified property and destroy or cause to be destroyed the specified cattle.

(2) In order to carry out the order under section 14B an inspector may if he thinks fit remove or cause to be removed any cattle to another place.

(3) The right of entry conferred upon an inspector under this section shall include right of ingress, egress or regress into, upon or from any property where the specified cattle are found.

Expenses of destruction of cattle

14D. The costs and expenses of and attendant upon the destruction of cattle under section 14C shall in every case be borne by the owner of the cattle.

Unauthorized removal of specified cattle prohibited

14E. A person shall not, except where authorized by an order made under section 14B remove, procure the removal or in any way deal with any specified cattle.

Penalty: \$10 000. ”.

Section 15 amended

6. Section 15 of the principal Act is amended by inserting after paragraph (b) the following paragraph—

“ (ba) to the owner of any cattle destroyed by or by order of the Chief Inspector under section 14B; ”.

Section 16 amended

7. Section 16 of the principal Act is amended by inserting after subsection (1) the following subsection—

“ (1a) The amount of compensation paid for cattle destroyed pursuant to an order under section 14B shall be the value of the cattle so destroyed as determined under section 17 (1) less any costs incurred as a result of a direction made by the Chief Inspector under section 14C due to a failure by the owner of the cattle to comply with the order. ”.

Section 17 amended

8. Section 17 of the principal Act is amended in subsection (1) by inserting after “whom” the following—

“ or under whose direction ”.

Section 20 amended

9. Section 20 of the principal Act is amended by inserting after paragraph (a) the following paragraph—

- “ (aa) buys or sells or attempts to buy or sell cattle, knowing that the cattle are, or having reasonable cause to suspect that the cattle will become the subject of an order under section 14B, with the intention of making a claim or enabling another person to make a claim for compensation under this Act in respect of the destruction of the cattle; ”.

Section 46 amended

10. Section 46 of the principal Act is amended by inserting after paragraph (b) the following paragraphs—

- “ (ba) prescribing the form of any form, notice or certificate to be issued by the Chief Inspector, an inspector or any other person in respect of the destruction of any cattle pursuant to an order under section 14B and the particulars to be specified in any form, notice or certificate;
- (bb) prescribing the manner in which an inspector may direct the movement, mustering or yarding of cattle; ”.

PART 3—STOCK DISEASES (REGULATIONS) ACT 1968**Principal Act**

11. In this Part the *Stock Diseases (Regulations) Act 1968** is referred to as the principal Act.

[*Reprinted as approved 1 December 1976 and amended by Acts Nos. 81 of 1978 and 50 of 1984.]

Section 6 amended

12. Section 6 of the principal Act is amended in the definition of “inspector” by deleting “the Assistant Chief Inspector of Stock,”.

Section 8 amended

13. Section 8 of the principal Act is amended in subsection (1) by deleting “an Assistant Chief Inspector of Stock, and”.