

## EXOTIC STOCK DISEASES (ERADICATION FUND).

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No. 13 of 1969.

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**AN ACT to establish a Fund for the payment of compensation to owners of animals and property destroyed, and of animals dying in the course of steps taken, to eradicate, or prevent the spread of, Exotic Diseases in livestock, and for incidental and other purposes.**

[Assented to 6th May, 1969.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Exotic Stock Diseases (Eradication Fund) Act, 1969*.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

3. The Acts mentioned in the Schedule to this Act are repealed. Repeals.

4. In this Act, unless the context requires otherwise,— Interpre-  
tation.

“animal” means any included in the class of cattle, sheep, goat, horse, swine and poultry and in any proclaimed class;

“exotic disease” means any vesicular disease, rinderpest, bluetongue, swine fever, African swine fever, rabies, Newcastle disease, fowl plague and any disease proclaimed to be an exotic disease;

“Fund” means the Exotic Stock Diseases Eradication Fund established by this Act;

“inspector” means an inspector of stock (including the Chief Inspector of Stock and the Assistant Chief Inspector of Stock) appointed, and a person authorised to act temporarily as an inspector of stock, under the Stock Diseases (Regulations) Act, 1968;

“owner” means a person, other than a mortgagee not in possession, having or claiming jointly or in severalty any right, title or interest to or in any animal or property and includes the authorised agent of an owner or owners;

“section” means a section of this Act.

5. (1) The Governor may, by proclamation, declare— Proclamation  
of animals  
and diseases.

(a) any class of animal not mentioned in section 4 to be a class to which this Act applies; and

(b) any disease not mentioned in section 4 to be an exotic disease for the purposes of this Act.

(2) A proclamation made under this section may be cancelled or varied by subsequent proclamation.

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Eradication  
Fund  
established.

6. (1) A fund to be known as the Exotic Stock Diseases Eradication Fund and kept at the Treasury is established.

(2) The Treasurer may, as the occasion requires, direct that the Fund be divided into separate accounts, each for a specified exotic disease, and may from time to time direct that moneys paid to the credit of the Fund be credited to a particular account.

Payments  
into Fund.

7. (1) There shall be paid to the credit of the Fund—

- (a) moneys payable to the State by the Commonwealth and other States of the Commonwealth pursuant to any agreement or arrangement entered into between the Commonwealth and all the States of the Commonwealth for the control and eradication of any exotic disease or of exotic diseases, generally;
- (b) the proceeds of the sale of stores and equipment sold under the provisions of this Act; and
- (c) moneys from time to time appropriated by Parliament for the purposes of this Act.

(2) Where moneys mentioned in paragraph (a) of subsection (1) of this section are paid in respect of a specified exotic disease, the Treasurer shall direct that they be credited to the account of the Fund that relates to that disease.

Application  
of Fund.

8. The Fund shall be applied to the payment of—

- (a) expenses directly related to the control or eradication of an exotic disease, except the salaries and wages of officers and employees of the State who are, or would be, employed irrespective of any outbreak of exotic disease;
- (b) compensation in accordance with this Act; and

- (c) expenses incurred in the determination of the value of any animal or property in respect of which compensation is claimed under this Act.

9. Subject to this Act, compensation is payable to the owner of— Compensation.

- (a) an animal or other property that is destroyed under the Stock Diseases (Regulations) Act, 1968, for the purpose of eradicating, or preventing the spread of, an exotic disease; and
- (b) an animal that is certified by an inspector as having died of an exotic disease and as having been, at the time of its death, in premises or on land that was in quarantine, pursuant to an order made under the Stock Diseases (Regulations) Act, 1968, by reason of the existence, or suspected existence, there of an exotic disease.

10. (1) Where an animal is destroyed as mentioned in section 9 and is found to have been affected with an exotic disease and where an animal dies as mentioned in that section, the compensation payable in respect of the animal is its value immediately before it became affected with the exotic disease. Assessment of compensation.

(2) Except as provided by subsection (1) of this section, where an animal or other property is destroyed as mentioned in section 9, the compensation payable in respect of the animal or other property is its value at the time of destruction.

11. The value of an animal or other property, for the purposes of this Act, shall be determined by agreement between the owner and an inspector and, in default of such agreement, shall be determined by a magistrate to whom a local court has been assigned pursuant to the Local Courts Act, 1904. Mode of valuation of animals and other property.

Limits to compensation.

12. (1) Notwithstanding any other provision of this Act, compensation is not payable in respect of—

- (a) an animal or other property, unless, within two months after the destruction or death of the animal or the destruction of the property, a claim for compensation is made in that regard, by or on behalf of the owner, in the manner and form prescribed;
- (b) loss of profit, loss occasioned by breach of contract, loss of production or any other consequential loss.

(2) Where—

- (a) a person has, after the coming into operation of this Act, been convicted of an offence under the Stock Diseases (Regulations) Act, 1968, by reason of an act or omission as a result of which any animal has been infected, or exposed to the risk of infection, with an exotic disease or any other property has been contaminated, or exposed to the risk of contamination, with such a disease; and
- (b) after the commission of the offence mentioned in paragraph (a) of this subsection, an amount of compensation becomes payable to that person, or to a partnership of which that person is a member, in respect of the animal or other property mentioned in that paragraph,

the Minister may, by instrument under his hand, direct that the whole, or such part as he thinks fit, of the amount of compensation be not paid.

Compensation not to be paid twice.

13. Where section 9 applies in relation to any animal or other property, compensation is not payable in respect of the animal or other property under any other law of the State relating to diseases in stock.

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14. Every person who knowingly makes a false statement, or who does, or is concerned in, any fraudulent act, for the purpose of obtaining any pecuniary benefit under this Act, whether for himself or for any other person, commits an offence.

False statements.

Penalty: Two hundred dollars.

15. Except as provided by section 13, nothing in this Act or the regulations limits or affects the operation of any other Act relating to diseases in stock.

Saving.

16. The Treasurer may, as the occasion requires, wind up any account of the Fund and, in so doing, shall—

Winding up of accounts of Fund.

- (a) set apart any moneys payable under this Act, in respect of the disease to which the account relates, and then unpaid;
- (b) set apart sufficient moneys to meet any undetermined claims, costs and related expenses, made under this Act in respect of the disease to which the account relates, as though, in each case, the claim were to be paid in full;
- (c) subject to the requirements of the contributors of the account, sell all stores and equipment purchased out of moneys in the account; and
- (d) after setting apart the moneys mentioned in paragraphs (a) and (b), adding any surplus of the moneys set apart pursuant to paragraph (b), and adding the proceeds of sales made pursuant to paragraph (c), of this section, distribute the moneys in the account among the Commonwealth and the States, in proportion to the contributions made by them to the account.

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Regulations.

17. The Governor may make regulations for any purpose for which regulations are contemplated or required by this Act and may make such other regulations as are, in his opinion, necessary or expedient for giving full effect to, or for the better administration of, this Act; and, in particular and without limiting the generality of the foregoing provisions of this section, may—

- (a) prescribe the method of making valuations and the procedures to be followed on the determination of a valuation by a magistrate as provided by this Act;
- (b) prescribe procedures to be followed in respect of compensation;
- (c) prescribe forms for the purposes of this Act and the manner of their completion, including provision for any matter to be verified by statutory declaration; and
- (d) prescribe penalties not exceeding fifty dollars for a breach of any regulation made under this section.

s. 3.

SCHEDULE.

| No. of Act.   | Short Title.                                                     |
|---------------|------------------------------------------------------------------|
| 4 of 1959 ... | Foot and Mouth Disease Eradication Fund Act, 1959.               |
| 3 of 1966 ... | Foot and Mouth Disease Eradication Fund Act Amendment Act, 1966. |

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