

## DAIRY CATTLE COMPENSATION.

17° GEO. V., No. XXXVIII.

No. 38 of 1926.

### AN ACT to provide Compensation for the Owners of certain Cattle and for other purposes.

[Assented to 16th December, 1926.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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 *Dairy Cattle Compensation Act*, 1926, and shall come into operation on a day to be fixed by proclamation.

Interpretation.

2. In this Act—

“Chief Inspector of Stock” means the Chief Inspector of Stock under the Stock Diseases Act, 1895.

“Compensation fund” means the Dairy Cattle Compensation Fund established under this Act.

“Dairy cattle” means any bull over the age of nine months; and any cow or heifer over the age of twelve months, kept for dairying purposes.

“Disease” means tuberculosis or actinomycosis; and “diseased” has a corresponding meaning.

“District” means a district defined by Order in Council for the purposes of this Act.

“Inspector of stock” means an inspector of stock under the Stock Diseases Act, 1895.

“Registered” means registered under this Act.

3. Subject to the Minister, this Act shall be administered by the Department of Agriculture.

Administration of  
this Act.

4. (1.) This Act shall apply only in those portions of the State comprised within districts defined, from time to time, for the purposes of this Act by an Order in Council published in the *Gazette*.

Districts.

(2.) Any such Order in Council may, by a subsequent order, be altered or revoked.

5. (1.) Subject as hereinafter provided, compensation shall be payable under this Act to the owner of any registered dairy cattle destroyed by or by the order of an inspector of stock pursuant to any Act, or any regulation or order under any Act, because such cattle are suffering from or suspected of suffering from disease.

Compensation to  
owners.

See Vic. 3365,  
s.s. 4, 5, and 6.

(2.) The value of any cattle so destroyed shall be determined by agreement between the owner and the inspector under whose authority such cattle were destroyed; and in default of such agreement the value shall be determined by some competent and impartial person nominated by the Minister, and the determination of such person shall be final and conclusive.

Provided that in no case shall the value as so determined of one head of any cattle exceed fifteen pounds.

(3.) The amount of compensation shall be ninety per centum of the value of such cattle as determined under the provisions of subsection (2) of this section.

(4.) Three-fifths of the amount of such compensation shall be payable out of the Compensation Fund, and two-fifths of the amount of such compensation shall be payable by the Treasurer of Western Australia, and such contribution is hereby charged to the Consolidated Revenue Fund, and such fund, to the extent required, is hereby permanently appropriated.

(5.) The carcass of any cattle so destroyed shall, subject to this Act, become the property of the State.

6. (1.) No compensation under this Act shall be payable unless—

Application for  
compensation and  
conditions.

(a) the owner of an animal destroyed makes application in writing to the Department of Agriculture for

See Vic., No. 3365,  
sec. 7.

compensation, in the manner and with the particulars as prescribed; and

(b) such application is made within twenty-one days after the destruction of the animal.

(2.) No compensation under this Act shall be payable if the animal destroyed was visibly affected with tuberculosis or actinomycosis, and the owner failed to give notice thereof pursuant to the Stock Diseases Act, 1895.

Registration of  
dairy cattle.

7. (1.) Registration under this Act is hereby required for every bull, cow, and heifer kept as dairy cattle within a district.

(2.) If after the commencement of this Act any unregistered bull, cow, or heifer is kept as dairy cattle within any district, the owner thereof shall be guilty of an offence.

Penalty: Twenty pounds.

(3.) The register shall be kept at the Department of Agriculture.

(4.) Registration shall be effected annually in the prescribed manner on payment of the prescribed fee, and a certificate of registration shall be issued to the owner.

(5.) Every registration shall be in force from the date on which it is made until the first day of January next ensuing:

Provided that every registration effected within twenty-one days after the first day of January in any year shall be deemed to have been made on that day.

(6.) The prescribed registration fee shall be revised from time to time with regard to the amount for the time being to the credit of the compensation fund.

(7.) All dairy cattle shall be inspected by a Government veterinary officer before the first registration thereof.

(8.) Any person applying for registration of cattle, knowing or having reasonable cause to suspect such cattle to be diseased, shall be guilty of an offence.

Penalty: Twenty pounds.

(9.) No compensation shall be payable under this Act unless the bull, cow, or heifer destroyed as aforesaid was, at the time of such destruction, duly registered under this Act and the registration fee paid.

8. (1.) There shall be established and kept in the Treasury an account to be called the "Dairy Cattle Compensation Fund." Dairy cattle compensation fund.

(2.) To the credit of the fund shall be paid—

- (a) all sums of money received as registration fees;
- (b) the net amount realised by the sale of the products of destroyed cattle; and
- (c) all penalties recovered under this Act.

(3.) The fund shall be applied to the payment of the proportionate part of the compensation payable under this Act chargeable to the fund.

(4.) If at any time the amount to the credit of the fund is not sufficient to provide for the payment of the proportionate part of compensation payable under this Act and chargeable to the fund, the Treasurer may advance the amount required for the time being, and such advance shall be repayable out of and shall be a charge on the fund.

9. Any person who buys or sells or who attempts to buy or sell any cattle knowing, or having reasonable cause to suspect, such cattle to be diseased, and with the intention (in the opinion of the court before whom he is charged) of making a claim, or enabling any other person to make a claim for compensation under this Act, shall be guilty of an offence.

Persons trafficking in diseased cattle, with a view to compensation.

See Vic. No. 3365, sec. 9.

Penalty: Fifty pounds.

10. The Governor may make regulations prescribing all matters and things which by this Act are contemplated, required, or permitted to be prescribed, or which appear to him to be necessary, or convenient to be prescribed, for the purpose of effectually carrying out any of the provisions of this Act, or for better effecting the objects or purposes of this Act, and imposing a penalty not exceeding twenty pounds for the breach of any such regulation.

Regulations.