



ANNO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1958.

No. 38 of 1958.

An Act to provide for the establishment of a Foot and Mouth Disease Eradication Fund and for the payment of compensation to owners of animals and property destroyed in order to eradicate or prevent the spread of foot and mouth disease, and for other purposes.

[Assented to 27th November, 1958.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Foot and Mouth Disease Eradication Fund Act, 1958". Short title.
2. This Act shall come into operation on a day to be fixed by the Governor by proclamation. Commencement of Act.
3. In this Act, unless the context otherwise requires— Interpretation.
 - "animal" means any animal of the bovine genus, horse, sheep, goat, swine or animal of a proclaimed class :
 - "the fund" means the Foot and Mouth Disease Eradication Fund established under this Act :
 - "inspector" means inspector of stock appointed under the Stock Diseases Act, 1934-1956, or any other person appointed as an inspector under this Act :

“the Minister” means the Minister of Agriculture :

“owner” means person, other than a mortgagee not in possession, having or claiming jointly or in severalty any right, title or interest to or in any stock or property and shall include the authorized agent of an owner.

Proclamation
of additional
classes of
animals.

4. The Governor may by proclamation—

- (a) declare any class of animals other than those mentioned in the definition of animal in section 3 of this Act, to be animals within the meaning of that definition ;
- (b) revoke or vary any proclamation made under paragraph (a) hereof.

Foot and
Mouth Disease
Eradication
Fund.

5. There shall be established and kept in the Treasury a Fund to be called “The Foot and Mouth Disease Eradication Fund”.

Inspectors.

6. The Governor may appoint fit and proper persons to be inspectors under this Act.

Payments
into Fund.

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

- (a) all sums of money payable to the State of South Australia by the Commonwealth and the States in accordance with an agreement entered into by the Commonwealth Government and all State Governments for the control and eradication of foot and mouth disease ;
- (b) the proceeds of the sale of stores and equipment sold under the provisions of this Act or regulations made under this Act ;
- (c) all moneys appropriated by Parliament for the purposes of this Act.

Payments out
of Fund.

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

- (a) all expenses directly connected with the control and eradication of foot and mouth disease except the salaries or wages of officers and employees of the State of South Australia who are or would be employed irrespective of any outbreak of foot and mouth disease ; and

- (b) compensation in accordance with the provisions of this Act ; and
- (c) expenses incurred in obtaining a determination of value of items for which compensation is claimed in accordance with the provisions of this Act.

9. Subject to this Act, compensation shall be paid to the owner of— Compensation.

- (a) any animal or any property of any kind which is destroyed pursuant to regulations made under the provisions of section 8a of the Stock Diseases Act, 1934-1956, for the purpose of eradicating or preventing the spread of foot and mouth disease ; and
- (b) any animal which is certified by an inspector as having died of foot and mouth disease and which at the time of its death was situated in premises or on land which was in quarantine at that time under regulations made pursuant to the provisions of section 8a of the Stock Diseases Act, 1934-1956, because of the existence or suspected existence thereon of foot and mouth disease.

10. (1) The amount of the compensation payable for an animal under the provisions of section 9 shall be— Assessment of compensation.

- (a) if the animal was destroyed as mentioned in paragraph (a) of section 9 and was affected with foot and mouth disease at the time of its destruction—the value of the animal immediately before it became so affected ;
- (b) if the animal died as mentioned in paragraph (b) of section 9—the value of the animal immediately before it became affected with foot and mouth disease ;
- (c) in every other case, the value of the animal immediately before it was destroyed.

(2) The amount of the compensation payable for any property which is destroyed as mentioned in paragraph (a) of section 9 shall be its value at the time of its destruction.

Mode of
valuation of
animal or
property.

11. (1) The value of any animal or property for the purposes of this Act shall be determined by agreement between the owner and the Minister and in default of such agreement shall be determined by a special magistrate nominated by the Attorney-General.

(2) The determination of a special magistrate under this section shall be final and conclusive.

No other
compensation
payable.

12. Notwithstanding the provisions of any other Act, no further compensation shall be paid by the Crown for any animal or property for which compensation has been or may be paid under this Act.

Limits to
compensation.

13. Notwithstanding the provisions of sections 9, 10 and 11 of this Act—

(a) no compensation shall be payable in respect of any animal or property unless within sixty days of the destruction or death of the animal or the destruction of the property an application is lodged with the Minister in the prescribed form and manner giving the prescribed particulars and verified as prescribed;

(b) no compensation or only such part of the compensation otherwise payable as the Minister thinks reasonable shall be payable under this Act to any owner if during the currency of this Act he has been convicted of an offence against this Act or the regulations made pursuant to section 8a of the Stock Diseases Act, 1934-1956, or the provisions of any other Act or regulation which is directly related to the control and eradication of foot and mouth disease;

(c) no compensation shall be paid under this Act for loss of profit, loss occasioned by breach of contract, loss of production, or any other consequential loss.

False
statements.

14. Any person who knowingly makes a false statement or who does or is concerned in any fraudulent act for the purpose of obtaining pecuniary benefit for himself or any other person under this Act or regulation made under this Act, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

15. On a date to be appointed by the Governor by proclamation published in the *Gazette*, such date not being earlier than six months nor later than twelve months after the last diagnosed case of foot and mouth disease in Australia, the Foot and Mouth Disease Eradication Fund shall be wound up in the following way :—

Winding up
of fund.

- (a) All moneys payable under the Act which have not been paid to claimants shall be retained by the Minister for such payment ;
- (b) If any undetermined claims are pending settlement the Minister may retain sufficient sums to meet these claims, costs and incidental expenses as though in each case the claimant were awarded the full amount of his claims. On the settlement of such claims, any sums remaining shall be disbursed in accordance with the provisions of paragraph (d) of this section ;
- (c) All stores and equipment purchased from the fund shall be sold and the proceeds paid into the fund : Provided that subject to the approval of the Commonwealth and the several States which have contributed to the fund any of the stores and equipment purchased from the fund may be retained until such time as all contributors to the fund determine that they shall be sold. The proceeds of such sale shall be distributed as provided in paragraph (d) of this section :
- (d) All moneys in the fund when the moneys mentioned in paragraphs (a), (b) and (c) of this section have been added or deducted as the case may be, shall be paid to the Commonwealth and the States in proportion to their respective contributions to the fund, with due allowances for any deficiencies in contributions.

16. The Governor may make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and without limiting the generality of the foregoing may—

Regulations.

- (a) prescribe the method of making valuations ;
- (b) prescribe procedures to be followed in respect of compensation ;

(c) provide that a breach of any regulation shall be punishable on summary conviction by a fine not exceeding fifty pounds.

**Summary
procedure.**

17. Proceedings for offences against this Act or the regulations shall be heard and determined summarily.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.