

## FOOT AND MOUTH DISEASE.

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### No. 44 of 1961.

An Act to establish a Foot and Mouth Disease Eradication Trust Account in respect of the Australian Capital Territory and the Northern Territory of Australia, and for purposes connected therewith.

[Assented to 30th August, 1961.]

[Date of commencement, 27th September, 1961.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

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| <b>Short title.</b>                    | 1. This Act may be cited as the <i>Foot and Mouth Disease Act 1961</i> .   |
| <b>Definitions.</b>                    | <p>2. In this Act, unless the contrary intention appears—</p> <p>“owner”, in relation to an animal or other property that has been destroyed or an animal that has died, means a person who, or partnership which, had an interest in the animal or other property at the time of its destruction or death, but does not include the holder of a mortgage, lien or charge over the animal or other property who was not in possession at that time;</p> <p>“Territory” means the Australian Capital Territory or the Northern Territory of Australia;</p> <p>“the Trust Account” means the Foot and Mouth Disease Eradication Trust Account established by this Act.</p> |
| <b>Establishment of Trust Account.</b> | 3. There shall be a Foot and Mouth Disease Eradication Trust Account, which shall be a Trust Account for the purposes of section sixty-two A of the <i>Audit Act 1901–1960</i> .   |
| <b>Payments to Trust Account.</b>      | 4.—(1.) Subject to the next succeeding sub-section, the Treasurer may, from time to time, pay to the credit of the Trust Account, out of the Consolidated Revenue Fund, such sums as he determines.  |

(2.) The Treasurer shall not make a payment under the last preceding sub-section if the amount standing to the credit of the Trust Account is, or would, after the payment, be, more than Two hundred thousand pounds.

(3.) There shall be paid to the credit of the Trust Account—

- (a) any amount paid to the Commonwealth by a State under any arrangement between the Commonwealth and the States for dealing with outbreaks of foot and mouth disease in Australia;
- (b) moneys received by the Commonwealth from the sale of any goods bought out of moneys standing to the credit of the Trust Account; and
- (c) interest from the investment of moneys standing to the credit of the Trust Account.

(4.) The Consolidated Revenue Fund is appropriated to the extent necessary for making the payments referred to in this section.

5. Moneys standing to the credit of the Trust Account may be applied in the payment or recoupment of— Purposes of Trust Account.

- (a) compensation payable under this Act;
- (b) compensation payable under the law of the Northern Territory of Australia in respect of losses occasioned by foot and mouth disease;
- (c) expenses (other than salaries or wages) incurred by the Commonwealth—
  - (i) in dealing with an outbreak of foot and mouth disease in a Territory; or
  - (ii) in connexion with claims for compensation referred to in paragraph (a) or (b) of this section; or
- (d) salaries or wages of persons employed by the Commonwealth specifically in connexion with an outbreak of foot and mouth disease in a Territory.

6.—(1.) The Treasurer may, at any time, direct, with respect to any moneys standing to the credit of the Trust Account that are not required for the purposes of the Trust Account, that those moneys be paid out of the Trust Account and divided among the Commonwealth and the States in such proportions as he determines having regard to the contributions made by the Commonwealth and the States to the Trust Account. Distribution of surplus in Trust Account.

(2.) The share of the Commonwealth in any moneys divided in accordance with the last preceding sub-section shall be paid to the credit of the Consolidated Revenue Fund.

Compensation. 7. Subject to this Act, compensation is payable in respect of—

- (a) any animal or other property that is destroyed, in accordance with the law of the Australian Capital Territory relating to diseases in stock, for the purpose of eradicating or preventing the spread of foot and mouth disease; or
- (b) any animal that dies while on land that has, because of the presence or suspected presence on the land of foot and mouth disease, been declared to be, and is at the time of the death, an infected area, quarantine area or similar area for the purposes of the law of the Australian Capital Territory relating to diseases in stock, being an animal whose death is certified, by a person authorized by the Minister for the purpose, to have been due to foot and mouth disease.

Persons to whom compensation payable.

8. Subject to this Act, compensation payable under this Act in respect of an animal or other property shall—

- (a) where there is only one owner of the animal or other property—be paid to the owner; or
- (b) where there is more than one owner of the animal or other property—be divided among those owners in accordance with their interests in the animal or other property at the time of its destruction or death.

Claims to be made within two months.

9. An owner is not entitled to compensation under this Act in respect of an animal or other property unless a claim for compensation, in respect of the animal or other property, is made as prescribed by or on behalf of the owner within two months after the date of destruction or death of the animal or other property.

Compensation not to be paid to convicted person.

10. Where—

- (a) a person has, after the commencement of this Act, been convicted of an offence against the law of the Australian Capital Territory relating to diseases in stock 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 foot and mouth disease or any other property has been contaminated, or exposed to the risk of contamination, with that disease; and
- (b) after the commission of that offence, an amount of compensation becomes payable to that person, or to a partnership of which that person is a member, in respect of that animal or other property,

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

11. Where section seven of this Act applies in relation to any animal or other property, compensation is not payable in respect of the animal or other property under the law of the Australian Capital Territory relating to diseases in stock.

Compensation  
not to be  
paid twice.

12. The compensation payable under this Act in respect of an animal or other property is an amount equal to the market value of the animal or other property immediately before its destruction or death or, if, being an animal, it was, at that time, affected with foot and mouth disease, the market value of the animal immediately before it became so affected.

Calculation of  
compensation.

13.—(1.) Compensation payable under this Act may be recovered by action against the Commonwealth in a court of the Australian Capital Territory, being a court having jurisdiction in actions for the recovery of debts equal to the amount of compensation claimed.

Recovery of  
compensation.

(2.) Nothing in this section shall be deemed to prevent the making or operation of an agreement between the Commonwealth and an owner claiming compensation under this Act for submission to arbitration in accordance with the law of the Australian Capital Territory of the question of the amount of compensation payable to the owner under this Act.

14. A person shall not, for the purpose of obtaining pecuniary benefit for himself or any other person under this Act or the regulations—

False  
statements, &c.

- (a) make a false or misleading statement, knowing it to be false or misleading or not believing it to be true; or
- (b) do a fraudulent act.

Penalty : One hundred pounds.

15. Except as provided in section eleven of this Act, nothing in this Act or the regulations shall be taken to affect the operation of the law of the Australian Capital Territory relating to diseases in stock.

Operation of  
the law relating  
to stock diseases  
not affected.

16. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act 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, in particular, prescribing penalties not exceeding a fine of Fifty pounds for offences against the regulations.

Regulations.