**FOOT AND MOUTH DISEASE ERADICATION FUND BILL 1958**

**Legislative Council, 12 November 1958, Page 1662**

Second reading

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The Bill gives effect to a recommendation of the Australian Foot and Mouth Disease Committee in 1956 that a draft Bill approved by that committee should be introduced in all State Parliaments to ensure uniformity in the method of distributing funds made available by the Commonwealth and the State to combat an outbreak of foot and mouth disease anywhere, in Australia. The Bill is substantially the same as an Act with the same title passed in Victoria in 1957. Foot and mouth disease is one of the worst livestock diseased in the world. It is widespread in all countries except the United Kingdom, the United States of America, Canada, New Zealand and Australia. An outbreak in Australia could be disastrous for the livestock industry.

At its meeting at Hobart, in December 1954, the Australian Agricultural Council adopted a report by its Standing Committee that should there be an outbreak of the disease anywhere in Australia the Commonwealth Government should contribute 50 per cent of the cost of eradication and that the States should contribute the other 50 per cent as follows:-— New South Wales 29 per cent, Victoria 18.25 per cent, Queensland 20.5 per cent, South Australia 10 per cent, Western Australia 10 per cent, Tasmania 6.25 per cent, and Northern Territory and Australian Capital Territory 6 per cent. This suggested apportionment of the costs has been accepted; by all Governments and a firm agreement exists whereby funds will be available in the above ratio to meet the cost of eradicating an outbreak wherever it may occur in Australia. In this State the power to control the disease is contained in the Stock Diseases Act, 1934-1956, and the regulations thereunder.

The eradication of the disease will necessitate the destruction of all cloven hooved animals on a farm where an outbreak occurs and, in some cases on adjoining properties also. All milk, cheese, carcasses and similar farm produce of animal origin must also be destroyed, together with certain classes of fodder. Pig sties and dairies which cannot be adequately disinfected may have to be demolished and burnt. To combat an outbreak of this disease it is necessary to act quickly. Delays or half measures would reduce the chances of success and eventually increase the overall cost. It follows, therefore, that funds must be available for the eradication measures and that any person who suffers loss by reason of these measures should be adequately compensated, and it is for these reasons that the Bill has been introduced.

The explanation of the Bill is as follows— Clause 2 provides that the Act shall come into force on a day to be fixed by proclamation. Clause 3 defines words used elsewhere in the Bill. Clause 4 enables the Governor by proclamation to extend the definition of ‘‘animal’’ beyond those mentioned in clause 3. Clause 5 provides that the eradication fund shall be kept at the Treasury. Clause 6 enables the Governor to appoint inspectors for the purposes of the Act. Should the disease be detected in this State it would probably be necessary to appoint inspectors in addition to the stock inspectors already employed by the Government.

Clause 7 provides for the payments into the fund by the Commonwealth and the States, and also lays it down that the proceeds of the sales of surplus stores and equipment will be paid into the fund. Clause 8 provides that the fund shall be applied in payment of all expenses directly connected with the control of the disease. This does not include the salaries of permanent Government employees who may be engaged in such work. The clause authorises other payments out of the fund for compensation and expenses incurred in obtaining a determination of the value of items for which compensation is claimed. Clause 9 authorises payment of compensation to the owner of any animal or property which is destroyed for the purpose of controlling or eradicating the disease, and to the owner of any animal which certified as having died of the disease whilst on quarantined land.

Clause 10 provides that the amount of compensation for an animal shall be as follows:—

(a) If the animal destroyed is affected with the disease at the time of its destruction—the value of the animal immediately before it became so affected;

(b) If the animal died of the disease whilst on quarantined land—its value immediately before it became so affected;

(c) In every other case—the value of the animal immediately before it was destroyed.

The amount payable for property destroyed is its value at the time of destruction.

Clause 11 provides that the value of any animals or property shall be determined by agreement between the owner and the Minister, and in default of such agreement shall be determined by a special Magistrate. Clause 12 limits the amount of compensation to that provided by the Bill.

Clause 13 provides that claims for compensation shall be lodged within sixty days of the destruction or death of the animal or the destruction of the property and that no compensation, or only such as the Minister thinks reasonable, shall be payable to an owner who, during the currency of the Act, has been convicted of an offence against the regulations relating to the eradication of the disease. No compensation is payable for loss of profit or other consequential losses.

Clause 14 makes it an offence punishable by a fine not exceeding one hundred pounds for any person to make a false statement or be concerned in a fraudulent act for the purpose of gaining a pecuniary benefit under the Act.

Clause 15 provides for the winding up of the fund on a date not earlier than six months nor later than twelve months after the last diagnosed ease of the disease following an outbreak in this State.

Clause 16 enables the Governor to make regulations to assist in carrying out the purpose of the Bill. Clause 17 provides that all offences against the Bill shall be disposed of summarily.

The Government commends the Bill to honourable members as an effective means of preparing for something which we all hope will never happen, namely, an outbreak of foot and mouth disease.

The Hon, P. J. CONDON secured the adjournment of the debate.