**FOOT AND MOUTH DISEASE ERADICATION FUND ACT AMENDMENT BILL 1083**

**Legislative Council, 18 August 1983, page 338**

Second reading

**The Hon. FRANK BLEVINS (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Foot and Mouth Disease Eradication Fund Act, 1958. Read a first time.

The Hon. FRANK BLEVINS: I move. That this Bill be now read a second time. In 1958 the Foot and Mouth Eradication Fund Act, 1958, was passed to provide compensation to people whose stock or property was destroyed because of, or whose stock died of, foot and mouth disease. Since then the Act has been amended to take into account a Commonwealth/States agreement on cost-sharing in the event of an outbreak of the disease. The definition of ‘foot and mouth disease’ includes 10 other serious exotic animal diseases all of which have an Australian Agricultural Council approved contingency plan for eradication.

In 1982 Australian Agricultural Council, having noted that provisions for payment of compensation for exotic diseases varied from State to State, approved a set of uniform guidelines. The existing South Australian legislation satisfied most of these guidelines. However, there were three aspects which could not be met without amendment to this Act. The first of these amendments is to increase the time available for lodging a claim for compensation from 60 to 90 days. It has been recognised that, with the stresses and altered circumstances which would prevail in the case of a foot and mouth disease outbreak, 90 days would provide claimants with a far more equitable time limit.

The second amendment concerns the case where animals die from an exotic disease as opposed to animals which are destroyed. The Act as it currently stands only allows compensation to be paid where an animal dies and the property is already under quarantine. When foot and mouth disease was the only proclaimed disease this did not matter as foot and mouth disease rarely kills an animal. However, some of the other 10 proclaimed diseases, such as rinderpest, Newcastle disease and African swine fever, can be ‘killer diseases’, and the first sign of an outbreak of one of these diseases may be massive mortalities. Under current legislation an owner might find his herd decimated overnight and would not be eligible for compensation. The Bill seeks to remedy the situation by removing the need for the property to be under quarantine at the time of death of the stock.

The third amendment concerns the obligations of an owner to comply with all laws relating to eradicating the outbreak of the disease. The Australian Agricultural Council guidelines included a provision for prompt reporting to be a prerequisite for compensation. When considering current legislation, it was realised that owners can be penalised for convictions for past unrelated offences under State Acts relating to exotic disease control no matter how long ago those offences may have been committed. The Bill seeks to remove this unfair aspect and instead impose a requirement for compliance with all laws relating to exotic disease control relevant to the outbreak in question.

The question of prompt reporting is thus taken into account by a requirement of the Stock Diseases Act, 1934, for an owner to report the presence or suspected presence of an exotic disease ‘forthwith by the quickest practicable means’. Industry views support the amendments contained in the Bill, and its passage will provide for uniform implementation of exotic disease eradication procedures throughout Australia as other States have made or are making comparable amendments to their legislation. I seek leave to have the detailed explanation of the clauses inserted in Hansard without my reading it. Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 7 of the principal Act. The Acts Interpretation Act, 1915, provides that a reference to ‘this Act’ in an Act includes reference to regulations made under the Act. The words removed from section 7 of the principal Act by this clause are therefore otiose words because of the phrase ‘this Act’ which precedes them. Clause 3 amends section 9 of the principal Act so that, in future, it will not be necessary for the land on which an animal dies to be under quarantine to give rise to an entitlement to compensation. The words removed by paragraph (a) of this clause no longer serve a useful purpose since the amendment earlier this year of the Acts Interpretation Act, 1915. New section l4b (2) of that Act provides that a reference in an Act to a section of another Act shall be deemed to include a reference to regulations made under that section.

Clause 4 amends section 13 of the principal Act. Paragraph (a) extends 60 days to 90 days the period in which an application for compensation may be made. Paragraph (b) replaces paragraph (b) of section 13 with a provision that empowers the Minister to refuse or reduce the amount of compensation where the applicant has caused or contributed to the loss by failing to comply with the Act, the Stock Diseases Act, 1934, or any other law providing for the control or eradication of foot and mouth disease. The existing provision gives the Minister a similar discretion only if the applicant has been convicted of an offence against those Acts. However, after such a conviction, the Minister retains his discretion to refuse compensation in relation to subsequent outbreaks of disease even though those outbreaks may be unconnected with the outbreak in relation to which the offence was committed. This seems unfair and is not repeated in the new provision. Clauses 5 and 6 amend sections 14 and 17 of the principal Act for the same reason as the amendment made by clause 2.

The Hon. M.B. CAMERON secured the adjournment of the debate.