LIVESTOCK DISEASES BILL 1978

Date Introduced: 14 September 1978
House: House of Representatives
Presented by: Rt. Hon. Ian Sinclair, M.P.,
Minister for Primary Industry

Short Digest of Bill

Purpose

To provide for the making of arrangements between the Commonwealth and the States (including the Northern Territory) concerning campaigns to eradicate and control outbreaks of exotic livestock diseases in Australia, and to provide the legislative mechanism to deal with such outbreaks in the Australian Capital Territory.

Background

Since 1961, arrangements have existed for the eradication of any foot and mouth disease (a serious exotic livestock disease) outbreaks in Australia, should they occur, involving agreements between the Prime Minister and all State Premiers for joint action. Regardless of where in Australia an outbreak occurred, the Commonwealth was to contribute half the eradication costs and the States the balance. In addition to the agreed arrangements, each State enacted legislation to provide for the measures expected to be required should an outbreak occur in that State. Similarly, the Commonwealth's Foot and Mouth Disease Act 1961, covered potential outbreaks in the Northern Territory and the Australian Capital Territory. This Act established the Foot and Mouth Disease Eradication Trust Account (FMDETA), to finance any expenses incurred and compensation payments made by any eradication campaigns in the Northern Territory and the Australian Capital Territory. In 1965, the arrangements were extended and the Act was amended to include two extra diseases, vesicular stomatitis and vesicular exanthema.

These arrangements were reviewed by the Australian Agricultural Council (AAC), consisting of the Commonwealth and State Ministers for primary industry, in January 1978. The Council agreed that existing arrangements and legislation should be extended to cover a full list of exotic livestock diseases (instead of only 3, as at present), and to provide for control measures (to confine a disease in circumstances where eradication is considered impractical) as well as eradication measures.
New arrangements between the Prime Minister and all the Premiers are at present in the process of being agreed upon. Regardless of where in Australia an outbreak occurs, the Commonwealth and each of the States (including the Northern Territory) will contribute funds to finance the campaign against the outbreak. The States will together contribute 50% (with the Australian Capital Territory's share, being approximately 0.5%, to be borne by the Commonwealth) and the Commonwealth 50% of the finance required to meet the agreed expenses and compensation payments of a particular campaign. The relative State contributions will be determined by an agreed formula for each disease based on susceptible livestock numbers and their gross value of production. Such relative contributions are to be reviewed annually.

The new arrangements will only apply to campaigns which have the support of the AAC's Consultative Committee on Animal Health. They extend the existing arrangements to include control as well as eradication measures, and to cover a list of 11 agreed diseases, namely, the 3 currently covered plus, rinderpest, swine fever, African swine fever, rabies, Newcastle disease, fowl plague, bluetongue and swine vesicular disease.

The States are currently considering changes needed in their legislation in accordance with the new arrangements for exotic livestock diseases. The enactment of this Bill will provide the new Commonwealth legislation.

Provisions

This Bill repeals (clause 3) and replaces the Foot and Mouth Disease Acts 1961 and 1965. Clause 4 defines 'livestock' as any animal (including birds, fish and insects) used for profit. A prescribed disease means an exotic livestock disease, which has been declared by the Minister by notice published in the Gazette (sub-clause 4(1)). According to the Second Reading Speech, any of the diseases on the agreed list of eleven may be prescribed in the event of an outbreak. For the purposes of this Bill, the Northern Territory is to be regarded as a State (sub-clause 4(1)).

Clause 5 provides for the making of arrangements between the Commonwealth and the States, under which the Commonwealth may make payments to the States and vice versa, as required, for the control and eradication in Australia of outbreaks of exotic livestock diseases. No such provision exists in current legislation and its inclusion in this Bill is merely to formalise the agreements to be made by the Commonwealth with the States.
The remaining clauses (6 to 19) of the Bill are concerned with the procedures to be used should an outbreak occur in the Australian Capital Territory. Outbreaks in the Northern Territory will now be covered by separate Northern Territory legislation. An area of the Australian Capital Territory may be declared by the Minister by notice published in the Gazette, if a prescribed disease is, or is reasonably suspected to be, present in that area (sub-clause 6(1)). Such a declaration is to take effect from a specified date, which may be earlier than the date on which it is published (sub-clause 6(2)). Because compensation may be provided in respect of a declared area, this retrospective provision for declaring an area is very important in that it encourages individuals not to delay taking action (e.g. slaughtering livestock) immediately a disease outbreak is suspected.

The FMDETA is to be continued under the new name Livestock Diseases Eradication Trust Account (clause 7). Payments to the Account, subject to a limit in the Account at any one time of $400,000, shall include moneys paid by the States to the Commonwealth under Commonwealth-State arrangements. Payments from the Account are to finance measures for eradicating or controlling outbreaks in the Australian Capital Territory, and will cover compensation costs and certain expenses incurred by the Commonwealth.

Clauses 11 to 18 deal with compensation which is to be provided to individuals whose livestock or property is destroyed as a result of an area being declared and eradication or control measures being implemented.