

# FOOT AND MOUTH DISEASE COMPENSATION ORDINANCE 1961.

No. 5 of 1962.

An Ordinance to amend the *Foot and Mouth Disease Compensation Ordinance 1958*.

[Assented to 25th January, 1962.]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1961*, as follows:—

Short title and citation.

1.—(1.) This Ordinance may be cited as the *Foot and Mouth Disease Compensation Ordinance 1961*.

(2.) The *Foot and Mouth Disease Compensation Ordinance 1958* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Foot and Mouth Disease Compensation Ordinance 1958-1961*.

Commencement.

2. This Ordinance shall come into operation on the date on which the *Foot and Mouth Disease Compensation Ordinance 1958* comes into operation.

Definitions.

3. Section three of the Principal Ordinance is amended by adding, after the definition of “inspector”, the following definition:—

“ ‘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, and includes a person to whom or a partnership to which the right to submit a claim for compensation under this Ordinance passes by succession or assignment, but does not include the holder of a mortgage, lien or charge over the animal or other property who was not in possession at the time of its destruction or death.”

4. Section four of the Principal Ordinance is amended— Submission of  
claim for  
compensation.  
(a) by omitting sub-section (1.) and inserting in its  
stead the following sub-section:—

“ (1.) Where an inspector—

(a) has reasonable cause to believe that  
any animal or other property is or  
has recently been suffering from or  
infected with foot and mouth  
disease; and

(b) in the exercise of a power under section  
forty-two of the *Stock Diseases  
Ordinance 1954-1959*, destroys or  
causes or orders the destruction of  
the animal or other property,

an owner of the animal or other property may,  
after the destruction, submit to the Chief  
Inspector a claim in accordance with the next  
succeeding section for compensation under this  
Ordinance; and

(b) by adding at the end of sub-section (2.) the words  
“, if an inspector certifies in writing that in his  
opinion there are reasonable grounds to believe  
that the animal died from foot and mouth  
disease.”.

5. Section five of the Principal Ordinance is repealed and  
the following section inserted in its stead:—

“ 5. A claim submitted under the last preceding section— Form of claim.

(a) shall be in writing signed by an owner or a person  
authorized in writing by an owner to submit the  
claim; and

(b) shall be accompanied by a declaration signed by  
that owner or person—

(i) as to the date and place of the destruction;

(ii) as to the amount of compensation claimed  
for each animal and item of property  
destroyed;

(iii) as to the nature and value, at the time  
when the animal or other property  
was destroyed, of the interest, in the  
animal or other property, of the owner  
submitting the claim;

(iv) as to whether an inspector destroyed or  
caused or ordered to be destroyed the  
animal or other property to which the  
claim relates; and

(v) as to any other matter prescribed.”.

*Foot and Mouth Disease  
Compensation Ordinance 1961.*

Duties of Chief Inspector in relation to claim.

6. Section six of the Principal Ordinance is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“ (1.) Where a claim in accordance with the last preceding section has been submitted to the Chief Inspector, and the Chief Inspector is satisfied that—

- (a) all animals and other property to which the claim relates have been destroyed;
- (b) the animals and other property to which the claim related were destroyed or caused or ordered to be destroyed in the exercise of a power under the *Stock Diseases Ordinance 1954-1959* by an inspector having reasonable causes to believe that the animals and other property were suffering from or infected with foot and mouth disease;
- (c) the person submitting the claim was an owner, at the time of the destruction, of the animals and other property to which the claim relates; and
- (d) in respect of any animal or other item of property destroyed the amount of compensation claimed is not greater than the amount payable as compensation under section ten of this Ordinance,

the Chief Inspector shall certify that the claim is payable.”.

7. Section ten of the Principal Ordinance is repealed and the following section inserted in its stead:—

“ 10. The amount payable as compensation under this Ordinance for the destruction, under the *Stock Diseases Ordinance 1954-1959*, of any animal or other property—

(a) shall not exceed—

- (i) in the case of an animal destroyed after it became infected with foot and mouth disease—the value of the animal immediately before it became so infected; or
- (ii) in any other case—the value which the animal or other property destroyed would have had immediately before the destruction if the animal or other property had not then been about to be destroyed in or as a result of the exercise of a power under the *Stock Diseases Ordinance 1954-1959*; and

Maximum amount of compensation payable.

(b) shall—

- (i) where there is only one owner of the animal or other property—be paid to the owner; or
- (ii) 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.”.

8. Section twelve of the Principal Ordinance is amended by omitting the words “, fodder, fitting, carcass or dung,” and inserting in their stead the words “ or other property,”.

No further  
compensation  
under other  
Ordinance for  
loss  
compensated  
by this  
Ordinance