



ANNO QUINTO

GEORGI VI REGIS.

A.D. 1941.

No. 31 of 1941.

An Act to amend the Stock and Poultry Diseases Act, 1934.

[Assented to 13th November, 1941.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Stock and Poultry Diseases Act Amendment Act, 1941". Short titles.

(2) The Stock and Poultry Diseases Act, 1934, as amended by this Act, may be cited as the "Stock and Poultry Diseases Act, 1934-1941".

(3) The Stock and Poultry Diseases Act, 1934, is hereinafter referred to as "the principal Act".

2. The principal Act is amended by inserting therein after section 10 thereof the following sections :— Amendment of principal Act—

10a. (1) An inspector may examine any stock for the purpose of ascertaining whether or not the stock are suffering from or are affected with any disease. Power to examine stock.

(2) For the purposes of any such examination, any inspector who is registered as a veterinary surgeon under the Veterinary Surgeons Act, 1935-1938, may use or apply any diagnostic test, biological test, inoculation, or

other method or test of any kind whatsoever to ascertain whether or not the stock are suffering from or are affected with any disease.

Marking of
tested stock

10b. (1) If for the purpose of examining any stock any test such as is mentioned in subsection (2) of section 10a is used with respect to or applied to such stock, any inspector may mark such stock so examined and tested by attaching at the back of the ear of the stock an eartag of a kind from time to time approved by the Minister.

(2) Any person who, without the authority of the chief inspector, removes or interferes with any such eartag shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

Amendment of
principal Act—

3. The principal Act is amended by inserting therein after section 43 thereof the following section:—

Compensation
on destruction
of cattle after
application of
diagnostic test.

43a. (1) If any cattle are sold and within two months after the sale—

(a) the cattle are examined by an inspector registered as a veterinary surgeon under the Veterinary Surgeons Act, 1935-1938, and as a result of a diagnostic test it appears that the cattle are suffering from tuberculosis; and

(b) the cattle are as a result of the test and pursuant to this Act ordered to be destroyed and are destroyed pursuant to such order,

the vendor of the cattle shall be liable to pay to the purchaser as a debt due to the purchaser of the cattle an amount of compensation to be ascertained as provided by subsection (2).

(2) The amount of compensation payable as aforesaid shall be the difference between the amount of the purchase price of the cattle and an amount being the total of—

(a) the amount paid to the purchaser as compensation under the Cattle Compensation Act, 1939, in respect of the cattle so destroyed, or the amount which would have been so paid if application had been made therefor by the purchaser as provided by the said Act and the purchaser had been entitled to payment thereof; and

(b) the residual value of the cattle determined as provided by the said Act :

Provided that if no compensation is payable under the said Act in respect of the cattle by reason of the fact that the residual value of the cattle determined as provided by the said Act is greater than the amount which would otherwise be payable pursuant to section 6 of the said Act, the amount of compensation payable pursuant to subsection (1) of this section shall be the amount by which the purchase price of the cattle exceeds the residual value so determined.

(3) No compensation shall be payable pursuant to subsection (1) of this section if within two months before the sale of the cattle the cattle were examined by an inspector registered as a veterinary surgeon under the Veterinary Surgeons Act, 1935-1938, and as a result of a diagnostic test it appeared that the cattle were free from tuberculosis and the inspector gave a certificate to that effect.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.