

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 11, 1976.

An Act to amend the Cattle Compensation Act, 1951, for the purpose of limiting the compensation payable to owners of cattle destroyed as suffering from bovine brucellosis. [Assented to, 31st March, 1976.]

BE

Cattle Compensation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Cattle Compensation (Amendment) Act, 1976". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Cattle Compensation Act, 1951, is amended in the manner set forth in Schedule 1. Amendment of Act No. 26, 1951.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE CATTLE COMPENSATION ACT, 1951.

(1) Section 2—

Omit the matter relating to Division II of Part III.

(2) (a) Section 3, definition of "Abattoir"—

Omit the definition, insert instead:—

"Abattoir" means a place licensed or required to be licensed as an abattoir or slaughterhouse under the Meat Industry Authority Act, 1970.

SCHEDULE

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE CATTLE COMPENSATION ACT,
1951—*continued.*

- (b) Section 3, definition of “Pastures Protection Act, 1934”—

Omit the definition.

- (c) Section 3, definition of “Prescribed”—

Omit the definition.

- (3) (a) Section 5 (1) (a)—

Omit “, pursuant to an order made or given under the authority of any Act or of any regulations under any Act,”, insert instead “pursuant to an order made or given under the authority of any Act”.

- (b) Section 5 (1) (d)—

Omit “with.”, insert instead “with; or”.

- (c) Section 5 (1) (e)—

After section 5 (1) (d), insert :—

- (e) in the case of cattle destroyed pursuant to an order referred to in paragraph (a) or (c) made because they are suffering or suspected to be suffering from bovine brucellosis, to the owner of the cattle if bovine brucellosis is a disease, the cattle are destroyed at the place specified by the person making or giving the order and the remains of the cattle are disposed of in the manner specified by the person making or giving the order.

SCHEDULE

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CATTLE COMPENSATION ACT,
1951—*continued.*

(d) Section 5 (1A)—

After section 5 (1), insert :—

(1A) The provisions of—

- (a) subsection (1) (a) or (c) do not apply to cattle destroyed pursuant to an order referred to in subsection (1) (e); or
- (b) subsection (1) (d) do not apply to cattle which die as a result of bovine brucellosis where bovine brucellosis is a disease.

(e) Section 5 (2)—

Omit the subsection, insert instead :—

(2) For the purposes of subsection (1) (c), an approved person means an inspector under the Stock Diseases Act, 1923, or a person who is approved by the Minister either generally or in a particular case and who is a registered veterinary surgeon or a veterinary surgeon employed under any Act of this State or the Commonwealth.

(4) (a) Section 6 (1) (b)—

Omit “by the regulations”.

(b) Section 6 (1B)—

Omit “by the regulations”.

SCHEDULE

Cattle Compensation (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE CATTLE COMPENSATION ACT,
 1951—*continued.*

(c) Section 6 (1C)—

After section 6 (1B), insert :—

(1C) Subject to this Act, the amount of compensation payable in respect of cattle referred to in section 5 (1) (e) shall be as prescribed.

(d) Section 6 (2)—

Omit “by the regulations”.

(5) (a) Section 8 (4) (b)—

Omit “—1934”.

(b) Section 8 (4) (d) (i)—

Omit the subparagraph.

(c) Section 8 (4A)—

Omit “—1934”.

(d) Section 8 (5) (a) (ii)—

Omit “—1934”.

(6) Section 9—

Omit the section, insert instead :—

9. Compensation payable under this Act shall be paid out of the Fund.

Compensation payable from Fund.

SCHEDULE

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CATTLE COMPENSATION ACT,
1951—*continued.*

- (7) (a) Section 12 (2) (a)—
Omit “the Cattle Compensation Taxation Act, 1951, and”.
- (b) Section 12 (2) (b)—
Omit “as amended by subsequent Acts, in connection with stamp duties imposed by the Cattle Compensation Taxation Act, 1951, and”, insert instead “in connection with stamp duties imposed by”.
- (c) Section 12 (2) (d)—
Omit “Colonial”.
- (d) Section 12 (3)—
Omit “in the year commencing on the first day of July, one thousand nine hundred and fifty-seven and in each succeeding year commencing on the first day of July,”, insert instead “in each year commencing on 1st July”.
- (e) Section 12 (4)—
Omit “Colonial”.
- (f) Section 12 (5)—
Omit “Colonial”.
- (8) Part III, Division II—
Omit the Division.

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE CATTLE COMPENSATION ACT,
1951—*continued.*

(9) Section 16D (1)—

Omit “in the year one thousand nine hundred and fifty-seven and in each succeeding”, insert instead “in each”.

(10) (a) Section 16FA (2)—

Omit “as amended by subsequent Acts,”.

(b) Section 16FA (2) (a)—

Omit “Colonial”.

(c) Section 16FA (2) (b) (ii)—

Omit “Colonial”.

(11) (a) Section 16i (1)—

Omit “On and after the first day of January, one thousand nine hundred and fifty-seven, it”, insert instead “It”.

(b) Section 16i (2)—

Omit “, on or after the first day of January, one thousand nine hundred and fifty-seven,”.

(c) Section 16i (2)—

Omit “, as amended by subsequent Acts”.

(d) Section 16i (5)—

Omit the subsection.

SCHEDULE

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CATTLE COMPENSATION ACT, 1951—
continued.

(12) Sections 16J, 16K—

After section 16I, insert :—

16J. (1) The stamp duty on the records referred to in section 16I (1) shall be denoted by adhesive stamps (referred to in this Act as “cattle duty stamps”) issued by the Commissioner of Stamp Duties.

Cattle duty stamps issued by Commissioner of Stamp Duties.

(2) A record required to be stamped under this Act or the Cattle Compensation Taxation Act, 1956, shall be deemed not to be duly or properly stamped unless the words “cattle stamp duty” are printed on and form part of the adhesive stamp denoting the payment of any duty in respect of that record.

(3) Without prejudice to any other method of recovery, any unpaid duty under the Cattle Compensation Taxation Act, 1956, may be recovered as a debt in any court of competent jurisdiction.

(4) Subject to this Act, the provisions of the Stamp Duties Act, 1920, shall, with such alterations, modifications and substitutions as are necessary, extend and apply to cattle duty stamps.

(5) Without affecting the generality of subsection (4), any person who practises or is concerned in any fraudulent act, contrivance or device not specially provided for by law with intent to defraud Her Majesty of any stamp duty under the Cattle Compensation Taxation Act, 1956, shall be guilty of a misdemeanour and liable to imprisonment for a term of not more than twelve months.

SCHEDULE

Cattle Compensation (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE CATTLE COMPENSATION ACT, 1951—
continued.

Regulations
as to
records
and stamp
duty
thereon.

16k. The provisions of sections 9 and 10 of the Stamp Duties Act, 1920, shall extend and apply to the making of regulations for and with respect to—

- (a) the stamping of records under this Act and the stamps to be used therefor; and
- (b) all matters and things which with respect to any such records or the stamp duty thereon or cattle duty stamps are by this Act required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act.

(13) (a) Section 19 (1) (c)—

Omit the paragraph.

(b) Section 19 (2)—

Omit the subsection, insert instead :—

(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
