

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 January, 1978.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1978.

An Act to amend the Cattle Compensation Act, 1951, in relation to the payment of compensation in respect of cattle destroyed as suffering from bovine brucellosis; and to validate certain payments made in respect of cattle so destroyed.

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 :—

5 **1.** This Act may be cited as the "Cattle Compensation Short title.
(Amendment) Act, 1978".

2. **(1)** This section and section 1 shall commence on the Commence-
date of assent to this Act. ment.

10 **(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 referred to in Principal
this Act as the Principal Act. Act.

15 **4.** This Act contains the following Schedules:— Schedules.

**SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL
ACT RELATING TO THE PAYMENT OF COMPENSA-
TION IN RESPECT OF BOVINE BRUCELLOSIS.**

20 **SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL
ACT RELATING TO THE PAYMENT OF MONEY INTO
THE CATTLE COMPENSATION FUND.**

5. The Principal Act is amended in the manner set forth Amendment
in Schedules 1 and 2. of Act No.
26, 1951.

Cattle Compensation (Amendment).

6. Any payment purporting to be made under the Validation.
Principal Act on or after 1st December, 1976, and before the
commencement of this section that would, but for this Act,
not be valid, but—

5 (a) would be valid if this Act had been in force on and
from 1st December, 1976; or

(b) was made in respect of cattle—

10 (i) that were slaughtered pursuant to an order
referred to in section 5 (1) (a) or (c) of
the Principal Act, being an order made or
given because the cattle were suffering from
or were suspected to be suffering from
bovine brucellosis; and

15 (ii) the owner of which would, if this Act had
been in force at the time at which the order
was made or given and if he had so
requested, have been an approved owner for
the purposes of section 5B of the Principal
Act, as amended by this Act,

20 is validated.

7. Nothing in this Act operates so as to repeal or Saving.
otherwise affect Regulation 4A of the Cattle Compensation
Regulations.

Cattle Compensation (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF COMPENSATION IN RESPECT OF BOVINE
BRUCELLOSIS.

5 (1) Section 3, definition of "Disease"—

Omit "contagious bovine pleuro-pneumonia", insert
instead "bovine brucellosis".

(2) (a) Section 5 (1) (d)—

Omit "with; or", insert instead "with."

10 (b) Section 5 (1) (e)—

Omit the paragraph.

(c) Section 5 (1A)—

Omit the subsection.

(3) Section 5B—

15 After section 5A, insert :—

5B. (1) The Chief of the Division of Animal
Industry may—

Measures
for the
eradication
of bovine
brucellosis.

20 (a) by order published in the Gazette, declare
an area to be, for the purposes of this Act,
on and from a date specified in the order,
being 1st December, 1976, or a later date—

(i) a bovine brucellosis-free area; or

(ii) a bovine brucellosis eradication
area;

SCHEDULE

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF COMPENSATION IN RESPECT OF BOVINE
BRUCELLOSIS—*continued.*

- 5 (b) on such terms and conditions as he may
from time to time think fit, enrol, or cancel
the enrolment of, cattle in the bovine
brucellosis-free herd scheme conducted by
the Department of Agriculture; or
- 10 (c) by order in writing under his hand, declare
that an owner of cattle—
- (i) is, for the purposes of this section,
an approved owner; or
- 15 (ii) has ceased to be, for the purposes
of this section, an approved owner
where the owner is not, in the
opinion of the Chief of the Division
of Animal Industry, upon considera-
20 tion of all the relevant circum-
stances—
- (a) undertaking a scheme of
testing the cattle at a
standard satisfactory to the
Chief of the Division of
25 Animal Industry and for the
purpose of identifying any
cattle suffering from or
suspected to be suffering
from bovine brucellosis; and
- 30 (b) bringing about the slaughter
of the cattle so identified.

SCHEDULE

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF COMPENSATION IN RESPECT OF BOVINE
BRUCELLOSIS—*continued.*

- 5 (2) A certificate signed by the Chief of the
Division of Animal Industry and stating that certain
cattle were or were not, at any specified time or
during any specified period, enrolled in the scheme
10 referred to in subsection (1) (b) shall, for the purpose
of any legal proceedings, be evidence of the facts
stated therein.

(4) Section 6 (1c)—

Omit the subsection, insert instead :—

- 15 (1c) Notwithstanding any other provision of this
Act, where—

- (a) cattle are destroyed pursuant to an order
referred to in section 5 (1) (a) or (c);
- (b) the order was made or given because the
20 cattle were suffering from or were suspected
to be suffering from bovine brucellosis; and
- (c) at the time when the order was made or
given—
- (i) the cattle were not—
- 25 (a) in an area referred to in
section 5B (1) (a) (i) or
(ii); or
- (b) enrolled in the scheme
referred to in section 5B (1)
(b); or

SCHEDULE

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF COMPENSATION IN RESPECT OF BOVINE
BRUCELLOSIS—*continued.*

- 5 (ii) the owner of the cattle was not, for
the purposes of section 5B, an
approved owner,

the amount of compensation payable in respect of
the cattle shall be as prescribed.

10 (5) Section 8 (4) (e)—

Omit the paragraph, insert instead :—

- 15 (e) in respect of cattle destroyed pursuant to
an order referred to in section 5 (1) (a)
or (c), made or given because the cattle
are suffering from or are suspected to be
suffering from bovine brucellosis, unless
the cattle are destroyed at the place
specified by the person who made or gave
the order and the remains of the cattle
20 are disposed of in the manner specified
by that person.

Cattle Compensation (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF MONEY INTO THE CATTLE COMPENSATION
FUND.

5 (1) Section 12 (2) (b)—

Omit "1956; and", insert instead "1956;".

(2) Section 12 (2) (c)—

Omit "16H; and", insert instead "16H;".

(3) Section 12 (2) (d)—

10 Omit "16FA.", insert instead "16FA; and".

(4) Section 12 (2) (e)—

After section 12 (2) (d), insert :—

15 (e) any sums of money provided by Parliament, or
received by the Treasurer, for the purposes of
this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978
[8c]

**CATTLE COMPENSATION (AMENDMENT) ACT,
1978, No. 7**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 7, 1978.

An Act to amend the Cattle Compensation Act, 1951, in relation to the payment of compensation in respect of cattle destroyed as suffering from bovine brucellosis; and to validate certain payments made in respect of cattle so destroyed. [Assented to, 28th February, 1978.]

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 :—

Short title. **1.** This Act may be cited as the "Cattle Compensation (Amendment) Act, 1978".

Commence-
ment. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(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.

Principal
Act. **3.** The Cattle Compensation Act, 1951, is referred to in this Act as the Principal Act.

Schedules. **4.** This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL
ACT RELATING TO THE PAYMENT OF COMPENSA-
TION IN RESPECT OF BOVINE BRUCELLOSIS.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL
ACT RELATING TO THE PAYMENT OF MONEY INTO
THE CATTLE COMPENSATION FUND.

Amendment
of Act No.
26, 1951. **5.** The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Cattle Compensation (Amendment).

6. Any payment purporting to be made under the Validation.
Principal Act on or after 1st December, 1976, and before the
commencement of this section that would, but for this Act,
not be valid, but—

- (a) would be valid if this Act had been in force on and
from 1st December, 1976; or
- (b) was made in respect of cattle—
 - (i) that were slaughtered pursuant to an order
referred to in section 5 (1) (a) or (c) of
the Principal Act, being an order made or
given because the cattle were suffering from
or were suspected to be suffering from
bovine brucellosis; and
 - (ii) the owner of which would, if this Act had
been in force at the time at which the order
was made or given and if he had so
requested, have been an approved owner for
the purposes of section 5B of the Principal
Act, as amended by this Act,

is validated.

7. Nothing in this Act operates so as to repeal or Saving.
otherwise affect Regulation 4A of the Cattle Compensation
Regulations.

Cattle Compensation (Amendment).

Sec. 5.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF COMPENSATION IN RESPECT OF BOVINE
BRUCELLOSIS.

(1) Section 3, definition of "Disease"—

Omit "contagious bovine pleuro-pneumonia", insert
instead "bovine brucellosis".

(2) (a) Section 5 (1) (d)—

Omit "with; or", insert instead "with."

(b) Section 5 (1) (e)—

Omit the paragraph.

(c) Section 5 (1A)—

Omit the subsection.

(3) Section 5B—

After section 5A, insert :—

Measures
for the
eradication
of bovine
brucellosis.

5B. (1) The Chief of the Division of Animal
Industry may—

(a) by order published in the Gazette, declare
an area to be, for the purposes of this Act,
on and from a date specified in the order,
being 1st December, 1976, or a later date—

(i) a bovine brucellosis-free area; or

(ii) a bovine brucellosis eradication
area;

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF COMPENSATION IN RESPECT OF BOVINE
BRUCELLOSIS—*continued.*

- (b) on such terms and conditions as he may from time to time think fit, enrol, or cancel the enrolment of, cattle in the bovine brucellosis-free herd scheme conducted by the Department of Agriculture; or

- (c) by order in writing under his hand, declare that an owner of cattle—
 - (i) is, for the purposes of this section, an approved owner; or
 - (ii) has ceased to be, for the purposes of this section, an approved owner where the owner is not, in the opinion of the Chief of the Division of Animal Industry, upon consideration of all the relevant circumstances—
 - (a) undertaking a scheme of testing the cattle at a standard satisfactory to the Chief of the Division of Animal Industry and for the purpose of identifying any cattle suffering from or suspected to be suffering from bovine brucellosis; and
 - (b) bringing about the slaughter of the cattle so identified.

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.***AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF COMPENSATION IN RESPECT OF BOVINE
BRUCELLOSIS—*continued.***

(2) A certificate signed by the Chief of the Division of Animal Industry and stating that certain cattle were or were not, at any specified time or during any specified period, enrolled in the scheme referred to in subsection (1) (b) shall, for the purpose of any legal proceedings, be evidence of the facts stated therein.

(4) Section 6 (1c)—

Omit the subsection, insert instead :—

(1c) Notwithstanding any other provision of this Act, where—

- (a) cattle are destroyed pursuant to an order referred to in section 5 (1) (a) or (c);
- (b) the order was made or given because the cattle were suffering from or were suspected to be suffering from bovine brucellosis; and
- (c) at the time when the order was made or given—
 - (i) the cattle were not—
 - (a) in an area referred to in section 5B (1) (a) (i) or (ii); or
 - (b) enrolled in the scheme referred to in section 5B (1) (b); or

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF COMPENSATION IN RESPECT OF BOVINE
BRUCELLOSIS—*continued.*

- (ii) the owner of the cattle was not, for
the purposes of section 5B, an
approved owner,

the amount of compensation payable in respect of
the cattle shall be as prescribed.

(5) Section 8 (4) (e)—

Omit the paragraph, insert instead :—

- (e) in respect of cattle destroyed pursuant to
an order referred to in section 5 (1) (a)
or (c), made or given because the cattle
are suffering from or are suspected to be
suffering from bovine brucellosis, unless
the cattle are destroyed at the place
specified by the person who made or gave
the order and the remains of the cattle
are disposed of in the manner specified
by that person.
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Cattle Compensation (Amendment).

Sec. 4.

SCHEDULE 2.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF MONEY INTO THE CATTLE COMPENSATION
FUND.

(1) Section 12 (2) (b)—

Omit "1956; and", insert instead "1956;".

(2) Section 12 (2) (c)—

Omit "16H; and", insert instead "16H;".

(3) Section 12 (2) (d)—

Omit "16FA.", insert instead "16FA; and".

(4) Section 12 (2) (e)—

After section 12 (2) (d), insert :—

- (e) any sums of money provided by Parliament, or
received by the Treasurer, for the purposes of
this Act.

*In the name and on behalf of Her Majesty I assent to this
Act.*

A. R. CUTLER,
Governor.

*Government House,
Sydney, 28th February, 1978.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

**CATTLE COMPENSATION (AMENDMENT) ACT,
1978, No. 7**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 7, 1978.

An Act to amend the Cattle Compensation Act, 1951, in relation to the payment of compensation in respect of cattle destroyed as suffering from bovine brucellosis; and to validate certain payments made in respect of cattle so destroyed. [Assented to, 28th February, 1978.]

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 :—

Short title. **1.** This Act may be cited as the "Cattle Compensation (Amendment) Act, 1978".

Commence-
ment. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(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.

Principal
Act. **3.** The Cattle Compensation Act, 1951, is referred to in this Act as the Principal Act.

Schedules. **4.** This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL
ACT RELATING TO THE PAYMENT OF COMPENSA-
TION IN RESPECT OF BOVINE BRUCELLOSIS.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL
ACT RELATING TO THE PAYMENT OF MONEY INTO
THE CATTLE COMPENSATION FUND.

Amendment
of Act No.
26, 1951. **5.** The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Cattle Compensation (Amendment).

6. Any payment purporting to be made under the Validation.
Principal Act on or after 1st December, 1976, and before the
commencement of this section that would, but for this Act,
not be valid, but—

- (a) would be valid if this Act had been in force on and
from 1st December, 1976; or
- (b) was made in respect of cattle—
 - (i) that were slaughtered pursuant to an order
referred to in section 5 (1) (a) or (c) of
the Principal Act, being an order made or
given because the cattle were suffering from
or were suspected to be suffering from
bovine brucellosis; and
 - (ii) the owner of which would, if this Act had
been in force at the time at which the order
was made or given and if he had so
requested, have been an approved owner for
the purposes of section 5B of the Principal
Act, as amended by this Act,

is validated.

7. Nothing in this Act operates so as to repeal or Saving.
otherwise affect Regulation 4A of the Cattle Compensation
Regulations.

Cattle Compensation (Amendment).

Sec. 5.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF COMPENSATION IN RESPECT OF BOVINE
BRUCELLOSIS.

(1) Section 3, definition of "Disease"—

Omit "contagious bovine pleuro-pneumonia", insert
instead "bovine brucellosis".

(2) (a) Section 5 (1) (d)—

Omit "with; or", insert instead "with."

(b) Section 5 (1) (e)—

Omit the paragraph.

(c) Section 5 (1A)—

Omit the subsection.

(3) Section 5B—

After section 5A, insert :—

Measures
for the
eradication
of bovine
brucellosis.

5B. (1) The Chief of the Division of Animal
Industry may—

(a) by order published in the Gazette, declare
an area to be, for the purposes of this Act,
on and from a date specified in the order,
being 1st December, 1976, or a later date—

(i) a bovine brucellosis-free area; or

(ii) a bovine brucellosis eradication
area;

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF COMPENSATION IN RESPECT OF BOVINE
BRUCELLOSIS—*continued.*

- (b) on such terms and conditions as he may from time to time think fit, enrol, or cancel the enrolment of, cattle in the bovine brucellosis-free herd scheme conducted by the Department of Agriculture; or

- (c) by order in writing under his hand, declare that an owner of cattle—
 - (i) is, for the purposes of this section, an approved owner; or
 - (ii) has ceased to be, for the purposes of this section, an approved owner where the owner is not, in the opinion of the Chief of the Division of Animal Industry, upon consideration of all the relevant circumstances—
 - (a) undertaking a scheme of testing the cattle at a standard satisfactory to the Chief of the Division of Animal Industry and for the purpose of identifying any cattle suffering from or suspected to be suffering from bovine brucellosis; and
 - (b) bringing about the slaughter of the cattle so identified.

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF COMPENSATION IN RESPECT OF BOVINE
BRUCELLOSIS—*continued.*

(2) A certificate signed by the Chief of the Division of Animal Industry and stating that certain cattle were or were not, at any specified time or during any specified period, enrolled in the scheme referred to in subsection (1) (b) shall, for the purpose of any legal proceedings, be evidence of the facts stated therein.

(4) Section 6 (1c)—

Omit the subsection, insert instead :—

(1c) Notwithstanding any other provision of this Act, where—

- (a) cattle are destroyed pursuant to an order referred to in section 5 (1) (a) or (c);
- (b) the order was made or given because the cattle were suffering from or were suspected to be suffering from bovine brucellosis; and
- (c) at the time when the order was made or given—
 - (i) the cattle were not—
 - (a) in an area referred to in section 5B (1) (a) (i) or (ii); or
 - (b) enrolled in the scheme referred to in section 5B (1) (b); or

Cattle Compensation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF COMPENSATION IN RESPECT OF BOVINE
BRUCELLOSIS—*continued.*

- (ii) the owner of the cattle was not, for
the purposes of section 5B, an
approved owner,

the amount of compensation payable in respect of
the cattle shall be as prescribed.

(5) Section 8 (4) (e)—

Omit the paragraph, insert instead :—

- (e) in respect of cattle destroyed pursuant to
an order referred to in section 5 (1) (a)
or (c), made or given because the cattle
are suffering from or are suspected to be
suffering from bovine brucellosis, unless
the cattle are destroyed at the place
specified by the person who made or gave
the order and the remains of the cattle
are disposed of in the manner specified
by that person.
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Cattle Compensation (Amendment).

Sec. 4.

SCHEDULE 2.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
PAYMENT OF MONEY INTO THE CATTLE COMPENSATION
FUND.

(1) Section 12 (2) (b)—

Omit "1956; and", insert instead "1956;".

(2) Section 12 (2) (c)—

Omit "16H; and", insert instead "16H;".

(3) Section 12 (2) (d)—

Omit "16FA.", insert instead "16FA; and".

(4) Section 12 (2) (e)—

After section 12 (2) (d), insert :—

- (e) any sums of money provided by Parliament, or
received by the Treasurer, for the purposes of
this Act.

*In the name and on behalf of Her Majesty I assent to this
Act.*

A. R. CUTLER,
Governor.

*Government House,
Sydney, 28th February, 1978.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978