

## SWINE COMPENSATION (SWINE BRANDING) AMENDMENT BILL, 1981

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### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Stock Diseases (Swine Branding) Amendment Bill, 1981.

The objects of this Bill are to amend the Swine Compensation Act, 1928 ("the Act"), so as to—

- (a) provide that, on and from a day to be proclaimed and notified under the proposed Stock Diseases (Swine Branding) Amendment Act, 1981, no compensation shall be payable from the Swine Compensation Fund in respect of a pig that is destroyed or a carcass or part of a carcass of a pig that is condemned, unless the pig or carcass, as the case may be, is identified in the manner prescribed by regulations made under the Act (Schedule 1 (1)); and
- (b) permit payments approved by the Minister to be made out of the Swine Compensation Fund for the purpose of reimbursing pastures protection boards for certain administrative costs and other expenses incurred by them in connection with the introduction of a new system for the branding of pigs intended to be introduced by the proposed Stock Diseases (Swine Branding) Amendment Act, 1981 (Schedule 1 (2) (c)).

The proposed Act also contains provisions—

- (a) validating certain payments that have, on or after 27th February, 1980, been made out of the Swine Compensation Fund; and
  - (b) of a minor or consequential nature or for the purposes of statute law revision.
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**SWINE COMPENSATION (SWINE BRANDING)  
AMENDMENT BILL, 1981**

No. , 1981.

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**A BILL FOR**

**An Act to amend the Swine Compensation Act, 1928, so as to impose certain restrictions on the payment of compensation from the Swine Compensation Fund, to permit certain other payments from that Fund and for other purposes; and to validate certain matters.**

[MR DAY—27 November, 1980.]

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*Swine Compensation (Swine Branding) 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 Short title.**

**1.** This Act may be cited as the "Swine Compensation (Swine Branding) Amendment Act, 1981".

**Commencement.**

**2. (1)** Except as provided in subsection (2), this Act shall **10** commence on the date of assent to this Act.

**(2)** Section 5, in its application to Schedule 1 (1), and Schedule 1 (1) shall commence on the day appointed and notified under section 2 (4) of the Stock Diseases (Swine Branding) Amendment Act, 1981.

**15 Principal Act.**

**3.** The Swine Compensation Act, 1928, is referred to in this Act as the Principal Act.

**Schedules.**

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

**20** SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT  
RELATING TO THE SWINE COMPENSATION FUND.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT  
BY WAY OF STATUTE LAW REVISION.

**Amendment of Act No. 36, 1928.**

**25** **5.** The Principal Act is amended in the manner set forth in Schedules 1 and 2.

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*Swine Compensation (Swine Branding) Amendment.*

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**Validation of certain payments.**

6. Any payment made, on or after 27th February, 1980, and before the date of assent to this Act, from the Swine Compensation Fund established under the Principal Act, being a payment—

5 (a) that could have been lawfully made under the Principal Act, as amended by this Act, if this Act, other than Schedule 1 (1), had been in force when the payment was made; and

(b) that could not otherwise have been lawfully made,

10 is hereby validated.

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**SCHEDULE 1.**

(Sec. 5.)

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE SWINE COMPENSATION FUND.**

15 (1) (a) Section 8 (1)—

Omit “prescribed.”, insert instead :—

prescribed and in a form—

(a) in or to the effect of the prescribed form; and

20 (b) containing the particulars required to be inserted in the prescribed form by the regulations.

(b) Section 8 (4) (e) (ii)—

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

25 (c) Section 8 (4) (f)—

After section 8 (4) (e), insert :—

(f) in respect of—

30 (i) a pig which is destroyed because the pig is suffering from or suspected to be suffering from disease; or

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*Swine Compensation (Swine Branding) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
SWINE COMPENSATION FUND—*continued.*

- 5 (ii) the carcass of a pig or any portion thereof which is condemned because of disease,  
unless the pig or carcass, as the case may be, is, when it is so destroyed or condemned, identified in the prescribed manner.
- 10 (2) (a) Section 12 (3) (c)—  
Omit “and”.
- (b) Section 12 (3) (d)—  
Omit “production.”, insert instead “production;  
and”.
- 15 (c) Section 12 (3) (e)—  
After section 12 (3) (d), insert :—
- (e) any expenditure approved by the Minister relating to the reimbursement of pastures protection boards for—
- 20 (i) administrative costs incurred by those boards, on or after 27th February, 1980, in connection with the allotment or cancellation, under the Swine Branding Act, 1940, of brands, the
- 25 allotment, under the Stock Diseases Act, 1923, of particulars of identification to be used for identifying pigs or the cancellation, under that Act, of certificates of registration specifying
- 30 any such particulars; and

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*Swine Compensation (Swine Branding) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
SWINE COMPENSATION FUND—*continued.*

- 5 (ii) amounts paid, on or after 27th February, 1980, to the proprietors of brands registered under the Swine Branding Act, 1940, for the surrender to those boards of branding irons designed to impress brands so registered.

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SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION.

- (1) (a) Section 3, definition of "Abattoir"—  
15 Omit "Authority Act, 1970", insert instead "Act, 1978".
- (b) Section 3, definition of "Chief of the Division of Animal Health"—  
20 Omit the definition of "Chief of the Division of Animal Industry", insert instead :—  
"Chief of the Division of Animal Health" means the person for the time being holding office or acting as the Chief, Division of Animal Health, Department of Agriculture;
- 25 (2) Section 5 (2)—  
Omit "paragraph (c) of subsection (1)", insert instead "subsection (1) (c)".

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*Swine Compensation (Swine Branding) Amendment.*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION—*continued.*

- (3) (a) Section 8 (3)—  
5 Omit “sixty”, insert instead “60”.
- (b) Section 8 (4), (5)—  
Omit “Industry” wherever occurring, insert instead  
“Health”.
- (c) Section 8 (4) (d)—  
10 Omit “one”, insert instead “1”.
- (d) Section 8 (5)—  
Omit “two”, insert instead “2”.
- (4) (a) Section 11—  
Omit “fifty dollars”, insert instead “\$50”.
- 15 (b) Section 11—  
Omit “five hundred dollars”, insert instead “\$500”.
- (5) (a) Section 12 (3) (c)—  
Omit “subsection (2) of section 7”, insert instead  
“section 7 (2)”.
- 20 (b) Section 12 (3)—  
Omit “the first day of July” wherever occurring, insert  
instead “1st July”.
- (c) Section 12 (3)—  
25 Omit “one thousand nine hundred and sixty-eight”,  
insert instead “1968”.



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*Swine Compensation (Swine Branding) Amendment.*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION—*continued.*

- (d) Section 12 (3)—  
5 Omit “five per centum”, insert instead “5 per cent”.
- (e) Section 12 (3)—  
Omit “twelve”, insert instead “12”.
- (f) Section 12 (3)—  
Omit “two thousand dollars”, insert instead “\$2,000”.
- 10 (g) Section 12 (3A)—  
Omit “paragraph (d) of subsection (3)”, insert  
instead “subsection (3) (d)”.
- (6) Section 16—  
Omit “one hundred and fifty dollars”, insert instead “\$150”.
- 15 (7) Section 17 (1)—  
Omit “five hundred dollars”, insert instead “\$500”.
- (8) Section 18 (1) (c)—  
Omit “one hundred and fifty dollars”, insert instead “\$150”.

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BY AUTHORITY

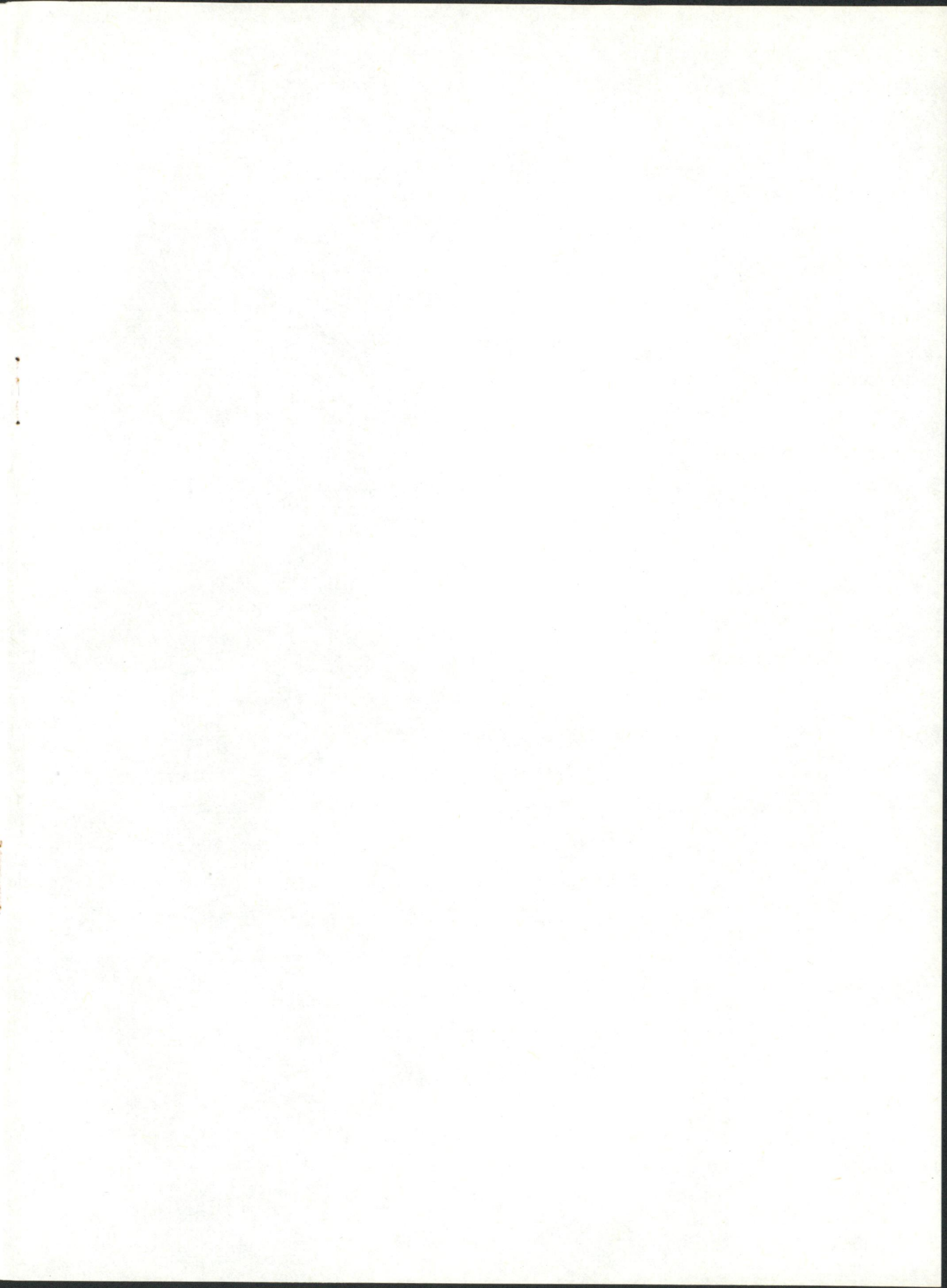
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981

(20c)

SCHEDULE 3—continued

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF  
STATUTE I & REVISION—continued

- (d) Section 12 (3)—  
Omit "five per centum," insert instead "2 1/2 per centum."
- (e) Section 12 (3)—  
Omit "twelve," insert instead "12."
- (f) Section 12 (3)—  
Omit "two thousand dollar," insert instead "\$2,000."
- (g) Section 12 (3)—  
Omit paragraph (b) of subsection (3), insert  
instead subsection (3) (b).
- (d) Section 16—  
Omit "one hundred and fifty dollar," insert instead "\$150."
- (7) Section 17 (1)—  
Omit "five hundred dollar," insert instead "\$500."
- (8) Section 18 (1) (c)—  
Omit "one hundred and fifty dollar," insert instead "\$150."





**SWINE COMPENSATION (SWINE BRANDING)  
AMENDMENT ACT, 1981, No. 11**

**New South Wales**



ANNO TRICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 11, 1981.**

An Act to amend the Swine Compensation Act, 1928, so as to impose certain restrictions on the payment of compensation from the Swine Compensation Fund, to permit certain other payments from that Fund and for other purposes; and to validate certain matters. [Assented to, 22nd April, 1981.]

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*Swine Compensation (Swine Branding) Amendment.*

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**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 "Swine Compensation (Swine Branding) Amendment Act, 1981".

**Commencement.**

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 5, in its application to Schedule 1 (1), and Schedule 1 (1) shall commence on the day appointed and notified under section 2 (4) of the Stock Diseases (Swine Branding) Amendment Act, 1981.

**Principal Act.**

3. The Swine Compensation Act, 1928, 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 SWINE COMPENSATION FUND.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT  
BY WAY OF STATUTE LAW REVISION.

**Amendment of Act No. 36, 1928.**

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

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*Swine Compensation (Swine Branding) Amendment.*

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**Validation of certain payments.**

6. Any payment made, on or after 27th February, 1980, and before the date of assent to this Act, from the Swine Compensation Fund established under the Principal Act, being a payment—

- (a) that could have been lawfully made under the Principal Act, as amended by this Act, if this Act, other than Schedule 1 (1), had been in force when the payment was made; and
  - (b) that could not otherwise have been lawfully made,
- is hereby validated.

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SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
SWINE COMPENSATION FUND.

(1) (a) Section 8 (1)—

Omit “prescribed.”, insert instead :—

prescribed and in a form—

- (a) in or to the effect of the prescribed form;  
and
- (b) containing the particulars required to be inserted in the prescribed form by the regulations.

(b) Section 8 (4) (e) (ii)—

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

(c) Section 8 (4) (f)—

After section 8 (4) (e), insert :—

(f) in respect of—

- (i) a pig which is destroyed because the pig is suffering from or suspected to be suffering from disease; or

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*Swine Compensation (Swine Branding) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
SWINE COMPENSATION FUND—*continued.*

- (ii) the carcass of a pig or any portion thereof which is condemned because of disease,  
unless the pig or carcass, as the case may be, is, when it is so destroyed or condemned, identified in the prescribed manner.
- (2) (a) Section 12 (3) (c)—  
Omit “and”.
- (b) Section 12 (3) (d)—  
Omit “production.”, insert instead “production;  
and”.
- (c) Section 12 (3) (e)—  
After section 12 (3) (d), insert :—
- (e) any expenditure approved by the Minister relating to the reimbursement of pastures protection boards for—
    - (i) administrative costs incurred by those boards, on or after 27th February, 1980, in connection with the allotment or cancellation, under the Swine Branding Act, 1940, of brands, the allotment, under the Stock Diseases Act, 1923, of particulars of identification to be used for identifying pigs or the cancellation, under that Act, of certificates of registration specifying any such particulars; and



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*Swine Compensation (Swine Branding) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
SWINE COMPENSATION FUND—*continued.*

- (ii) amounts paid, on or after 27th February, 1980, to the proprietors of brands registered under the Swine Branding Act, 1940, for the surrender to those boards of branding irons designed to impress brands so registered.

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SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION.

- (1) (a) Section 3, definition of “Abattoir”—

Omit “Authority Act, 1970”, insert instead “Act, 1978”.

- (b) Section 3, definition of “Chief of the Division of Animal Health”—

Omit the definition of “Chief of the Division of Animal Industry”, insert instead :—

“Chief of the Division of Animal Health” means the person for the time being holding office or acting as the Chief, Division of Animal Health, Department of Agriculture;

- (2) Section 5 (2)—

Omit “paragraph (c) of subsection (1)”, insert instead “subsection (1) (c)”.

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*Swine Compensation (Swine Branding) Amendment.*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION—*continued.*

- (3) (a) Section 8 (3)—  
Omit “sixty”, insert instead “60”.
- (b) Section 8 (4), (5)—  
Omit “Industry” wherever occurring, insert instead  
“Health”.
- (c) Section 8 (4) (d)—  
Omit “one”, insert instead “1”.
- (d) Section 8 (5)—  
Omit “two”, insert instead “2”.
- (4) (a) Section 11—  
Omit “fifty dollars”, insert instead “\$50”.
- (b) Section 11—  
Omit “five hundred dollars”, insert instead “\$500”.
- (5) (a) Section 12 (3) (c)—  
Omit “subsection (2) of section 7”, insert instead  
“section 7 (2)”.
- (b) Section 12 (3)—  
Omit “the first day of July” wherever occurring, insert  
instead “1st July”.
- (c) Section 12 (3)—  
Omit “one thousand nine hundred and sixty-eight”,  
insert instead “1968”.

---

*Swine Compensation (Swine Branding) Amendment.*

---

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION—*continued.*

- (d) Section 12 (3)—  
Omit “five per centum”, insert instead “5 per cent”.
- (e) Section 12 (3)—  
Omit “twelve”, insert instead “12”.
- (f) Section 12 (3)—  
Omit “two thousand dollars”, insert instead “\$2,000”.
- (g) Section 12 (3A)—  
Omit “paragraph (d) of subsection (3)”, insert  
instead “subsection (3) (d)”.
- (6) Section 16—  
Omit “one hundred and fifty dollars”, insert instead “\$150”.
- (7) Section 17 (1)—  
Omit “five hundred dollars”, insert instead “\$500”.
- (8) Section 18 (1) (c)—  
Omit “one hundred and fifty dollars”, insert instead “\$150”.

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

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 22nd April, 1981.*

1. The Commission (State) has been constituted.

2. The Commission has been constituted.

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