

SWINE COMPENSATION (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 59, 1972.

An Act to repeal the Swine Compensation Taxation Act, 1928, and certain other enactments; to provide for the investment of certain of the moneys in the Swine Compensation Fund; to validate certain payments from that Fund; for these and other purposes to amend the Swine Compensation Act, 1928; and for purposes connected therewith. [Assented to, 31st October, 1972.]

BE

Swine Compensation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No. 59, 1972 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 "Swine Compensation (Amendment) Act, 1972". Short title.

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

(2) Sections 3, 4 and 5 shall be deemed to have commenced on 1st April, 1972.

3. The Acts specified in the Schedule are hereby repealed. Repeal.

4. The Swine Compensation Act, 1928, is amended— Amendment of Act No. 36, 1928.

(a) by omitting section 8 (4) (c) (i); Sec. 8.
(Application for compensation, &c.)

(b) (i) by omitting section 12 (2) and by inserting instead the following subsection :— Sec. 12.
(Establishment of Fund.)

(2) All penalties recovered under this Act and the regulations shall be paid to the credit of the Fund.

(ii) by omitting section 12 (3) (b);

(c) by omitting section 13;

(d) Sec. 13.
(Record to be kept at abattoir.)

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No. 59, 1972 (d) by omitting section 14;

Sec. 14.
(Swine duty stamps issued by Commissioner of Stamp Duties.)

Sec. 15. (e) by omitting section 15;

(Regulations as to statements and stamp duty thereon.)

Sec. 16A. (f) by omitting section 16A.

(Entry in record to be prima facie evidence.)

Refund of amount paid for swine duty stamps. **5.** (1) Any person who, before 1st April, 1973, applies in writing to the Accountant of the Department of Agriculture for a refund of the amount paid by him for unused swine duty stamps shall, upon surrendering those stamps, be refunded the amount he paid for those stamps.

(2) The Fund shall be applied to refunds made pursuant to subsection (1).

Further amendment of Act No. 36, 1928. **6.** The Swine Compensation Act, 1928, is further amended—

Sec. 3. (Definitions.) (a) (i) by omitting from section 3 the definition of "Abattoir" and by inserting instead the following definition:—

"Abattoir" means an abattoir or slaughterhouse as defined in section 4 of the Meat Industry Authority Act, 1970;

(ii) by omitting from section 3 the definition of "Chief Veterinary Surgeon" and by inserting instead the following definition:—

"Chief of the Division of Animal Industry" means the person for the time being holding

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holding office or acting as the Chief of the Division of Animal Industry of the Department of Agriculture; No. 59, 1972

- (b) by omitting from section 6 (1) (b) the word “seven-eighths” and by inserting instead the word “nine-tenths”; Sec. 6.
(Amount of compensation.)
- (c) by omitting from section 7 (1) and (2) the word “value” wherever occurring and by inserting instead the words “market value”; Sec. 7.
(Determination of value of pig, &c., destroyed as diseased.)
- (d) (i) by omitting from section 8 the words “Chief Veterinary Surgeon” wherever occurring and by inserting instead the words “Chief of the Division of Animal Industry”; Sec. 8.
(Application for compensation, &c.)
- (ii) by inserting in section 8 (3) after the words “application for compensation” the words “verified as prescribed”;
- (iii) by omitting from section 8 (3) the words “twenty-one days” and by inserting instead the words “sixty days”;
- (iv) by omitting from section 8 (4) (d) the word “disease.” and by inserting instead the following words and new paragraph :—
- disease; or
- (e) in respect of a pig which is destroyed because such pig is suffering from or suspected to be suffering from disease or in respect of the carcass of a pig or any portion thereof which is condemned as unfit for human consumption

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consumption because of disease where in the opinion of the Chief of the Division of Animal Industry—

- (i) the owner thereof purchased the pig knowing or having reasonable cause to suspect that the pig was, at the time of purchase, suffering from disease; or
- (ii) if the pig was introduced into New South Wales and at the time of introduction such pig was known to be, or there was reasonable cause to suspect that such pig was, suffering from disease.

Sec. 11.
(Persons trafficking in diseased pigs or carcasses with a view to compensation.)

- (e) by omitting from section 11 the words “two hundred dollars” and by inserting instead the words “five hundred dollars”;

Sec. 12.
(Establishment of Fund.)

- (f) (i) by inserting in section 12 (2) after the word “regulations” the words “, and interest earned from the use or investment of Fund moneys pursuant to subsection (2A),”;

- (ii) by inserting next after section 12 (2) the following new subsections :—

(2A) Such part of the moneys at the credit of the Fund as is, in the opinion of the Minister, not immediately required for the purposes of the Fund may be used or invested by the Treasurer in such manner as the Treasurer may determine.

(2B)

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- (2B) Interest at a rate to be determined by the Treasurer shall be allowed on any amount used by the Treasurer pursuant to subsection (2A). No. 59, 1972
- (iii) by omitting from section 12 (3) (c) the word "Act." and by inserting instead the following words and new paragraph :—
- Act; and
- (d) any expenditure approved by the Minister relating to research into diseases of pigs or research into problems affecting pig production.
- (iv) by inserting in section 12 (3) after the word "months" the words "or an amount of two thousand dollars, whichever is the larger";
- (v) by inserting next after section 12 (3) the following new subsection :—
- (3A) The expenditure approved in any year pursuant to paragraph (d) of subsection (3) shall not exceed the amount earned as interest on moneys used or invested pursuant to subsection (2A), reduced by the amount paid to the credit of the Consolidated Revenue Fund as costs of administration pursuant to subsection (3) in respect of the year in which the interest was earned.
- (vi) by omitting from section 12 (4) the word "fund" and by inserting instead the word "Fund";
- (vii) by omitting from section 12 (5) the word "fund" wherever occurring and by inserting instead the word "Fund";
- (g) by omitting from section 16 the words "forty dollars" and by inserting instead the words "one hundred and fifty dollars";
- (h)

Sec. 16.
(Penalty in cases not provided for.)

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 Sec. 17.
 (Penalty on persons making charges, &c., for insurance purposes on sale of pigs.)
- (h) by omitting from section 17 (1) the words "two hundred dollars" and by inserting instead the words "five hundred dollars";
- Sec. 18.
 (Regulations.)
- (i) (i) by omitting from section 18 (1) (c) the words "forty dollars" and by inserting instead the words "one hundred and fifty dollars";
- (ii) by omitting section 18 (2) and by inserting instead the following subsection :—
- (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.
- Validation. 7. Any payment made from the Fund in respect of an application for compensation made before the commencement of section 6 that would have been valid had the Swine Compensation Act, 1928, as amended by section 6 (d) (iii), been in force at the time the application was made is hereby validated.

SCHEDULE.

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Sec. 3.

Year and No. of Act	Short title
1928 No. 50 ..	Swine Compensation Taxation Act, 1928.
1935 No. 9 ..	Swine Compensation Taxation Act, 1935.
1945 No. 25 ..	Swine Compensation Taxation Act, 1945.
1948 No. 10 ..	Swine Compensation Taxation Act, 1948.
1958 No. 18 ..	Swine Compensation Taxation Act, 1958.
1959 No. 24 ..	Swine Compensation Taxation Act, 1959.
1961 No. 25 ..	Swine Compensation Taxation Act, 1961.
1967 No. 61 ..	Swine Compensation Taxation Act, 1967.

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