

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

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**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.]

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*Cattle Compensation (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 :—

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.

(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.

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.

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.

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*Cattle Compensation (Amendment).*

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Validation. **6.** Any payment purporting to be made under the 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.

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

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*Cattle Compensation (Amendment).*

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SCHEDULE 1.

Sec. 5.

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 :—

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

Measures  
for the  
eradication  
of bovine  
brucellosis.

(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;

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*Cattle Compensation (Amendment).*

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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.

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*Cattle Compensation (Amendment).*

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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

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*Cattle Compensation (Amendment).*

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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).*

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SCHEDULE 2.

Sec. 4.

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.

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