



ANNO VICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1979

No. 71 of 1979

An Act to amend the Cattle Compensation Act, 1939-1976.

[Assented to 22nd November, 1979]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Cattle Compensation Act Amendment Act, 1979".

(2) The Cattle Compensation Act, 1939-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Cattle Compensation Act, 1939-1979".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

**Amendment of principal Act, s. 4—
Interpretation.**

3. Section 4 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "carcass" and inserting in lieu thereof the following definition:—

"carcass" means the carcass, or any portion of the carcass, of any cattle;;

and

(b) by striking out from subsection (1) the definition of "market value" and inserting in lieu thereof the following definition:

"market value" of cattle means the value of the cattle calculated as if—

(a) the cattle were free from disease;

and

(b) the cattle were sold and delivered to the purchaser—

(i) at the place where the cattle were when ordered to be destroyed or when consent for their destruction was given;

or

- (ii) where the cattle are taken by and at the expense of the owner of the cattle to abattoirs designated by the chief inspector or an inspector when ordering or consenting to their destruction—at the abattoirs where the cattle were destroyed.

4. Section 5 of the principal Act is amended—

- (a) by striking out from paragraph (b) of subsection (1) the passage “or portion of a carcass”;

and

- (b) by striking out subsection (2) and inserting in lieu thereof the following subsections:—

(2) Where the chief inspector or an inspector orders or consents to the destruction of cattle in the circumstances referred to in subsection (1) (a) or (1) (c) of this section, he may, by notice in writing given to the owner of the cattle, direct that the cattle be taken by the owner to abattoirs designated in the notice so that they may be destroyed at those abattoirs.

(2a) If the owner of cattle fails to comply with a direction under subsection (2) of this section, he shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(2b) It shall be a defence to a charge of an offence against subsection (2a) of this section for the defendant to prove that the direction to which the charge relates was not reasonable in the circumstances.

Amendment of principal Act, s. 5—
Compensation payable to owners of cattle.

5. Section 6 of the principal Act is amended by striking out from subsection (2) the words “or portion of a diseased carcass”.

Amendment of principal Act, s. 6—
Amount of compensation.

6. Section 7 of the principal Act is amended—

- (a) by striking out subsections (1), (2) and (3) and inserting in lieu thereof the following subsections:—

(1) Subject to this section, the market value of any cattle so destroyed, or carcass so condemned, shall be determined by the inspector or other person under whose authority the cattle were destroyed or the carcass was condemned.

(2) A determination of market value shall be made under subsection (1) of this section at the time authority is given for destruction of the cattle or the carcass is condemned.;

- (b) by striking out from subsection (4) the passage “two hundred dollars” wherever it occurs and inserting in lieu thereof, in each case, the passage “the prescribed amount”;

and

Amendment of principal Act, s. 7—
Determination of value of cattle destroyed, etc.

(c) by inserting after subsection (4) the following subsections:—

(5) The owner of any cattle destroyed or carcass condemned may, by notice in writing addressed to the Minister, object to any valuation made under this section upon grounds set out in detail in the notice.

(6) An objection under subsection (5) of this section must be made within one month after the owner receives notice of the valuation.

(7) Where an objection is made under subsection (5) of this section, the Minister may, on the advice of a competent valuer, confirm the valuation to which objection is taken or vary that valuation in such manner as he considers just.

(8) A decision of the Minister under subsection (7) of this section is final and without appeal.

(9) Where the Minister varies a valuation under this section—

(a) any additional compensation that becomes payable by reason of that variation shall be paid to the owner;

and

(b) if it appears that an overpayment of compensation has been made, the Minister may recover the amount of the excess from the owner as a debt.

Amendment of
principal Act,
s. 8—
Application
for
compensation.

7. Section 8 of the principal Act is amended—

(a) by striking out the passage “or portion thereof” wherever it occurs in subsections (1) and (3);

(b) by striking out from subsection (2) the passage “or any portion thereof”;

and

(c) by striking out from paragraph (f) of subsection (4) the passage “or any portion of any such carcass”.

Enactment of
s. 8a of
principal Act.

8. The following section is enacted and inserted in the principal Act after section 8 thereof:—

Applicant for
compensation
must assign
his rights to
proceeds of
sale of
carcass, etc.

8a. (1) Where an owner makes an application for compensation under this Act, he shall assign to the Minister his rights to sell, and his rights to the proceeds of the sale of, the carcass and hide of the cattle destroyed or the carcass condemned (as the case may require).

(2) Subject to subsection (3) of this section, the net proceeds of the sale shall be paid into the fund.

(3) Where the net proceeds of the sale exceed the amount of compensation paid to an owner, the balance shall be paid to the owner.

(4) In this section—

“net proceeds” in relation to a sale means gross proceeds of the sale less any expenses incurred by the Minister in relation to transportation, slaughter and sale of the cattle or carcass.

9. Section 10 of the principal Act is amended—

- (a) by striking out from paragraph (a) the passage “or any portion of the carcass thereof”;
- (b) by striking out the passage “or any portion thereof” wherever it occurs in paragraph (b);
- (c) by striking out from paragraph (b) the passage “or portion thereof”;
- and
- (d) by striking out the passage “for every such carcass or portion thereof” and inserting in lieu thereof the passage “for every such carcass”.

Amendment of principal Act, s. 10—
 Trafficking in diseased cattle or carcasses with a view to compensation.

10. Section 15a of the principal Act is amended by striking out from subsection (1) the passage “any person, who is registered as a veterinary surgeon under the Veterinary Surgeons Act, 1935-1965” and inserting in lieu thereof the passage “an inspector”.

Amendment of principal Act, s. 15a—
 Minister may authorize testing for tuberculosis.

11. Section 16 of the principal Act is amended—

- (a) by striking out from paragraph (b) the passage “or portion of a carcass”;
- and
- (b) by striking out from paragraph (c) the passage “or portions thereof”.

Amendment of principal Act, s. 16—
 Regulations.

12. Section 17 of the principal Act is amended by inserting after the present contents (which are hereby designated subsection (1) thereof) the following subsection:—

Amendment of principal Act, s. 17—
 Costs of administration of the Act.

- (2) Where the chief inspector so authorizes, the costs of destroying cattle found to be diseased shall be paid out of the fund.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor