

WESTERN AUSTRALIA.

# CATTLE INDUSTRY COMPENSATION.

No. 41 of 1965.

(Affected by Act No. 113 of 1965.)

[As amended by Acts:

No. 14 of 1969, assented to 6th May, 1969;

No. 21 of 1970,<sup>2</sup> assented to 8th May, 1970;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

**AN ACT to consolidate and amend the Law providing for the Testing of Cattle for Disease; to establish a Fund for the Payment of Compensation to the owners of Cattle and of Carcasses of Cattle in certain cases; to repeal the Dairy Cattle Industry Compensation Act, 1960, and the Beef Cattle Industry Compensation Act, 1963, and for incidental and other purposes.**

[Assented to 8th November, 1965.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Cattle Industry Compensation Act, 1965-1970*.

Short title amended by No. 21 of 1970, s. 32.

2. This Act shall come into operation on a date to be fixed by proclamation.<sup>1</sup>

Commencement.

<sup>1</sup> Proclaimed to come into operation 14th February, 1966. See *Gazette* 11th February, 1966, p. 437.

<sup>2</sup> Came into operation 1st July, 1970. See *Gazette* 26/6/70, p. 1831.

*Cattle Industry Compensation.*

Arrangement.

3. The arrangement of this Act is as follows—

PART I.—PRELIMINARY.—Ss. 4 to 9.

PART II.—TESTING OF CATTLE.—Ss. 10 to 14.

PART III.—COMPENSATION FOR CATTLE.—Ss. 15 to 20A.

PART IV.—CATTLE INDUSTRY COMPENSATION FUND.—Ss. 21 to 38.

PART V.—MISCELLANEOUS.—Ss. 39 to 46.

## PART I.—PRELIMINARY.

Acts repealed.

4. The Acts mentioned in the Schedule to this Act are hereby repealed.

Construction.

5. This Act shall be read and construed so as not to exceed the legislative power of the State, the intention being that where any enactment in this Act would, but for this section, be construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

Interpretation.  
Amended by  
No. 14 of  
1969, s. 2;  
No. 21 of  
1970, s. 33.

6. In this Act unless the contrary intention appears—

“animal” means a head of cattle;

“cattle” means any bull, cow, ox, steer, heifer or calf;

“carcass” means the carcass of an animal;

“Chief Inspector” means the person for the time being holding the office of Chief Inspector of Stock under the Stock Diseases Act, 1895;<sup>1</sup>

“Commissioner of State Taxation” means the person holding the office of Commissioner of State Taxation under the Public Service Act, 1904;

<sup>1</sup> Repealed by Stock Diseases (Regulations) Act, 1968.

“Department” means the Government Department of the State known as the Department of Agriculture;

“Director” means the person for the time being holding the office of Director of Agriculture in the Department;

“disease” means tuberculosis, actinomycosis, brucellosis and any other enzootic disease, within the meaning of the Stock Diseases (Regulations) Act, 1968, of cattle that the Governor may by proclamation declare to be a disease for the purposes of this Act; and the term “diseased” has a corresponding meaning;

“inspector” means an inspector of stock appointed under the Stock Diseases Act, 1895;<sup>1</sup>

“market value”, in relation to a carcass, means the value of the carcass calculated as upon a sale with delivery at the place where the carcass is when it is condemned as unfit for human consumption, and as if it were free from disease;

“owner” includes the authorised agent of the owner;

“processing company” means a company the business of which is or includes the purchasing of cattle or carcasses from owners thereof for the purpose of processing meat;

“the Fund” means the Cattle Industry Compensation Fund established under this Act;

“veterinary surgeon” means a person who is a veterinary surgeon under the provisions of the Veterinary Surgeons Act, 1960.

7. This Act applies in that part of the State known as the South-West Division as constituted and defined by section twenty-eight of the Land

Application  
of Act.

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<sup>1</sup> Repealed by Stock Diseases (Regulations) Act, 1968.

*Cattle Industry Compensation.*

Act, 1933, and in such other parts of the State as the Governor by proclamation, declares and is hereby authorised to declare from time to time to be areas in which the provisions of this Act shall apply.

Governor  
may proclaim  
diseases of  
cattle.

8. The Governor may at any time, on the recommendation of the Minister, by proclamation, declare any disease from which cattle suffer or are liable to suffer to be a disease for the purposes of this Act.

Adminis-  
tration.

9. (1) Subject to the direction and control of the Minister the Department shall administer this Act, except Part IV of this Act.

(2) The costs of the administration of this Act shall be paid out of the Fund.

## PART II.—TESTING OF CATTLE.

Cattle  
to be  
inspected.  
Amended by  
No. 113 of  
1965, s. 8.

10. The owner of any cattle shall, when and as often as he is requested by the Chief Inspector to do so, submit the cattle to inspection by the Chief Inspector, an inspector, a veterinary officer of the Department, or a veterinary surgeon authorised in writing for the purpose by the Chief Inspector.

Penalty—One hundred dollars.

Testing  
of cattle  
for disease.  
Amended by  
No. 14 of  
1969, s. 3.

11. (1) The Chief Inspector shall apply or cause to be applied such tests and bacteriological, serological and bio-chemical investigations or examinations, including a tuberculin test, to each animal at such intervals as the Chief Inspector considers necessary for the purpose of preventing, controlling, or effecting the elimination of disease from cattle.

(2) Every person who carries out any test, investigation or examination referred to in this section shall as soon as reasonably practicable after so doing, complete and furnish to the Department a form as prescribed disclosing the result of the test, investigation or examination and containing therein such other particulars as are prescribed.

12. (1) Where an animal upon being subjected to a test, investigation or examination pursuant to section eleven of this Act is found to be suffering from disease, or is suspected to be so suffering, the person who carried out that test, investigation or examination shall mark the animal for the purposes of identification in such manner as the Chief Inspector directs and is hereby authorised to direct.

Diseased cattle to be marked for identification.

(2) The Chief Inspector or an inspector may order that any diseased cattle, or any cattle suspected to be suffering from disease shall be destroyed.

Power to order destruction of diseased cattle.

13. Notwithstanding the provisions of any Act, where cattle are affected only with a localised form of disease, an inspector, instead of forthwith destroying the cattle or ordering them to be destroyed in accordance with the requirements of any Act or any regulations made thereunder, may require the owner to retain the cattle under such conditions as he thinks fit.

Disease of cattle in localised form.

14. Where cattle are to be destroyed by order of the Chief Inspector or an inspector, or with the consent of the Chief Inspector, because the cattle are suffering from disease or suspected to be so suffering, the Chief Inspector, or as the case may be, the inspector, may by notice in writing given to the owner of the cattle require the cattle to be destroyed at some abattoir specified in the notice.

Chief Inspector may direct cattle to be destroyed at specified abattoirs.

PART III.—COMPENSATION FOR CATTLE.

15. Subject to the provisions of this Act compensation is payable under this Act—

Persons to whom compensation payable.

- (a) to the owner of any cattle destroyed by or by order of the Chief Inspector or an inspector pursuant to this Act, because the cattle are suffering from disease or are suspected to be so suffering;

*Cattle Industry Compensation.*

- (b) to the owner of any cattle destroyed with the consent of the Chief Inspector, because the cattle are suffering from disease or are suspected to be so suffering;
- (c) to the owner of any carcass or portion of a carcass that in pursuance of any Act is at an abattoir and condemned because of disease as unfit for human consumption by the Chief Inspector, an inspector, or any other person authorised by that Act to so condemn the carcass.

Amount of compensation.

16. (1) The amount of compensation payable under this Act in respect of cattle destroyed, because the cattle are suffering from disease or are suspected to be so suffering, shall be the value of the cattle so destroyed as determined pursuant to the provisions of subsection (1) of section seventeen of this Act.

(2) The amount of compensation payable under this Act in respect of a carcass or portion of a carcass that is condemned as unfit for human consumption because of disease, shall be the market value of that carcass or portion of a carcass.

(3) Notwithstanding anything contained in this Act, no amount of compensation payable in respect of the destruction of any animal or of the condemnation of any carcass or portion of a carcass as unfit for human consumption, pursuant to this Act, shall exceed an amount recommended at least once annually by the Minister and approved by the Governor.

Determination of value of cattle.

17. (1) The value of any cattle destroyed pursuant to the provisions of this Act shall be determined by agreement between the owner of the cattle and the Chief Inspector or inspector by whom the cattle were destroyed, and in default of agreement some competent and impartial person nominated for the purpose by the Minister shall determine the value.

(2) The determination of the person nominated by the Minister pursuant to this section is final and conclusive.

(3) The proceeds of the disposal of any carcass or portion of a carcass to which this Act applies shall be paid into the Fund.

18. (1) Compensation under this Act is not payable unless the person claiming to be entitled to compensation under the provisions of this Act makes application for compensation to the Chief Inspector in the manner prescribed and the application contains the particulars prescribed and is verified by the statutory declaration of that person.

Application  
for com-  
pensation.

(2) Compensation under this Act is not payable unless the application for compensation is made by the applicant within thirty days after the destruction of the animal, or the condemnation of the carcass or portion thereof, as the case may be, in respect of which the application is made, but where such application is made after the expiration of that period, the Minister may nevertheless authorise payment of the whole or part of the compensation if he is satisfied that reasonable grounds existed for the delay in making the application.

19. Compensation under this Act is not payable—

- (a) if the head only of a carcass is condemned as unfit for human consumption because of disease;
- (b) if the owner of any cattle infected with disease or suspected by the owner of being so infected has failed to give the notice required to be given pursuant to the Stock Diseases (Regulations) Act, 1968;

Circum-  
stances  
in which  
compensa-  
tion not  
payable.  
Amended by  
No. 14 of  
1969, s. 4.

*Cattle Industry Compensation.*

- (c) unless the Chief Inspector is satisfied—
  - (i) that all stamp duty (if any) payable under this Act in respect of all cattle sold by the applicant for compensation has been duly paid in accordance with the provisions of this Act; and
  - (ii) that the applicant for compensation has complied with the requirements of this Act with respect to applications and claims for compensation;
- (d) in respect of cattle imported or introduced into the State and destroyed within ninety days of their arrival in the State because they are suffering from disease or suspected to be so suffering, unless the Chief Inspector is satisfied that the cattle became diseased after their arrival in the State, or unless the cattle after being destroyed are found to be free from disease;
- (e) if the person making the claim for compensation is convicted of an offence under section twenty or section thirty-seven of this Act;
- (f) in respect of cattle destroyed pursuant to the provisions of any Act, other than this Act, and in respect of which destruction provision is made for compensating the owner for loss or damage resulting therefrom;
- (g) in respect of diseased cattle destroyed after any test, investigation or examination, unless that test, investigation or examination was authorised by the Chief Inspector; or
- (h) in respect of a carcass or portion of a carcass, unless the person making the claim for compensation produces a certificate in the prescribed form furnished by the inspector or other authorised person who condemned the carcass or portion thereof.



20. A person who—

- (a) buys or sells or attempts to buy or sell cattle, knowing or having reasonable cause to suspect the cattle to be diseased, and with the intention of making a claim or enabling any other person to make a claim for compensation under this Act in respect of the destruction of the cattle or the condemnation of any carcass or portion of a carcass of any of the cattle; or
- (b) buys or sells or attempts to buy or sell any carcass or any portion of a carcass, knowing or having reasonable cause to suspect that carcass or portion to be diseased, and with the intention of making a claim or enabling any other person to make a claim for compensation under this Act in respect of the condemnation of the carcass or portion of a carcass,

Offence of dealing in diseased cattle to claim compensation. Amended by No. 113 of 1965, s. 3.

commits an offence.

Penalty—Fifty dollars in respect of each animal or each carcass or portion of a carcass so bought or so sold or in respect of which the attempt is made, as the case may be.

20A. Where the Chief Inspector certifies that cattle have been vaccinated, pursuant to an order or direction given under any other Act, for the purpose of preventing the spread of disease, the Director may cause any costs properly incurred for the purposes of the vaccination to be paid out of the Fund.

Certain costs of vaccination payable out of Fund. Added by No. 14 of 1969, s. 5.

PART IV.—CATTLE INDUSTRY COMPENSATION FUND.

21. (1) For the purposes of administering this Act and paying compensation in accordance with the provisions of this Act, there shall be established and kept in the Treasury an account to be called the "Cattle Industry Compensation Fund".

Cattle Industry Compensation Fund established.

*Cattle Industry Compensation.*

(2) The Fund shall be controlled by the Director and may be operated upon for the purposes of this Act in such manner as the Treasurer approves and is hereby authorised to approve from time to time.

(3) The Director shall keep or cause to be kept such records relating to operations on the Fund in such manner as the Treasurer approves and is hereby authorised to approve.

Closure of  
Compensation Funds  
established  
under Acts  
repealed by  
this Act.

22. (1) Upon the date of the coming into operation of this Act—

- (a) the account called The Dairy Cattle Industry (Butter Fat) Compensation Fund established under the Dairy Cattle Industry Compensation Act, 1960, and kept in the Treasury; and
- (b) the account called the Beef Cattle Industry Compensation Fund established under the Beef Cattle Industry Compensation Act, 1963, and kept in the Treasury,

shall each be closed and not be further operated upon except as provided by this section.

(2) The moneys standing to the credit of each of the funds referred to in subsection (1) of this section at the date of their closure (including any moneys invested by the Treasurer from those Funds) shall be appropriated and applied by the Treasurer in payment thereof to the credit of the Fund established under section twenty-one of this Act.

(3) Notwithstanding the repeal effected by section four of this Act of the Dairy Cattle Industry Compensation Act, 1960 and the Beef Cattle Industry Compensation Act, 1963, where at the coming into operation of this Act any application for compensation has been made under either of the repealed Acts and has not been finalised, that application shall be deemed to have been made

under the provisions of this Act and shall be continued and finalised as though it were an application for compensation made under and in accordance with those provisions.

23. (1) There shall be paid to the credit of the Fund—

Application  
of the Fund.  
Amended by  
No. 113 of  
1965, s. 8;  
No. 21 of  
1970, s. 34.

- (a) the sum of Twenty thousand dollars payable to the credit of the Fund under and in pursuance of paragraph (a) of subsection (2) of section fifty-seven of the Milk Act, 1946;
- (b) the moneys appropriated and applied by the Treasurer pursuant to subsection (2) of section twenty-two of this Act;
- (c) all moneys received by or for the Commissioner of State Taxation in respect of stamp duty on statements under this Act, which moneys the Treasurer is hereby authorised to pay to the Fund;
- (d) all moneys received from the Treasurer under the provisions of section twenty-five of this Act;
- (e) all moneys received for the residual value of cattle destroyed or of carcasses condemned pursuant to this Act, which moneys by force of this Act are appropriated to and form part of the fund;
- (f) the proceeds of the disposal of any carcass or portion of a carcass to which this Act applies;
- (g) moneys advanced to the Fund under the authority of section twenty-four of this Act;
- (h) the amount of all penalties recovered under this Act in respect of offences against this Act; and
- (i) any other moneys paid to the Director under this Act for payment to the Fund.

*Cattle Industry Compensation.*

(2) Subject to this Act, the Fund shall be applied for the purposes of administering this Act and to the payment pursuant to this Act of claims for compensation.

(3) Any moneys standing to the credit of the Fund may, until required for the purposes of this Act, be temporarily invested at the request of the Director by the Treasurer in any securities approved by the Treasurer, and all interest derived from the investment shall be paid to the credit of the Fund.

Treasurer may make advances to the Fund in event of a deficiency.

24. (1) Where the Treasurer is of opinion that the moneys standing to the credit of the Fund are at any time insufficient for the purposes of this Act, the Treasurer may with the approval of the Governor advance to the Fund from the Public Account moneys sufficient for the time being to make up the deficiency.

(2) Moneys advanced under subsection (1) of this section shall be subsequently repaid to the Treasurer from the Fund by the Director as and when moneys are available to the Fund to make repayment, and the moneys when so repaid shall be paid by the Treasurer into the Public Account.

(3) Moneys advanced by the Treasurer under this section are so long as they remain unpaid a charge on the Fund.

Contribution to the Fund by Treasurer. Amended by No. 21 of 1970, s. 35.

25. The Treasurer shall contribute to the Fund, from moneys appropriated by Parliament for the purpose, an amount equal to the amount of stamp duty received by or for the Commissioner of State Taxation in respect of stamp duty on statements under this Act.

Stamp duty on sales of cattle.

26. There shall be charged for the use of Her Majesty upon any instrument specified under the heading, "CATTLE SALES STATEMENTS" in the Second Schedule to the Stamp Act, 1921, the duty specified under that heading.

27. (1) Every owner of cattle or the carcasses of cattle, or the agent of any such owner, except where that agent as the holder of a valid and current permit under section twenty-eight of this Act is exempted from complying with the requirements of this subsection, or except an owner or the agent of that owner who is exempted from complying with those requirements by virtue of such a permit issued to a processing company under the provisions of section thirty-three of this Act, shall upon the sale of the cattle or carcasses, whether payment of the purchase money is or is not made in full at the time of the sale or is to be made by instalments or is otherwise deferred—

Statements on sales of cattle.  
Amended by No. 21 of 1970, s. 36.

- (a) write out or cause to be written out a statement setting out the number of cattle or carcasses sold, the amount of purchase money in respect of each animal or carcass, as the case may be, and the date of the sale;
- (b) affix to the statement duty stamps to the amount of the duty payable under this Act, and cancel the stamps; and
- (c) send the statement to the Commissioner of State Taxation within fourteen days of the sale.

(2) Where a number of head of cattle, or a number of carcasses, are sold in one lot, it shall not be necessary to set out in the statement referred to in subsection (1) of this section the amount of purchase money payable in respect of each animal, or as the case may be, each carcass, but the statement shall set out the amount of the purchase money in respect of the one lot.

28. (1) An agent referred to in section twenty-seven of this Act, or a person, firm or company whose business is or includes acting as selling agents of cattle or carcasses, or both cattle and carcasses, on behalf of various owners, may apply to the Minister for a permit exempting him or them from complying with the requirements of subsection (1) of that

Minister may exempt agent from completing cattle sales statements.  
Amended by No. 21 of 1970, s. 37.

section, but instead authorising him or them, while the permit is effective, to lodge with the Minister returns of purchase money received from sales of cattle or carcasses, or both cattle or carcasses, sold by the applicant as agent during any periods of any duration fixed by the Minister, and to pay to the Minister the amount of duty payable under section twenty-six of this Act in respect of the purchase money included in each return.

(2) If it appears to the Minister that an application under subsection (1) of this section is made in good faith and that if the application is granted economy in the administration of this Act will result, the Minister may issue a permit in writing, and may include in the permit such conditions as in the particular circumstances of the case the Minister thinks fit to impose, including without affecting the generality of the discretionary power conferred by this subsection conditions—

- (a) as to the manner, form, and time, of compiling and lodging returns and paying the duty; and
- (b) limiting the period to which each return must relate.

(3) The Minister may, by notice in writing served on the holder of a permit issued under this section—

- (a) from time to time alter any of the conditions contained in the permit; or
- (b) cancel the permit,

without being required to assign any reason for doing so, and shall cause the Commissioner of State Taxation to be notified of the issue of any permit, the conditions of the permit, any alteration of those conditions, and any cancellations of permits.

(4) Production of a document that purports to be a copy of a permit issued under this section, or any alteration of the conditions, or any cancellation, of a permit so issued, if purporting to be certified by the Minister to be a copy of the original permit of

which it purports to be a copy, has the same probative value as, and is *prima facie* evidence of the matters contained in, the original permit.

29. (1) Where an agent who is the holder of a valid and current permit issued under section twenty-eight of this Act receives purchase money for the sale on behalf of an owner of cattle or carcasses, or both cattle and carcasses, that agent shall apply so much of the purchase money as equals the amount of duty payable under this Act in respect of that purchase money in payment of the duty to the Minister, whose acknowledgment of receipt of the payment of such amount is a discharge to the agent of the liability to pay the amount to the owner or any person claiming through the owner, and is a discharge to the owner for liability to pay that amount of duty.

Agent to pay to Minister duty out of purchase money.  
Amended by No. 21 of 1970, s. 38.

(2) Any amount that an agent is required by subsection (1) of this section to pay to the Minister is, until so paid, a debt owing by the agent to the Minister and, notwithstanding subsection (4) of this section, may be recovered from the agent in a court of competent jurisdiction at the suit of the Commissioner of State Taxation.

(3) A person who, being an agent referred to in subsection (1) of this section, does not comply with the requirements of that subsection, commits an offence.

(4) Until such time as any amount of duty for which an owner is liable under this Act has been paid either by the owner or by his agent, that amount is a debt owing by the owner to the Minister and may, without prejudice to subsection (2) of this section, be recovered in a court of competent jurisdiction at the suit of the Commissioner of State Taxation.

30. Without affecting his liability to pay the amount of any unpaid duty payable under this Act, every owner or agent who contravenes or fails to comply with any of the provisions of subsection (1)

Contravention of ss. 27 (1) or 28 an offence.  
Amended by No. 113 of 1965, s. 8.

*Cattle Industry Compensation.*

of section twenty-seven of this Act, or as the case may be, of any condition imposed under section twenty-eight of this Act, commits an offence against this Act, and is liable upon conviction to a penalty not exceeding forty dollars, and shall in the case of an agent holding a permit be punishable notwithstanding any subsequent alteration of the conditions of, or any cancellation of, the permit, and notwithstanding section eleven of the Criminal Code.

Sale of  
carcass of  
animal  
slaughtered  
after sale.

## 31. If—

- (a) any head of cattle is sold and duty stamps are affixed as provided by subsection (1) of section twenty-seven of this Act to a statement given upon the sale of the animal or, as the case may be, particulars of the sale of the animal are included in a return compiled pursuant to and in accordance with a valid and current permit issued under section twenty-eight of this Act; and
- (b) within fourteen days after the sale the animal is slaughtered; and
- (c) the statement given, or as the case may be, the return so compiled, pursuant to the provisions of this Act in respect of any sale of the carcass includes particulars of the prior sale of the animal,

it shall not be necessary to affix any duty stamps to the statement given upon any such sale of the carcass, and that sale of the carcass shall be free from the payment of stamp duty in respect of the purchase money shown as having been received for the carcass in the statement, or as the case may be, in the return.

Permit  
holder to  
notify  
particulars  
of sale to  
purchaser  
in certain  
circum-  
stances.

32. Where the holder of a valid and current permit issued under section twenty-eight of this Act compiles returns of any sales of cattle or carcasses, or both, he shall instead of complying with the requirements of paragraph (c) of subsection (1) of section twenty-seven of this Act, send to the



purchaser within fourteen days of the sale notification in writing of particulars of the sale and that as the holder of the permit he has included particulars of the sale in a return compiled pursuant to the permit.

33. (1) A processing company may apply in writing to the Minister for a permit— Permit to processing company.

- (a) exempting an owner or his agent who has sold cattle or carcasses, or both cattle and carcasses, to the company from complying with the requirements of subsection (1) of section twenty-seven of this Act;
- (b) authorising the company, while the permit is effective, to lodge instead of the owner or his agent returns of purchase money paid by the company to the owner or his agent on the sale of cattle or carcasses, or both, to the company by the owner during any period of any duration fixed by the Minister; and
- (c) authorising the company to pay to the Minister, on behalf of the owner or his agent, the amount of duty payable under section twenty-six of this Act in respect of the purchase money included in each return.

(2) The provisions of subsections (2), (3) and (4) of section twenty-eight of this Act apply to an application made under and a permit issued under subsection (1) of this section.

34. (1) A processing company that is the holder of a valid and current permit issued under section thirty-three of this Act shall, before it pays to the owner or his agent any purchase money for cattle or carcasses sold to it by the owner, apply and thereafter shall pay to the Minister in accordance with the permit, so much of that money as equals the amount of duty payable under this Act in

Processing company to pay to Minister duty out of purchase money.  
Amended by No. 21 of 1970, s. 39.

respect of that money, in payment of the duty to the Minister whose acknowledgment of receipt of the payment of the amount is a discharge to the agent of the liability to pay the amount to the owner or any person claiming through the owner, and is a discharge to the owner for liability to pay that amount of duty.

(2) Any amount that a processing company is required by subsection (1) of this section to pay to the Minister is, until so paid, a debt owing by the company to the Minister and may be recovered from the company in a court of competent jurisdiction at the suit of the Commissioner of State Taxation, but until such time as any amount of duty for which an owner is liable under this Act has been paid, the amount is a debt owing by the owner to the Minister and may, without prejudice to the foregoing provisions of this subsection, be so recovered from the owner by the Commissioner of Stamps.

(3) A processing company that fails to comply with any of the conditions included in a permit issued under section thirty-three of this Act commits an offence against this Act and is punishable notwithstanding any subsequent alteration of the conditions of, or any cancellation of, the permit, and notwithstanding section eleven of the Criminal Code.

(4) Where a processing company that holds an effective permit issued under section thirty-three of this Act compiles, in accordance with that permit, returns of purchase moneys paid by it to an owner or his agent on the sale of cattle or carcasses, or both, to the company by the owner, the company shall cause to be posted to the owner, within fourteen days after the sale, a notice in writing setting out the particulars of the sale and stating that as the holder of the permit the company has included the particulars of the sale in a return compiled pursuant to the permit.

35. (1) The stamp duties on the statements referred to in section twenty-seven of this Act shall be denoted by adhesive stamps issued by the Commissioner of State Taxation, and the amount of the stamp duty payable on any such statement shall be calculated to the nearest cent.

Cattle sales  
duty stamps.  
Amended by  
No. 113 of  
1965, s. 8;  
No. 21 of  
1970, s. 40.

(2) A statement required under this Act to be stamped shall not be regarded or taken to be duly or properly stamped unless adhesive stamps to the value of the stamp duty payable thereon are attached to the statement and duly cancelled.

36. Without prejudice to any other method of recovery, the amount of any unpaid stamp duty payable under this Act may be recovered by action by the Commissioner of State Taxation in any court of competent jurisdiction.

Recovery of  
stamp duty.  
Amended by  
No. 21 of  
1970, s. 41.

37. (1) Without affecting the operation of section thirty-eight of this Act, every person who practises or is concerned in any fraudulent act, contrivance or device with intent to defraud Her Majesty of any stamp duty payable under this Act commits an offence.

Fraudulent  
act an  
offence.  
Amended by  
No. 113 of  
1965, s. 8.

Penalty—Two hundred dollars or imprisonment for six months, or both the fine and the imprisonment.

(2) All offences under this section shall be heard and determined by a stipendiary magistrate.

38. Subject to this Act, the provisions of the Stamp Act, 1921, and any regulations made under that Act, extend and apply, with such adaptations as are necessary, with respect to duty stamps issued pursuant to this Act.

Application  
of Stamp  
Act, 1921.

## PART V.—MISCELLANEOUS.

Making charges for insurance, etc., on sale of cattle an offence.  
Amended by No. 113 of 1965, s. 8.

39. If on the sale of any cattle to any person, whether sold singly or as part of a lot, that person or his agent—

(a) makes any charge to the vendor; or

(b) deducts any amount from the purchase money payable in respect of the sale,

by way of insurance or indemnity against or contribution in respect of losses incurred by reason of the death of an animal before reaching the premises of that person or by reason of any disease in or injury to the animal, that person or that agent commits an offence against this Act.

Penalty—Two hundred dollars.

Certain conditions in contracts to be inoperative.

40. (1) Any condition, express or implied, in any contract or agreement that provides for the making of any charge or the deduction of any amount that would, if made or deducted after the coming into operation of this Act, be an offence under this Act, shall—

(a) if made after the coming into operation of this Act, be void and of no effect; or

(b) if made before the coming into operation of this Act, cease to have any further force, operation or effect on and after the coming into operation of this Act.

(2) The provisions of this section do not apply in respect of any condition imposed under subsection (2) of section twenty-eight, or subsection (2) of section thirty-three, of this Act or in respect of anything done in compliance with any condition so imposed.

41. A person shall not in any way obstruct, hinder or interfere with, or attempt to obstruct, hinder or interfere with, the Chief Inspector or any inspector, veterinary surgeon, or veterinary officer or other officer of the Department, in the exercise of any of his powers or functions or the performance of any of his duties under this Act.

Obstructing officers, etc., an offence. Amended by No. 113 of 1965, s. 8.

Penalty—One hundred dollars.

42. Any proclamation made under this Act may be cancelled or from time to time varied, or an error in a proclamation may be rectified, by a subsequent proclamation.

Proclamation may be cancelled, etc.

43. Any proceedings for an offence against this Act may be commenced at any time within twelve months from the time of the commission of the offence, and may be instituted and dealt with summarily under and in accordance with the provisions of the Justices Act, 1902.

Offences to be dealt with summarily.

44. (1) A certificate or a notice under the hand of an inspector is, in all questions arising under this Act, *prima facie* evidence of the truth of the matter contained therein.

Evidence and judicial notice.

(2) Courts, judges and other persons acting judicially shall take judicial notice of the appointment and signature of the inspector.

45. (1) A person who—

- (a) does that which by or under this Act he is forbidden to do; or
- (b) does not do that which by or under this Act he is required or directed to do; or
- (c) otherwise contravenes or fails to comply with any provision of this Act,

General penalties. Amended by No. 113 of 1965, s. 8.

commits an offence against this Act.

*Cattle Industry Compensation.*

(2) A person who commits an offence against this Act is liable upon conviction to a penalty or punishment not exceeding that expressly mentioned as the penalty or punishment for the offence, or, if a penalty or punishment is not so mentioned, to a penalty not exceeding one hundred dollars.

Regulation.  
Amended by  
No. 113 of  
1965, s. 8.

46. The Governor may make regulations—

- (a) prescribing the manner of making and dealing with applications for compensation under this Act and the verification thereof;
- (b) prescribing the form of any certificate to be issued by the Chief Inspector or any inspector or other person in respect of the destruction of any diseased cattle, or any cattle suspected to be suffering from disease, or in respect of the condemnation of any diseased carcass or portion of a carcass, and the particulars to be set out in any such certificate;
- (c) for the retention under this Act of cattle by their owner, where the cattle are affected with a localised form of disease only, and prescribing the conditions of such retention;
- (d) for safeguarding the Fund from claims for compensation in respect of cattle where such cattle are diseased or suspected of being diseased when introduced or being introduced into the State, whether by land, sea or air, and generally for preventing fraudulent or dishonest claims for compensation;
- (e) prescribing all matters and things necessary or convenient to be prescribed with respect to the Fund and the administration thereof;
- (f) prescribing forms and fees for the purposes of this Act;

- (g) prescribing penalties, not exceeding one hundred dollars in any case, for any contravention of or failure to comply with the regulations; and
- (h) generally in relation to all matters and things that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for giving effect to or carrying out this Act, and guarding against evasions and breaches of this Act.

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SCHEDULE.

Section 4.

Acts Repealed by this Act.

Title of Act.	Extent of Repeal.
Dairy Cattle Industry Compensation Act, 1960	The whole Act
Beef Cattle Industry Compensation Act, 1963	The whole Act

