



ANNO SEPTIMO

GEORGI VI REGIS.

A.D. 1943.

No. 14 of 1943.

**An Act to amend the Interstate Destitute Persons
Relief Act, 1910-1934.**

[Assented to 9th December, 1943.]

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

1. (1) This Act may be cited as the "Interstate Destitute Persons Relief Act Amendment Act, 1943". Short titles.
- (2) The Interstate Destitute Persons Relief Act, 1910-1934, as amended by this Act, may be cited as the "Interstate Destitute Persons Relief Act, 1910-1943".
- (3) The Interstate Destitute Persons Relief Act, 1910-1934, is hereinafter called "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. (1) Sections 6, 7, 14, and 19 of the principal Act are respectively amended by striking out the words "not being a court of record" occurring in the thirteenth and fourteenth and the twenty-fifth lines of section 6, the thirteenth and fourteenth lines of section 7, the tenth line of section 14 and the third line of section 19. Amendment of ss. 6, 7, 14, 19 of principal Act—
Courts to which Act applies.
- (2) The amendments made by this section shall have the same effect as if they had come into operation at the time of the commencement of the principal Act.
4. The following section is hereby enacted and inserted in the principal Act after section 12 thereof :— Enactment of s. 12a of principal Act
 - 12a. (1) On complaint made by the collector or by a person liable upon or entitled to the benefit of an Variation of orders.

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order made, whether before or after the enactment of this section, under section 12 of this Act, a court of summary jurisdiction may further inquire into the means and ability to pay of the person liable upon the order and may make an order that increased or reduced instalments or periodical sums be paid in lieu of the instalments or periodical sums specified in the first-mentioned order, or that any instalments or periodical sums specified in the first-mentioned order be remitted.

(2) The provisions of sections 9 and 10 of this Act shall apply in relation to a summons issued in proceedings under this section in the same way as they apply in relation to a summons issued under section 7 of this Act.

(3) All the provisions of this Act which are applicable to the enforcement of orders shall apply to the enforcement of an order made under this section.

Amendment of
s. 14 of
principal Act—
Consequential
Amendment.

5. Section 14 of the principal Act is amended by inserting after the word "Act" in the fourth line of subsection (2) the words "(including proceedings taken under the Justices Act, 1921-1936, and the Maintenance Act, 1926-1941, as provided in this Act)".

Enactment of
s. 21a of
principal Act—

6. The following section is enacted and inserted in the principal Act after section 21 :—

Proof of
earnings

21a. (1) Whenever in any proceedings under this Act it is material to ascertain the earnings of any person the court may in its absolute discretion accept a statutory declaration made as hereinafter in this section mentioned as *prima facie* evidence of those earnings.

(2) A statutory declaration under this section shall be made—

(a) by any employer of the person whose earnings are in question ; or

(b) by some person employed by that employer as manager, secretary, accountant, or in any other position such as, in the opinion of the court, would enable him to testify to the earnings in question ; or

(c) by a member of a police force of this or any other State or of the Commonwealth or any Territory thereof.

(3) Where the declaration is made by a member of a police force, it shall be sufficient if it sets out information given to the declarant by—

- (a) the employer of the person whose earnings are in question ; or
- (b) a person employed by that employer as manager, secretary, accountant, or in any other position such as, in the opinion of the court, would enable him to testify as to the earnings in question.

7. Section 22 of the principal Act is repealed and the following section is enacted and substituted in lieu thereof :—

Repeal of s. 22 of principal Act and enactment of other provisions—

22. (1) An order made under this Act and an order made enforceable in this State by virtue of this Act may be enforced by any one or more of the methods by which—

Modes of enforcing orders.

- (a) an order requiring the payment of a sum of money is enforceable under the Justices Act, 1921-1936 :
- (b) a maintenance order as defined in the Maintenance Act, 1926-1941, is enforceable under Division IV of Part III of that Act.

(2) Division VI of Part IV of the Justices Act, 1921-1936, shall apply in relation to an order made under this Act and an order made enforceable in this State by virtue of this Act and the parties to any such order as if the order were an order for payment of money made by a court of summary jurisdiction.

(3) Division IV of Part III of the Maintenance Act, 1926-1940 (with the exception of sections 93 to 96 inclusive thereof) shall apply in relation to an order made under this Act and an order made enforceable in this State by virtue of this Act and the parties to any such order as if the order were a maintenance order as defined in the Maintenance Act, 1926-1941.

(4) Any proceedings authorized by this section in relation to an order made under this Act may be taken by the person in whose favour the order was made or any other person on his behalf.

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(5) Any proceedings authorized by this section in relation to an order made enforceable in this State by virtue of this Act shall be taken only by the collector or the assistant collector.

(6) This section shall apply in relation to orders of the kind specified in this section, whether made before or after the enactment of this section.

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

C. M. BARCLAY-HARVEY, Governor.