



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 43 of 1962

An Act to amend the Swine Compensation Act,
1936-1960.

[Assented to 8th November, 1962.]

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 "Swine Compensation Act Amendment Act, 1962".

(2) The Swine Compensation Act, 1936-1960, as amended by this Act, may be cited as the "Swine Compensation Act, 1936-1962".

(3) The Swine Compensation Act, 1936-1960, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment principal Act, s. 8.

3. Paragraph (c) of subsection (4) of section 8 of the principal Act is amended by inserting therein after subparagraph (i) thereof the following subparagraph :—

- (ia) that all swine stamp duty (if any) which was payable on the sale to the owner of the pigs for which or for the carcasses of which the owner claims compensation was duly paid in accordance with the provisions of section 13 ; and

4. Subsection (3) of section 12 of the principal Act is amended by adding at the end thereof the following proviso :—

Amendment of
principal Act,
s. 12.

Provided that a sum not exceeding two thousand five hundred pounds per annum may be expended from the fund for the purpose of research and investigation into swine diseases.

5. Section 13 of the principal Act is amended—

Amendment of
principal Act,
s. 13.

(a) by inserting therein after the word "owner" (second occurring) in subsection (1) thereof the words "except where an agent, as the holder of a valid and current permit issued under subsection (1a) of this section, is exempted from complying with the requirements of this subsection," ;

(b) by inserting therein after subsection (1) thereof the following subsection :—

(1a) (a) An agent, referred to in subsection (1) of this section, or a person, firm, or company whose business is or includes acting as selling agents of pigs or carcasses of pigs or both, 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 this section, but authorizing him or them instead, while the permit is effective, to lodge with the Minister returns of purchase-money received from sales of pigs or of carcasses of pigs, or both, 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 15 of this Act in respect of the purchase-money included in each return.

(b) If it appears to the Minister—

(i) that the application is made in good faith; and

(ii) that if the application is granted, economy in the administration of this Act will result,

the Minister may issue a permit in writing.

(c) The Minister 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 hereby conferred, conditions—

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

(d) The Minister may, by notice in writing served on the holder of a permit so issued,

- (i) from time to time alter any of the conditions contained in the permit; or
- (ii) cancel the permit;

without being required to assign any reason for doing so.

(e) The Minister shall cause the Commissioner of Stamps to be notified of the issue of any permit, of the conditions of the permit, any alteration of the conditions, and any cancellations of permits.

(f) Production of a document which purports to be a copy of a permit so issued, 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 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.

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

(h) Any amount which an agent is required by paragraph (g) of this subsection to pay to the Minister, is, until so paid, a debt owing by the agent to the Minister and may, notwithstanding paragraph (j) of this subsection, be recovered from the agent in a court of competent jurisdiction, at the suit of the Commissioner of Stamps.

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

(j) 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, the amount is a debt owing by the owner to the Minister and may, without prejudice to paragraph (h) of this subsection, be recovered in a court of competent jurisdiction, at the suit of the Commissioner of Stamps.

(c) by striking out the words "this section" in subsection (c) thereof and inserting in lieu thereof the words "subsection (1) of this section or, as the case may be, of any condition imposed under subsection (1a) of this section".

(d) by inserting the following subsection therein after subsection (4) thereof—

(5) Where the holder of a valid and current permit issued under subsection (1a) of this section compiles returns of any sales of pigs, or carcasses of pigs, or both, he shall, instead of complying with the requirements of paragraph (c) of subsection (1) of this section, transmit to the purchaser by ordinary letter post within seven 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.

6. (1) Subsection (1) of section 14 of the principal Act is amended by inserting therein before the passage "under section 13" thereof the words "or as the case may be by payment in respect of returns compiled and lodged".

Amendment of
principal Act,
s. 14.

(2) Subsection (2) of section 14 of the principal Act is amended—

- (a) by striking out the words “one pound or part of one pound” therein and inserting in lieu thereof the words “five pounds or part of five pounds” ;
- (b) by striking out the words “one and a half pence” therein and inserting in lieu thereof the words “six pence” ;
- (c) by striking out the words “three shillings and nine pence” therein and inserting in lieu thereof the words “three shillings and sixpence”.

Enactment of
principal Act,
s. 15a.

7. The following section is inserted in the principal Act after section 15 thereof :—

Inspection of
books, etc.

15a. (1) The Minister, or any person authorized in writing by the Minister, may at any time inspect and examine any books, accounts and statements and take any particulars or require any information which he considers necessary with a view to seeing whether the provisions of this Act as to the payment of swine stamp duty are being complied with.

(2) If any person prevents or obstructs the Minister or any person so authorized or refuses or fails to furnish any information so required he shall be liable to a penalty not exceeding fifty pounds.

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

EDRIC BASTYAN, Governor.