



ANNO DECIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1964

No. 14 of 1964

An Act to amend the Swine Compensation Act,
1936-1962.

[Assented to 10th September, 1964.]

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, 1964”.

(2) The Swine Compensation Act, 1936-1962, as amended by this Act, may be cited as the “Swine Compensation Act, 1936-1964”.

(3) The Swine Compensation Act, 1936-1962, 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 of principal Act, s.13.

3. Section 13 of the principal Act is amended—

(a) by striking out the passage “section 15” in paragraph (a) of subsection (1a) thereof and inserting in lieu thereof the passage “section 14”; and

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

(2) Without affecting his liability to pay the amount of any unpaid duty, every owner or agent who contravenes or fails to comply with any of the provisions of subsection (1) of this section or, as the case may be, of any condition imposed under subsection (1a) of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding fifty pounds.

4. The following section is inserted in the principal Act after section 13 thereof:—

Enactment of
s.13a of
principal Act—

13a. (1) The Minister may upon application by a person who proposes to purchase pigs or carcasses of pigs, or both, without any agent acting in the transaction grant to that person a permit for the purposes of this section.

Purchasers may
deduct duty.

(2) Paragraphs (c), (d), (e) and (f) of subsection (1a) of section 13 of this Act shall apply and have effect in relation to a permit under subsection (1) of this section as if it were a permit referred to in those paragraphs.

(3) Where an owner of pigs or carcasses of pigs sells them or any of them to a purchaser who holds a valid and current permit issued under this section and who is acting without an agent, the owner is not required to comply with the requirements of subsection (1) of section 13 of this Act, but the purchaser shall—

(a) write out or cause to be written out a statement setting out the number of pigs or carcasses purchased, the amount of the purchase money in respect of each pig or carcass, as the case may be, and the date of the purchase thereof, and shall either—

(i) affix to the statement swine duty stamps to the amount of the duty payable under section 14 of this Act and cancel the stamps; or

(ii) comply with the requirements of subsection (4) of this section;

and

(b) give or by registered post send the statement to the owner within seven days of the purchase.

(4) Where in any such purchase the purchaser does not affix to the statement swine duty stamps in accordance with subparagraph (i) of paragraph (a) of subsection (3) of this section, the purchaser shall—

(a) specify in the statement the amount of duty payable under section 13 of this Act in respect of the purchase money expended in the purchase;

(b) lodge with the Minister a return specifying the purchase-money expended in all such purchases during any period of any duration fixed by the Minister; and

(c) pay to the Minister the amount of duty payable under section 14 of this Act in respect of all such purchase-money.

(5) Any amount which a purchaser is required by subsection (4) of this section to pay to the Minister is, until so paid, a debt owing by the purchaser to the Minister and may be recovered from the purchaser in a court of competent jurisdiction at the suit of the Commissioner of Stamps.

(6) A payment of stamp duty by the purchaser as provided by subsection (3) or (4) of the section shall be a discharge to the purchaser for liability to pay that amount to the owner or person claiming through the owner.

(7) Without affecting his liability to pay the amount of any unpaid duty, every purchaser who contravenes or fails to comply with any of the provisions of this section or, as the case may be, of any condition imposed under subsection (2) of this section shall be guilty of an offence against this Act and 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.