



Western Australia

## **Pig Industry Compensation Act 1942**

Compare between:

[01 Jan 2005, 03-b0-02] and [01 Feb 2005, 03-c0-06]



Western Australia

## **Pig Industry Compensation Act 1942**

**An Act to provide for the establishment of a fund for the payment of compensation to the owners of pigs and carcasses of pigs in certain cases and for purposes connected therewith.**

## Part I — Preliminary

### 1. Short title and commencement

This Act may be cited as the *Pig Industry Compensation Act 1942*, and shall come into operation on a date to be fixed by proclamation<sup>1</sup>.

[2. — Repealed by No. 10 of 1998 s. 76.]

### 3. Interpretation

In this Act, unless the context otherwise indicates or requires —

“**Approved person**” means a person approved by the Chief Veterinary Surgeon for the purposes of this Act;

“**Carcass**” means the carcass of a pig;

“**Chief Veterinary Surgeon**” means the Chief Veterinary Surgeon of the Department of Agriculture;

“**Disease**” means tuberculosis, swine erysipelas or para-typhoid, and any other enzootic disease, within the meaning of the *Stock Diseases (Regulations) Act 1968*, of swine that the Governor may from time to time by proclamation declare to be a disease for the purposes of this Act; and the term “**diseased**” has a corresponding meaning;

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

“**Market value**” of a pig means the value of the pig calculated as upon a sale with delivery at the place where the pig is when dying or ordered to be destroyed and as if the pig were free from disease;

“**Meat Inspector**” means an inspector of meat appointed under the *Health Act 1911*, or any Commonwealth Act;

“**Minister**” means the Minister for Agriculture;

“**Owner**” includes the authorised agent of the owner;

“**Pig**” means any boar, sow, barrow, or sucker;

**“Processing Company”** means a company whose business is or includes the purchasing of pigs or carcasses from owners thereof for the purpose of processing meat.

*[Section 3 amended by No. 2 of 1961 s. 2; No. 30 of 1963 s. 2; No. 76 of 1965 s. 3; No. 42 of 1969 s. 2; No. 45 of 2002 s. 19(2).]*

**4. Governor may vary diseases to which Act applies**

The Governor may from time to time by proclamation declare any disease of pigs to be a disease within the meaning of this Act, and may from time to time by proclamation declare that the provisions of this Act shall cease to apply to any disease specified in such proclamation.

**5. Administration of Act**

Subject to the Minister this Act shall be administered by the Director of Agriculture or his deputy.

*[Section 5 amended by No. 7 of 1951 s. 4.]*

## **Part II — Pig compensation**

### **6. Compensation payable to owners of pigs**

Subject to this Act, compensation shall be payable —

*[(a) deleted]*

- (b) to the owner of any pig destroyed with the consent of the Chief Veterinary Surgeon or an approved person because the pig is suffering from or suspected of suffering from disease;
- (c) to the owner of any pig which is proved to the satisfaction of the Chief Veterinary Surgeon or an approved person to have died of swine erysipelas or para-typhoid or any other disease that may be prescribed;
- (d) to the owner of any carcass or portion of a carcass which is pursuant to any Act or any regulation or proclamation under any Act condemned as unfit for human consumption because of disease, by a meat inspector or an approved person.

*[Section 6 amended by No. 7 of 1951 s. 3; No. 42 of 1969 s. 3.]*

### **7. Amount of compensation**

- (1) Subject to this Act, the amount of compensation payable in respect of a pig —

- (a) destroyed because it is suffering from or suspected of suffering from disease; or
- (b) that is proved to the satisfaction of the Chief Veterinary Surgeon or an approved person to have died of swine erysipelas or para-typhoid or any other disease that may be prescribed,

shall be the market value of the pig, less the prescribed deductions.

- (2) For the purposes of this Act, the market value of a pig shall not exceed an amount from time to time recommended by the Minister and approved by the Governor.
- (3) Subject to this Act, the amount of compensation payable in respect of any diseased carcass or portion of a diseased carcass condemned as unfit for human consumption because of disease shall be in accordance with the prescribed scale.

*[Section 7 amended by No. 7 of 1951 s. 3 and 5; No. 21 of 1956 s. 3; No. 30 of 1963 s. 3; No. 42 of 1969 s. 4.]*

**8. Determination of value of pig, etc., destroyed as diseased**

- (1) The value of a pig destroyed because it is suffering from, or is suspected to be suffering from, disease shall be determined by the Chief Veterinary Surgeon or an approved person.
- (2) The value of any pig which has been proved to the satisfaction of the Chief Veterinary Surgeon or approved person to have died of swine erysipelas or para-typhoid or any other disease that may be prescribed shall be determined by the Chief Veterinary Surgeon or an approved person.
- (3) If the owner of any pig destroyed or dying of swine erysipelas or para-typhoid or any other disease that may be prescribed, or the owner of any carcass or portion thereof condemned, is aggrieved at the value so placed upon such pig or carcass or portion thereof, such owner may apply to the State Administrative Tribunal for a review of such valuation.
- (3a) The State Administrative Tribunal may order that all or any of its costs of obtaining the assistance of an expert in determining a value under this section are to be paid from the Fund, and section 13(3) applies to the payment of an amount ordered to be paid as if it were towards payment of a claim for compensation.
- (4) The residual value of any pig so destroyed or dying or of any carcass or portion thereof so condemned, shall be determined in the like manner.

**s. 9**

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- (5) The amount of any such residual value shall in every case be deducted from the amount payable as compensation under this Act.

*[Section 8 amended by No. 7 of 1951 s. 3; No. 42 of 1969 s. 5; No. 55 of 2004 s. 943.]*

**9. Application for compensation**

- (1) No compensation under this Act shall be payable unless the owner of the pig so destroyed or dying, or of the carcass or portion thereof so condemned, makes application for compensation in the manner and containing the particulars prescribed and verified as prescribed.
- (2) The owner shall forward with the application a certificate (containing the prescribed particulars) to be furnished by the person who destroyed or ordered or authorised the destruction of the pig, or the person to whose satisfaction it is proved that the pig died of swine erysipelas or para-typhoid or any other disease that may be prescribed or the meat inspector or other person who condemned the carcass or any portion thereof.
- (3) (a) No compensation under this Act shall be payable unless the application for compensation is made by the owner within the prescribed period after the destruction of the pig, or the death of the pig of swine erysipelas or para-typhoid or any other disease that may be prescribed, or the condemnation of the carcass or portion thereof.
- (b) Notwithstanding the provisions of paragraph (a), where an application for compensation under this Act is made after the expiration of the period referred to in that paragraph the Minister may authorise the payment of compensation if he is satisfied that reasonable grounds existed for the delay in making the application or that the delay in making the application was due to circumstances beyond the control of the owner.



- (4) No compensation under this Act shall be payable —
- (a) if the head only of any carcass is condemned as unfit for human consumption because of disease; or
  - (b) unless the Director of Agriculture or his deputy is satisfied —
    - (i) that all stamp duty (if any) payable under this Act by the owner claiming compensation in respect of all pigs of the said owner and in respect of all carcasses of pigs of the said owner has been duly paid by the owner or by his agent on his behalf in accordance with the provisions of section 15;
    - (ii) that the owner claiming compensation has complied with this Act and the regulations with respect to applications and claims for compensation;
- or
- (c) in respect of a pig introduced into the State and that is, within one month after being so introduced, ordered to be destroyed because it is suffering, or is suspected to be suffering from disease, unless the Chief Veterinary Surgeon is satisfied that the pig became diseased after being so introduced or unless it is found on post mortem examination to be free from disease.
- (5) No compensation, or only such part of the compensation otherwise payable to the owner as the Director of Agriculture, or his deputy thinks reasonable, shall be payable under this Act to any owner if within the period of 2 years such owner has been convicted of an offence against this Act or the regulations.
- (6) Where after the coming into operation of the *Stock (Identification and Movement) Act 1970* —
- (a) a pig is removed from a farm or other place for the purposes of sale or slaughter; and

**s. 11**

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- (b) the provisions of section 32 or section 46 of that Act are not complied with at the time of the removal of the pig,

no compensation shall be payable under this Act in respect of —

- (c) the death or destruction of the pig; or
- (d) the condemnation of the carcass or any portion of the carcass of the pig.

*[Section 9 amended by No. 7 of 1951 s. 3 and 4; No. 9 of 1969 s. 6; No. 9 of 1953 s. 2; No. 27 of 1957 s. 3; No. 42 of 1969 s. 6; No. 11 of 1972 s. 3; No. 46 of 1994 s. 40.]*

*[10. Repealed by No. 7 of 1951 s. 6.]*

**11. If disease is in localised form, pig may be retained under certain conditions**

Notwithstanding anything in any Act, when a pig is affected only with a localised form of disease the Chief Veterinary Surgeon or an approved person may, instead of such pig being destroyed in accordance with the requirements of any Act or the regulations thereunder, in his discretion require the owner to retain such pig under such conditions as are prescribed.

**12. Person trafficking in diseased pigs or carcasses with a view to compensation**

Any person —

- (a) who buys or sells or who attempts to buy or sell any pig knowing or having reasonable cause to suspect such pig to be diseased and with the intention (in the opinion of the court before which he is charged) of making a claim for compensation therefor or in respect of the carcass or any portion of the carcass thereof; or
- (b) who buys or sells or who attempts to buy or sell any carcass or any portion thereof knowing or having reasonable cause to suspect the carcass or portion thereof to be diseased with the intention (in the opinion

of the court before which he is charged) of making a claim or enabling any other person to make a claim for compensation in respect of the carcass or any portion thereof,

shall be guilty of an offence against this Act and liable to a penalty of not more than \$2 000 for every such pig, or (as the case may be), for every such carcass or portion thereof.

*[Section 12 amended by No. 113 of 1965 s. 4; No. 20 of 1989 s. 3.]*

## **Part III — Pig Compensation Fund and stamp duties**

### **13. Establishment of Pig Industry Compensation Fund**

- (1) There shall be established and kept in the Treasury, forming part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*, an account to be called the “Pig Industry Compensation Fund”.
- (2) The Fund shall be credited with —
  - (a) all sums of money received by or for the Commissioner of State Revenue in respect of stamp duty on statements, or received by the Minister on returns, under this Act; and
  - [(b) repealed]*
- (3) The moneys standing to the credit of the Fund shall, subject to this Act, be applied to —
  - (a) the payment, pursuant to this Act, of claims for compensation;
  - (b) the payment of the costs of the provision of, or the promotion and encouragement of, scientific research for the improvement of pig production; and
  - (c) any other purpose that, in the opinion of the Minister, will promote and encourage the pig industry.
- (4) Any sum which the Treasurer of Western Australia at any time certifies to be required for payment by way of compensation under this Act (so far only as the moneys standing to the credit of the Fund are insufficient to pay any sum payable under this Act) shall be charged to the Consolidated Fund, which is hereby, to the necessary extent, appropriated accordingly.

- (5) Any sum charged to the Consolidated Fund under the last preceding subsection shall be deemed to be an advance to the Fund and shall remain a charge thereon, to be recouped when funds are available.

*[Section 13 amended by No. 27 of 1957 s. 4; No. 76 of 1965 s. 4; No. 42 of 1969 s. 7; No. 21 of 1970 s. 43; No. 6 of 1993 s. 12; No. 49 of 1996 s. 64; No. 45 of 2002 s. 19(3).]*

**14. Statements to be made out of sale of pigs, and stamps affixed**

- (1) Subject to section 14A, every owner of pigs or of the carcasses of pigs or the agent of any such owner except where an agent, as the holder of a valid and current permit issued under subsection (1a), is exempted from complying with the requirements of this subsection, shall, upon the sale thereof, 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 —
- (a) write out or cause to be written out a statement setting forth the number of pigs or the carcasses of pigs so sold, the amount of the purchase-money in respect of each pig or carcass, as the case may be, and the date of the sale thereof;
  - (b) lodge the statement with the Commissioner of State Revenue within 7 days after the sale; and
  - (c) when lodging the statement pay to the Commissioner the stamp duty payable under section 15 on the sale.

Provided that, where a number of pigs or carcasses of pigs of similar grade are sold in one lot, it shall not be necessary to set forth in the said statement the amount of purchase-money payable in respect of each pig or carcass, as the case may be, but the said statement shall set forth the amount of the purchase-money payable in respect of such lot.

- (1a) (a) An agent, referred to in subsection (1), or a person, firm, or company whose business is or includes acting as

**s. 14**

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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), but authorising 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 in respect of sales 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 State Revenue 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 on the sale 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 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) to pay to the Minister, is, until so paid, a debt owing by the agent to the Minister and may, notwithstanding paragraph (j), be recovered from the agent in a court of competent jurisdiction, at the suit of the Commissioner of State Revenue.
- (i) A person who, being an agent referred to in paragraph (g), 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), be recovered in a court of competent

**s. 14**

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jurisdiction, at the suit of the Commissioner of State Revenue.

- (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), or as the case may be, of any condition imposed under subsection (1a), shall be guilty of an offence against this Act and liable to a penalty not exceeding \$2 000, and shall in the case of an agent holding a permit be punishable notwithstanding any subsequent alteration of the conditions of, or cancellation of, the permit, and notwithstanding any other enactment.
- (2a) A complaint of an offence under this Act may be made within 12 months of the commission of the offence.
- (3) If —
- (a) any pig is sold and a statement in respect of the sale, or a return that includes the sale (as the case requires), has been stamped;
  - (b) within 14 days of the sale the pig is slaughtered; and
  - (c) the statement given, or, as the case may be, the return so compiled, pursuant to this section or section 14A in respect of any sale of the carcass includes particulars of the prior sale of the pig,
- no stamp duty is payable on the sale of the carcass.
- (4) Where the holder of a valid and current permit issued under subsection (1a) compiles returns of any sales of pigs, or carcasses of pigs, or both, he shall transmit to the purchaser by ordinary letter post within 7 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.



*[Section 14 amended by No. 44 of 1949 s. 3; No. 27 of 1957 s. 5; No. 2 of 1961 s. 3; No. 76 of 1965 s. 5; No. 113 of 1965 s. 4; No. 21 of 1970 s. 44; No. 11 of 1972 s. 4; No. 20 of 1989 s. 3; No. 78 of 1995 s. 105; No. 45 of 2002 s. 19(4)-(7).]*

**14A. Processing company to deduct duty from purchase money and lodge returns**

- (1) Every processing company shall —
  - (a) before it pays to an owner or his agent any purchase-money for pigs or carcasses or both sold to it by the owner, deduct so much of that money as equals the amount of duty payable under section 15 on the sale;
  - (b) within 14 days after the end of each month —
    - (i) lodge with the Minister returns in the form approved by the Minister of all sales to the company of pigs or carcasses during that month and of the amounts deducted by it pursuant to this subsection; and
    - (ii) pay the amount so deducted to the Minister.
- (2) Where pursuant to subsection (1), a processing company deducts an amount from the purchase money payable to an owner or his agent on the sale of pigs or carcasses or both and pays that amount to the Minister in payment of the duty payable under section 15, the receipt by the Minister of that payment is a discharge to the company or 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 or his agent for liability to pay that amount of duty.
- (3) Any amount that a processing company is required by subsection (1) 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 Revenue.

**s. 15**

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- (4) A processing company that contravenes or fails to comply with any of the provisions of subsection (1) is guilty of an offence against this Act.
- (5) Until such time as any amount that a processing company is required by subsection (1) to pay to the Minister is received by the Minister from the company or from the owner himself, the amount is a debt owing by the owner to the Minister and may, without prejudice to subsection (3), be recovered from the owner in a court of competent jurisdiction at the suit of the Commissioner of State Revenue.

*[Section 14A inserted by No. 11 of 1972 s. 5; amended by No. 45 of 2002 s. 19(8) and (9).]*

**15. Duty on sales of pigs**

- (1) Stamp duty is payable on the sale of any pig or carcass.
- (2) For every dollar or part of a dollar exceeding 50 cents —
  - (a) of the amount of the purchase money in respect of one pig or one carcass sold singly; or
  - (b) of the total amount of the purchase-money in respect of any number of pigs or carcasses, as the case may be, sold in one lot,

there shall be payable a stamp duty of such amount as the Governor may by proclamation prescribe:

Provided that such amount shall not exceed one and one-quarter cents: Provided further, that the stamp duty in respect of the amount of the purchase-money of any one pig, or any one carcass, as the case may be, whether sold singly or as part of a lot, shall not exceed 50 cents.

Provided further —

- (a) that it is, by virtue of this Act, a condition of any permit issued under section 14(1a), that the amount payable as stamp duty in respect of the sale of any one pig, or, as

the case may be, any one carcass, whether sold singly or as part of a lot, shall not exceed 50 cents; and

- (b) that the condition imposed by paragraph (a) of this further proviso is not subject to alteration or cancellation by the Minister; and
- (c) that the Governor has, and shall be deemed to have had on and after 1 February 1943, being the day on which Act No. 38 of 1942 came into operation, power by subsequent proclamation to cancel, or, from time to time, to alter, any proclamation prescribing the stamp duty payable under this Act<sup>3</sup>.

- (3) The duty hereby imposed shall be in addition to any other duty required to be paid under the *Stamp Act 1921*.

*[Section 15 amended by No. 7 of 1951 s. 7; No. 21 of 1956 s. 4; No. 27 of 1957 s. 6; No. 2 of 1961 s. 5; No. 113 of 1965 s. 4; No. 11 of 1972 s. 6; No. 45 of 2002 s. 19(10) and (11).]*

**16. Pig stamp duty issued by Commissioner of State Revenue**

*[(1) repealed]*

*[(2) repealed]*

*[(3) repealed]*

- (4) 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 stamp duty payable under this Act.
- (5) Every person who practises or is concerned in any fraudulent act, contrivance, or device not specially provided for by law, with intent to defraud Her Majesty of any stamp duty under this Act, shall be guilty of a misdemeanour and liable to a fine not exceeding \$2 000 or imprisonment for any term not exceeding 12 months.

**Pig Industry Compensation Act 1942**

**Part III** Pig Compensation Fund and stamp duties

**s. 16**

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*[Section 16 amended by No. 76 of 1965 s. 6; No. 21 of 1970 s. 46; No. 11 of 1972 s. 7; No. 20 of 1989 s. 3; No. 45 of 2002 s. 19(12)-(14).]*

## **Part IV — Miscellaneous**

### **17. Penalty on persons making charges, etc., for insurance purposes on sale of pigs**

If on the sale of any pig (whether sold singly or as part of a lot) to any person, any such 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 the pig before it reaches the premises of the purchaser or by reason of any disease in or injury to the pig, the said person or agent shall be guilty of an offence against this Act and liable to a penalty not exceeding \$2 000.

*[Section 17 amended by No. 113 of 1965 s. 4; No. 20 of 1989 s. 3.]*

### **18. Conditions inconsistent herewith in contracts to be inoperative**

- (1) Any condition, express or implied, in any contract or agreement providing for making any charge or deducting any amount which would, if made or deducted after the commencement of this Act, be an offence hereunder —
  - (a) shall, if made after the commencement of this Act, be void and of no effect; or
  - (b) shall, if made before the commencement of this Act, cease to have any further force, operation, or effect as on, from, and after the commencement of this Act.

**s. 19**

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- (2) The provisions of subsection (1) do not apply in respect of any condition imposed under section 14(1a), or in respect of anything done in compliance with any condition so imposed.

*[Section 18 amended by No. 27 of 1957 s. 7; No. 2 of 1961 s. 6; No. 11 of 1972 s. 8.]*

**19. Penalty in cases not provided for**

Every person who is guilty of any contravention of or failure to comply with any of the provisions of this Act for which no penalty or other punishment is expressly provided, or who permits any contravention of or failure to comply with the provisions of this Act, shall be liable to a penalty of not more than \$2 000.

*[Section 19 amended by No. 113 of 1965 s. 4; No. 20 of 1989 s. 3.]*

*[20.                      Repealed by No. 11 of 1972 s. 9.]*

**21. Regulations**

The Governor may make regulations for or with respect to —

- (a) the manner of making and dealing with and the verification of applications for compensation;
- (aa) prescribing the period within which applications for compensation shall be lodged;
- (b) prescribing, subject to this Act, the form of any certificate to be issued by the Chief Veterinary Surgeon or approved person or meat inspector or other person in respect of the destruction of any diseased pigs, or any pigs suspected of suffering from disease, or the condemnation of any diseased carcass or portion of a carcass, and the particulars to be set forth in any such certificate;
- (c) scales of compensation payable in respect of diseased carcasses or portions thereof;

- (d) the retention under this Act of pigs by the owner thereof, when such pigs are affected with a localised form of disease only and the conditions of such retention;
- (e) safeguarding the Fund and the Consolidated Fund from claims for compensation in respect of pigs or carcasses of pigs or portions thereof in cases where the pigs are diseased or suspected of being diseased when introduced or being introduced into Western Australia, whether by land or sea; and generally preventing fraudulent or dishonest claims for compensation;
- (f) all matters and things necessary or convenient to be prescribed with respect to the Fund and the administration thereof;
- (g) forms for the purposes of this Act and the regulations;
- (h) prescribing penalties (of not more than \$2 000 in any case) for any contravention of or failure to comply with the regulations;
- (i) prohibiting the feeding to pigs of foods which in the opinion of the Chief Veterinary Surgeon are likely to be a source of infection of disease to pigs; and
- (j) generally, all matters and things which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to or carrying out this Act, and guarding against evasions and violations thereof.

*[Section 21 amended by No. 113 of 1965 s. 4; No. 42 of 1969 s. 8; No. 11 of 1972 s. 10; No. 20 of 1989 s. 3; No. 6 of 1993 s. 12.]*

**Notes**

- <sup>1</sup> This is a compilation of the *Pig Industry Compensation Act 1942* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprints.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Pig Industry Compensation Act 1942</i>	38 of 1942	23 Dec 1942	1 Feb 1943 (see s. 1 and <i>Gazette</i> 29 Jan 1943 p. 85)
<i>Pig Industry Compensation Act Amendment Act 1949</i>	44 of 1949	26 Oct 1949	26 Oct 1949
<i>Pig Industry Compensation Act Amendment Act 1951</i>	7 of 1951	20 Nov 1951	20 Nov 1951
<i>Pig Industry Compensation Act Amendment Act 1953</i>	9 of 1953	10 Nov 1953	10 Nov 1953
<i>Pig Industry Compensation Act Amendment Act 1956</i>	21 of 1956	21 Nov 1956	25 Jan 1957 (see s. 2 and <i>Gazette</i> 25 Jan 1957 p. 125)
<i>Pig Industry Compensation Act Amendment Act 1957</i>	27 of 1957	26 Oct 1957	18 Apr 1958 (see s. 2 and <i>Gazette</i> 18 Apr 1958 p. 723)
<i>Pig Industry Compensation Act Amendment Act 1961</i>	2 of 1961	10 Oct 1961	10 Oct 1961
<b>Reprint of the <i>Pig Industry Compensation Act 1942</i> approved 30 Jan 1962 in Vol. 16 of Reprinted Acts (includes amendments listed above)</b>			
<i>Pig Industry Compensation Act Amendment Act 1963</i>	30 of 1963	13 Nov 1963	13 Nov 1963
<i>Pig Industry Compensation Act Amendment Act 1965</i>	76 of 1965	25 Nov 1965	14 Feb 1966 (see s. 2 and <i>Gazette</i> 28 Jan 1966 p. 196)
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
<i>Pig Industry Compensation Act Amendment Act 1969</i>	42 of 1969	21 May 1969	21 May 1969



<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Acts Amendment (Commissioner of State Taxation) Act 1970 Pt. VIII</i>	21 of 1970	8 May 1970	1 Jul 1970 (see s. 2 and <i>Gazette</i> 26 Jun 1970 p. 1831)
<i>Pig Industry Compensation Act Amendment Act 1972</i>	11 of 1972	25 May 1972	1 Jul 1972 (see s. 2 and <i>Gazette</i> 23 Jun 1972 p. 2029)
<b>Reprint of the Pig Industry Compensation Act 1942 approved 28 Feb 1975</b> (includes amendments listed above)			
<i>Agricultural Legislation (Penalties) Amendment Act 1989 s. 3</i>	20 of 1989	1 Dec 1989	15 Dec 1989 (see s. 2 and <i>Gazette</i> 15 Dec 1989 p. 4513)
<i>Financial Administration Legislation Amendment Act 1993 s. 12</i>	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Stock (Brands and Movement) Amendment Act 1994 s. 40</i>	46 of 1994	27 Sep 1994	17 May 1995 (see s. 2 and <i>Gazette</i> 16 May 1995 p. 1839)
<i>Sentencing (Consequential Provisions) Act 1995 Pt. 64</i>	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998 s. 76</i>	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
<b>Reprint of the Pig Industry Compensation Act 1942 as at 21 Jun 2002</b> (includes amendments listed above)			
<i>Taxation Administration (Consequential Provisions) Act 2002 s. 19<sup>4</sup></i>	45 of 2002	20 Mar 2003	1 Jul 2003 (see s. 2 and <i>Gazette</i> 27 Jun 2003 p. 2383)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 2 Div. 103<sup>6</sup></i>	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<b><u><a href="#">This Act was repealed by the Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Act 2004 s. 3 (No. 40 of 2004) as at 1 Feb 2005 (see s. 2 and Gazette 7 Jan 2005 p. 53)</a></u></b>			

<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

<b>Short title</b>	<b>Number and Year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Act 2004 Pt. 3</i> <sup>5</sup>	40 of 2004	3 Nov 2004	To be proclaimed (see s. 2)

<sup>2</sup> Footnote no longer applicable.

<sup>3</sup> See *Government Gazette* 27 February 1970 p. 587-8.

<sup>4</sup> The *Taxation Administration (Consequential Provisions) Act 2002* s. 3 and 4 and Pt. 4 read as follows:

“

**3. Relationship with other Acts**

The *Taxation Administration Act 2003* is to be read with this Act as if they formed a single Act.

**4. Meaning of terms used in this Act**

The Glossary at the end of the *Taxation Administration Act 2003* defines or affects the meaning of some of the words and expressions used in this Act and also affects the operation of other provisions.

**Part 4 — Transitional provisions**

**Division 1 — Interpretation**

**33. Definitions**

In this Part —

“**commencement day**” means the day on which the *Taxation Administration Act 2003* comes into operation;

“**old Act**” means —

- (a) an Act repealed by section 5;
- (b) the old Stamp Act; or
- (c) section 41 of the *Metropolitan Region Town Planning Scheme Act 1959* as in force immediately before the commencement day;

“old Stamp Act” means the *Stamp Act 1921* as in force immediately before the commencement day;

“substantive provisions”, in relation to an old Act, means the provisions of the old Act other than those dealing with matters dealt with in the *Taxation Administration Act 2003*.

**Division 2 — General transitional provisions**

**34. General transitional arrangements**

- (1) Section 37(1) of the *Interpretation Act 1984*, except paragraphs (a) and (b), does not apply in relation to the repeal of an old Act.
- (2) The repeal of an old Act does not, unless the contrary intention appears —
  - (a) affect any right, interest, title, power or privilege created, acquired, accrued, established or exercisable or any status or capacity existing prior to the repeal;
  - (b) affect any duty, obligation, liability, or burden of proof imposed, created, or incurred prior to the repeal;
  - (c) subject to section 11 of *The Criminal Code* and section 10 of the *Sentencing Act 1995*, affect any penalty or forfeiture incurred or liable to be incurred in respect of an offence committed against the old Act; or
  - (d) affect any investigation, legal proceeding or remedy in respect of any such right, interest, title, power, privilege, status, capacity, duty, obligation, liability, burden of proof, penalty or forfeiture.
- (3) Subject to subsections (4) and (5) —
  - (a) a right, interest, title, power, privilege, duty, obligation, liability or burden of proof referred to in subsection (2)(a) or (b) may be exercised or enforced;
  - (b) a penalty or forfeiture referred to in subsection (2)(c) may be imposed and enforced; and
  - (c) an investigation, legal proceeding or remedy referred to in subsection (2)(d) may be instituted, continued, or enforced,as if the substantive provisions of the relevant old Act —
  - (d) had not been repealed;
  - (e) were a taxation Act for the purposes of the *Taxation Administration Act 2003*; and
  - (f) had been amended to make any modifications necessary for this section to have effect.

- (4) If an objection, appeal or other legal proceeding (the “**action**”) was instituted under an old Act and was not finally determined before the commencement day —
- (a) the action may be continued;
  - (b) any requirement to pay interest on an amount of tax determined in the action to have been overpaid applies and may be enforced;
  - (c) any penalty may be imposed and enforced; and
  - (d) any decision, order or determination made in the action has effect, and may be enforced,
- as if this Act and the taxation Acts had not commenced.
- (5) If the time limited by an old Act for doing anything is longer than the time limited by a taxation Act for doing the equivalent thing under that Act, then in relation to a matter to which subsection (3) applies, the time limited under the old Act applies in relation to the doing of the thing under the taxation Act.
- (6) If the time limited by an old Act for commencing proceedings in relation to an offence under that Act is shorter than the 5 year period limited by section 111 of the *Taxation Administration Act 2003*, then despite section 111, proceedings in relation to an offence under the old Act (including an offence under a provision of the old Act that is continued in force under this Part) cannot be commenced after the expiry of the shorter period provided for by the old Act.
- (7) In this section a reference, in relation to the *Stamp Act 1921*, to the repeal of the old Act is a reference to the amendment of the Act by the *Stamp Amendment Act 2003*.

**35. Commissioner not to increase tax liability**

Despite Part 3 Division 1 of the *Taxation Administration Act 2003*, the Commissioner must not make a reassessment that increases the amount of tax a person is liable to pay in relation to anything that happened before the commencement day if the reassessment could not have been made under the relevant old Act.

**36. Delegations**

A delegation made under an old Act and in force immediately before the commencement day continues in force on and after that day as a delegation made under section 10 of the *Taxation Administration Act 2003*.

**Division 3 — Debits tax**

- 37. Certificates of exemption from tax (*Debits Tax Assessment Act 1990, s. 11*)**
- (1) A certificate issued under section 11 of the *Debits Tax Assessment Act 1990* and in force immediately before the commencement day continues in force on and after that day as a certificate issued under section 10 of the *Debits Tax Assessment Act 2002*.
  - (2) Where section 13(1) of the *Debits Tax Assessment Act 2002* applies in relation to a certificate issued under section 11 of the *Debits Tax Assessment Act 1990* the Commissioner cannot make a reassessment of the amount of debits tax payable on a debit for the purpose of giving effect to that section more than 3 years after —
    - (a) if the financial institution has recovered the amount of the debits tax paid on the debit from the customer — the date on which that amount was recovered; or
    - (b) otherwise — the date on which the debits tax on the debits was paid.

**Division 4 — Land tax**

- 38. Exemptions for certain home unit owners (*Land Tax Assessment Act 1976, s. 19*)**
- If the amount of land tax payable on land for the financial year commencing on 1 July 2001 was assessed under section 19 of the *Land Tax Assessment Act 1976*, then on and after the commencement day section 16 of the *Land Tax Assessment Act 2002* applies in relation to that land as if that assessment had been made under section 16.
- 39. Inner city residential property rebate (*Land Tax Assessment Act 1976, s. 23AB*)**
- A notice given by the Commissioner under section 23AB(7) of the *Land Tax Assessment Act 1976* and in force immediately before the commencement day continues in force on and after that day as a notice under section 28(4) of the *Land Tax Assessment Act 2002*.
- 40. Land tax relief Acts**
- Despite —
- (a) the repeal of the *Land Tax Assessment Act 1976* and *Land Tax Act 1976*; and
  - (b) the amendment of section 41 of the *Metropolitan Region Town Planning Scheme Act 1959*,

on and after the commencement day the *Land Tax Relief Act 1991* and *Land Tax Relief Act 1992* apply as if the substantive provisions of the Acts mentioned in paragraphs (a) and (b) —

- (c) had not been repealed;
- (d) were a taxation Act for the purposes of the *Taxation Administration Act 2003*; and
- (e) had been amended to make any modifications necessary for this section to have effect.

#### **Division 5 — Pay-roll tax**

**41. Treatment of certain contributions (*Pay-roll Tax Assessment Act 1971*, Sch. 2 cl. 5)**

Despite the repeal of the *Pay-roll Tax Assessment Act 1971*, Schedule 2 clause 5 of that Act continues to apply on and after the commencement day in relation to contributions wholly or partly in respect of services performed or rendered before 1 July 1997 as if that Act had not been repealed.

**42. Reassessments and refunds (*Pay-roll Tax Assessment Act 1971*, s. 19)**

Despite sections 16(3), 20(3) and 22(4) of the *Pay-roll Tax Assessment Act 2002* and section 16(1)(a) of the *Taxation Administration Act 2003*, the Commissioner is not required to make a reassessment of the amount of pay-roll tax payable by an employer in respect of wages paid or payable before the commencement day unless an application for a reassessment is made within 2 years after the tax was paid.

#### **Division 6 — Stamp duty**

**43. Adhesive stamps (*Stamp Act 1921*, s. 15, 21 and 23)**

- (1) Despite its repeal by the *Stamp Amendment Act 2003*, section 15 of the old Stamp Act continues in force for 12 months after the commencement day in relation to adhesive stamps that were affixed on instruments before that day.
- (2) Despite their repeal by the *Stamp Amendment Act 2003*, sections 21 and 23 of the old Stamp Act continue in force for 3 months after the commencement day in relation to adhesive stamps that were affixed on instruments before that day.
- (3) If adhesive stamps affixed to an instrument have been cancelled in accordance with the old Stamp Act (including the provisions of the old Stamp Act continued in force by subsections (1) and (2)) the instrument is taken to have been endorsed in accordance with section 17C of the *Stamp Act 1921*.

- 44. Printing of “Stamp Duty Paid” on cheques (*Stamp Act 1921*, s. 52)**
- (1) An authorisation of a financial institution granted under section 52 of the old Stamp Act and in force immediately before the commencement day continues in force on and after that day as a special tax arrangement made under the *Taxation Administration Act 2003*.
  - (2) Any requirement that applied, immediately before the commencement day, to a person to whom an authorisation continued by subsection (1) had been granted (whether imposed by the old Stamp Act or as a condition to which the authorisation was subject), continues as a condition to which the special tax arrangement referred to in subsection (1) is subject.
- 45. First home owners — reassessment (*Stamp Act 1921*, s. 75AG)**
- Despite section 17(1) of the *Taxation Administration Act 2003*, if property that included a dwellinghouse was conveyed or transferred before the commencement day, an application for a reassessment of the duty payable on the conveyance or transfer on the basis that a rebate under section 75AG of the old Stamp Act should have been, but was not, allowed cannot be made more than 12 months after the date of the original assessment.
- 46. Reassessment of duty on grant or transfer of vehicle licences (*Stamp Act 1921*, s. 76C(18) and (19), 76CA(3a) and 76CB(9))**
- (1) This section applies in relation to a grant or transfer of a licence that occurred before the commencement day.
  - (2) Despite section 17(1) of the *Taxation Administration Act 2003*, an application for a reassessment of the duty payable on the grant or transfer of a licence on the basis that the duty should not have been paid because —
    - (a) in the case of a grant — no vehicle licence fee was payable under the *Road Traffic Act 1974* in respect of the licence; or
    - (b) in the case of a transfer — had the transferee applied for the licence on the date of the transfer no vehicle licence fee would have been payable under the *Road Traffic Act 1974*,cannot be made more than 15 months after the licence was granted or transferred.
  - (3) Despite section 17(1) of the *Taxation Administration Act 2003*, an application for a reassessment of the duty paid on the transfer of a licence on the basis that the duty should have been, but was not,

charged in accordance with item 6 of the Second Schedule to the old Stamp Act because the transfer did not pass a beneficial interest, cannot be made more than 12 months after the licence was transferred.

- (4) Despite section 17(1) of the *Taxation Administration Act 2003*, an application for a reassessment of the duty payable on the grant or transfer of a licence on the basis that the duty should have been, but was not, assessed on the net market value of the vehicle (as defined in section 76CB of the old Stamp Act), cannot be made more than 12 months after the licence was granted or transferred.

**47. Alternative to stamping individual insurance policies  
(Stamp Act 1921, s. 95A)**

- (1) A permission granted under section 95A of the old Stamp Act and in force immediately before the commencement day continues in force on and after that day as a special tax arrangement made under the *Taxation Administration Act 2003*.
- (2) Any requirement that applied, immediately before the commencement day, to a person to whom a permission continued by subsection (1) had been granted (whether imposed by the old Stamp Act or as a condition to which the permission was subject), continues as a condition to which the special tax arrangement referred to in subsection (1) is subject.

**48. Workers' compensation insurance (Stamp Act 1921, s. 97 and item 16 of the Second Schedule)**

- (1) Despite section 17(1) of the *Taxation Administration Act 2003*, an application for a reassessment of the duty payable on the issue or renewal of a policy of insurance that occurred before the commencement day on the basis that the duty was assessed under item 16(1)(a)(i) of the Second Schedule to the old Stamp Act but should have been assessed under item 16(1)(a)(ii), cannot be made more than 2 years after the beginning of the insurance policy's cover period.
- (2) Despite the amendment of Schedule 2 item 16(1)(a) of the *Stamp Act 1921*, on and for 12 months after the commencement day —
- (a) the reference in Schedule 2 item 16(1)(a)(i)(A) to the *Pay-roll Tax Assessment Act 2002* includes a reference to the *Pay-roll Tax Assessment Act 1971*; and
  - (b) the reference in Schedule 2 item 16(1)(a)(i)(B) to section 39 or 40 of the *Pay-roll Tax Assessment Act 2002* includes a reference to section 10 of the *Pay-roll Tax Assessment Act 1971*.



**49. Payment of duty by returns (*Stamp Act 1921*, s. 112V)**

- (1) A permission granted under section 112V of the old Stamp Act and in force immediately before the commencement day continues in force on and after that day as a special tax arrangement under the *Taxation Administration Act 2003*.
- (2) Any requirement that applied, immediately before the commencement day, to a person to whom a permission continued by subsection (1) had been granted (whether imposed by the old Stamp Act or as a condition to which the permission was subject), continues as a condition to which the special tax arrangement referred to in subsection (1) is subject.

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<sup>5</sup> On the date as at which this compilation was prepared, the *Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Act 2004* Pt. 3 had not come into operation. It reads as follows:

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**Part 3 — Transitional provisions**

**6. Definitions**

In this Part —

“**Agricultural Produce Commission Account**” means the account referred to in section 7(2) of the *Agricultural Produce Commission Act 1988*;

“**commencement day**” means the day on which this Act comes into operation;

“**Commission**” means the Agricultural Produce Commission established under section 4 of the *Agricultural Produce Commission Act 1988*;

“**former accounts**” means —

- (a) the Pig Industry Compensation Fund established under section 13 of the *Pig Industry Compensation Act 1942*;
- (b) the Potato Growing Industry Trust Fund established under section 19 of the *Potato Growing Industry Trust Fund Act 1947*; and
- (c) the Poultry Industry Trust Fund established under section 15 of the *Poultry Industry (Trust Fund) Act 1948*;

“**former committees**” means —

- (a) the Potato Growing Industry Trust Fund Advisory Committee constituted under section 6 of the *Potato Growing Industry Trust Fund Act 1947*; and

- (b) The Poultry Industry Trust Fund Committee constituted under section 5 of the *Poultry Industry (Trust Fund) Act 1948*;

“**repealed Acts**” means the Acts repealed under Part 2.

**7. Interpretation Act not affected**

Nothing in this Act is to be construed so as to limit the operation of the *Interpretation Act 1984*.

**8. Members cease to hold office**

On the commencement day the members of the former committees cease to hold office.

**9. Compensation claims made before repeals**

Despite Part 2, an application for compensation under a repealed Act not fully dealt with before the commencement day is to be dealt with by the Commission —

- (a) under that Act as if the Act had not been repealed; and
- (b) for that purpose, any reference in that repealed Act to a former committee is to be read and have effect on and after the commencement day as if it were a reference to the Commission.

**10. Funds in former accounts**

- (1) Any moneys standing to the credit of a former account immediately before the commencement day are to be credited to the Agricultural Produce Commission Account to be applied in the payment of —
  - (a) compensation payable on an application referred to in section 9 made under the Act which established the former account; and
  - (b) any liabilities of the former account which arose before the commencement day,

and any balance remaining is to be applied by the relevant producers’ committee for the purposes of carrying out its functions under the *Agricultural Produce Commission Act 1988*.

- (2) In this section —

“**relevant producers’ committee**”, in relation to a former account, means the producers’ committee, as defined in section 3(1) of the *Agricultural Produce Commission Act 1988*, established in relation to the agricultural produce relevant to the former account.

**11. Moneys payable to Agricultural Produce Commission Account**

The Agricultural Produce Commission Account is to be credited with any money that became payable to a former account before the commencement day and that is paid after that day.

**12. References to former committees and former accounts**

If in an agreement, instrument or other document there is a reference to —

- (a) a former account, that reference is, unless the context otherwise requires, to be read and have effect on and after the commencement day as if it were a reference to the Agricultural Produce Commission Account; or
- (b) a former committee, that reference is, unless the context otherwise requires, to be read and have effect on and after the commencement day as if it were a reference to the Commission.

**13. Proceedings and remedies**

On and after the commencement day —

- (a) the Commission is a party to any proceedings by or against a former committee commenced before that day; and
- (b) any proceedings or remedy that might have been commenced by, or available against or to, a former committee may be commenced by, and are available against or to, the Commission.

**14. Records to be delivered to Commission**

On the commencement day the Commission is to take delivery of all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to the operations of —

- (a) the former accounts; and
- (b) the former committees.

**15. Financial reporting**

- (1) Section 65A of the FAA Act applies in relation to the preparation and submission of a final report in respect of a former committee as if —
  - (a) references in that section to a department were references to the former committee; and
  - (b) references in that section to provisions of sections 62 to 65 of the FAA Act were references to the equivalent provisions of sections 66 to 70 of that Act,

except that the period to which the final report is to relate is the final period, the references in sections 66(1), 68, and 70(1) to the end of the financial year are to be read as references to the end of the final period and the former committee is to be taken to be appointed as the reporting officer under section 65A(2).

- (2) If at the commencement day, any duty imposed by Part II Division 14 of the FAA Act on the accountable authority of a former committee has not been complied with for any financial year that expired before the commencement day, that duty subsists and is to be performed by the former committee.
- (3) The time within which the former committee is to perform a duty referred to in subsection (2) is extended until the end of the day that is 2 months after the commencement day, but this subsection does not prevent the time from being extended again under section 70 of the FAA Act.
- (4) Despite the repeals effected under Part 2, each former committee continues in existence for the purposes of this section and is entitled to receive from the Commission and its staff such assistance as it may require for that purpose.
- (5) In this section —  
“**FAA Act**” means the *Financial Administration and Audit Act 1985*;  
“**final period**” in relation to the former committee —
  - (a) under the *Potato Growing Industry Trust Fund Act 1947*, means the period starting on 1 July last preceding the commencement day;
  - (b) under the *Poultry Industry (Trust Fund) Act 1948*, means the period starting on 1 August last preceding the commencement day.

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<sup>6</sup> The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administration Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.