

PIG INDUSTRY COMPENSATION.

6° Elizabeth II., No. XXVII.

No. 27 of 1957.

AN ACT to amend the Pig Industry Compensation Act, 1942-1956.

[Assented to 26th October, 1957.]

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Pig Industry Compensation Act Amendment Act, 1957.*

(2) In this Act, the Pig Industry Compensation Act, 1942-1956,

Act No. 38 of 1942 as amended by Acts Nos. 44 of 1949, 7 of 1951, 9 of 1953, and 21 of 1956,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Pig Industry Compensation Act, 1942-1957.

2. This Act shall come into operation on a day to be fixed by proclamation. Commence-
ment.

3. Section nine of the principal Act is amended by adding after the word, "paid" in line five of subparagraph (i) of paragraph (b) of subsection (4), the words, "by the owner or by his agent on his behalf". S. 9
amended.

4. Section thirteen of the principal Act is amended— S. 13
amended.

(a) by adding after the word, "statements" in line three of paragraph (a) of subsection (2), the passage, ", or received by the Minister on returns,"; and

(b) by repealing paragraph (b) of subsection (2).

5. Section fourteen of the principal Act is amended— S. 14
amended.

(a) by adding after the word, "owner" in line two of subsection (1), the passage, "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 adding after the proviso to subsection (1), 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 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 fifteen 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 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.

Cf. No. 47 of
1941,
s. 17 (7).

Cf. No. 47 of
1941,
s. 17 (8).

(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.

Cf. No. 47 of
1941,
s. 17 (9).

(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.

Cf. No. 47 of
1941, s. 17
(10).

(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 adding after the word, "provisions" in line three of subsection (2), the passage, "of subsection (1) of this section, or, as the case may be, of any condition imposed under subsection (1a),";

(d) by adding after the word, "pounds" in line five of subsection (2), the passage, ", 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 section eleven of the Criminal Code";

(e) by adding after subsection (2), the following subsection:—

(2a) A complaint of an offence under this Act may be made within twelve months of the commission of the offence. ;

- (f) by adding before the words, "this section" in line two of paragraph (a) of subsection (3), the passage, "subsection (1) of";
- (g) by adding after the word, "pig" in line three of paragraph (a) of subsection (3), the passage, "or, as the case may be, particulars of the sale of the pig are included in a return compiled pursuant to, and in accordance with, a valid and current permit issued under subsection (1a) of this section";
- (h) by adding after the word, "given" in line one of paragraph (c) of subsection (3), the passage, "or, as the case may be, the return so compiled";
- (i) by adding after the word, "duty" being the last word in subsection (3), the words, "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"; and
- (j) by adding after subsection (3), the following subsection:—

(4) 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. Section fifteen of the principal Act is amended— S. 15
amended.

- (a) by adding after the word, "under" in line four of subsection (1), the passage, "subsection (1), or, as the case may be, by payment in respect of returns compiled and lodged under subsection (1a), of"; and