

## PIG INDUSTRY COMPENSATION.

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No. 11 of 1972.

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AN ACT to amend the Pig Industry Compensation Act, 1942-1970.

[Assented to 25th May, 1972.]

**B**E 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:—

1. (1) This Act may be cited as the *Pig Industry Compensation Act Amendment Act, 1972.*

(2) In this Act the Pig Industry Compensation Act, 1942-1970 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, 1942-1972.

Short title and citation.  
Vol. 16 of the Reprinted Acts.  
Approved for reprint 30th January, 1962, and further amended by Acts Nos. 30 of 1963, 76 and 113 of 1965, 42 of 1969 and 21 of 1970.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

S 9  
amended.

3. Section 9 of the principal Act is amended—

(a) by substituting for the words “twenty-one days” in line three of paragraph (a) of subsection (3) the words “the prescribed period”;

(b) by substituting for paragraph (b) of subsection (3) the following paragraph—

(b) Notwithstanding the provisions of paragraph (a) of this subsection, 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. ; and

(c) by repealing subsection (6) and re-enacting that subsection as follows—

(6) Where after the coming into operation of the Stock (Brands and Movement) Act, 1970—

(a) a pig is removed from a farm or other place for the purposes of sale or slaughter; and

(b) the provisions of section thirty-two or section forty-six 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. .

4. Section 14 of the principal Act is amended— S. 14  
amended.

- (a) by substituting for the words “Every owner of pigs or” in line one of subsection (1) the words “Subject to section fourteen A of this Act, every owner of pigs or of”;
- (b) by deleting the words beginning with the word “or”, first occurring, in line six of subsection (1) and ending with the word “Act” in line ten of that subsection; and
- (c) by substituting for paragraph (a) of subsection (3) the following paragraph—

(a) any pig is sold and—

- (i) duty stamps are affixed, as provided by subsection (1) of this section, to a statement given upon the sale of the pig; or
- (ii) 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; or
- (iii) particulars of the sale of the pig are included in a return compiled pursuant to section fourteen A of this Act; and .

5. Section 14A of the principal Act is repealed and re-enacted as follows— S. 14A  
repealed and  
re-enacted.

14A. (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,

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

deduct so much of that money as equals the amount of duty payable under section fifteen of this Act in respect of that money;

(b) within fourteen days after the end of each month—

(i) lodge with the Minister returns in the form approved by the Minister of all purchase moneys paid by it to owners and their agents on the sale of pigs or carcasses or both to it by owners and agents 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) of this section, 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 fifteen of this Act, 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) of this section 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 Taxation.

(4) A processing company that contravenes or fails to comply with any of the provisions of subsection (1) of this section is guilty of an offence against this Act.

(5) Until such time as any amount that a processing company is required by subsection (1) of this section 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) of this section, be recovered from the owner in a court of competent jurisdiction at the suit of the Commissioner of State Taxation. .

6. Section 15 of the principal Act is amended by deleting the passage "or subsection (1) of section fourteen A" in lines three and four of paragraph (a) of the third proviso to subsection (2). S. 15  
amended.

7. Section 16 of the principal Act is amended by repealing subsection (4) and re-enacting that subsection as follows— S. 16  
amended.

(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 duty stamps issued pursuant to this Act. .

8. Section 18 of the principal Act is amended by deleting the passage "or subsection (2) of section fourteen A" in lines three and four of subsection (2). S. 18  
amended.

9. Section 20 of the principal Act is repealed. S. 20 repealed.

10. Section 21 of the principal Act is amended by adding before paragraph (b) the following paragraph— S. 21  
amended.

(aa) prescribing the period within which applications for compensation shall be lodged; .

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