

SOUTH AUSTRALIA

**SWINE COMPENSATION ACT 1936**

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 1 January 1995.*

*It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.*

**SUMMARY OF PROVISIONS**

**PART 1  
PRELIMINARY**

1. Short title
2. Commencement
3. Arrangement
4. Interpretation
- 4A. Proclamation of disease

**PART 2  
SWINE COMPENSATION**

5. Compensation payable to owners of pigs
6. Amount of compensation
7. Determination of value of pig, etc., destroyed as diseased
8. Application for compensation
9. Compensation for pig sold in this State and destroyed in another State
10. If disease is in localised form
11. Person trafficking in diseased pigs or carcasses with a view to compensation

**PART 3  
SWINE COMPENSATION FUND AND STAMP DUTIES**

12. Establishment of Swine Compensation Fund
13. Statements to be made out on sale of pigs and stamps affixed
- 13A. Permits for purchase of pigs, etc.
14. Duty on sales of pigs
15. Swine duty stamps issued by Commissioner of Stamps
- 15A. Inspection of books, etc.

**PART 3A  
SWINE COMPENSATION FUND ADVISORY COMMITTEE**

- 15B. Swine Compensation Fund Advisory Committee
- 15C. Functions of the Committee

**PART 4  
MISCELLANEOUS**

16. Regulations
17. Costs of administration of Act
18. Penalty on persons making charges, etc., for insurance purposes on sale of pigs
19. Conditions inconsistent herewith in contracts to be inoperative

**APPENDIX  
LEGISLATIVE HISTORY**

# SWINE COMPENSATION ACT 1936

being

Swine Compensation Act 1936 No. 2329 of 1936  
[Assented to 3 December 1936]<sup>1</sup>

as amended by

Swine Compensation Act Amendment Act 1940 No. 29 of 1940 [Assented to 14 November 1940]  
Swine Compensation Act Amendment Act 1946 No. 20 of 1946 [Assented to 21 November 1946]  
Swine Compensation Act Amendment Act 1951 No. 11 of 1951 [Assented to 27 September 1951]  
Swine Compensation Act Amendment Act (No. 2) 1951 No. 38 of 1951 [Assented to 6 December 1951]  
Swine Compensation Act Amendment Act 1954 No. 23 of 1954 [Assented to 11 November 1954]  
Swine Compensation Act Amendment Act 1960 No. 10 of 1960 [Assented to 19 May 1960]<sup>2</sup>  
Swine Compensation Act Amendment Act 1962 No. 43 of 1962 [Assented to 8 November 1962] (as amended by Statute  
Law Revision Act (No. 2) 1975)  
Swine Compensation Act Amendment Act 1964 No. 14 of 1964 [Assented to 10 September 1964]  
Decimal Currency Act 1965 No. 60 of 1965 [Royal Assent proclaimed 4 February 1966]<sup>3</sup>  
Swine Compensation Act Amendment Act 1968 No. 57 of 1968 [Assented to 19 December 1968]  
Swine Compensation Act Amendment Act 1971 No. 56 of 1971 [Assented to 30 September 1971]<sup>4</sup>  
Swine Compensation Act Amendment Act 1972 No. 21 of 1972 [Assented to 30 March 1972]<sup>5</sup>  
Swine Compensation Act Amendment Act 1974 No. 111 of 1974 [Assented to 5 December 1974]<sup>6</sup>  
Statute Law Revision Act (No. 2) 1975 No. 118 of 1975 [Assented to 4 December 1975]  
Swine Compensation Act Amendment Act 1978 No. 79 of 1978 [Assented to 16 November 1978]<sup>7</sup>  
Statutes Amendment (Agriculture) Act 1978 No. 96 of 1978 [Assented to 7 December 1978]  
Swine Compensation Act Amendment Act 1985 No. 110 of 1985 [Assented to 7 November 1985]<sup>8</sup>  
Stock Act 1990 No. 62 of 1990 [Assented to 6 December 1990]<sup>9</sup>  
Criminal Law Consolidation (Felonies and Misdemeanours) Amendment Act 1994 No. 59 of 1994 [Assented to 27 October  
1994]<sup>10</sup>

<sup>1</sup> Came into operation 1 March 1937: *Gaz.* 24 December 1936, p. 1321.

<sup>2</sup> S. 3(a) came into operation 1 December 1959: s. 5; remainder of Act came into operation on assent.

<sup>3</sup> Came into operation 14 February 1966: s. 2(2).

<sup>4</sup> Came into operation 1 November 1971: *Gaz.* 28 October 1971, p. 1752.

<sup>5</sup> Came into operation 8 February 1973: *Gaz.* 8 February 1973, p. 440.

<sup>6</sup> Came into operation 1 February 1975: *Gaz.* 23 January 1975, p. 259.

<sup>7</sup> Came into operation 1 March 1979: *Gaz.* 1 March 1979, p. 551.

<sup>8</sup> Came into operation 19 December 1985: *Gaz.* 19 December 1985, p. 1882.

<sup>9</sup> Came into operation 30 May 1991: *Gaz.* 23 May 1991, p. 1638.

<sup>10</sup> Came into operation 1 January 1995: *Gaz.* 8 December 1994, p. 1942.

**NOTE:**

· Asterisks indicate repeal or deletion of text.

· For the legislative history of the Act see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

**An Act to make provision for the payment of compensation to owners of swine in certain cases, and for other purposes.**

The Parliament of South Australia enacts as follows:

**PART 1  
PRELIMINARY**

**Short title**

1. This Act may be cited as the *Swine Compensation Act 1936*.

**Commencement**

2. This Act shall come into force on a day to be fixed by proclamation.

**Arrangement**

3. The provisions of this Act are arranged as follows:—

PART 1—Preliminary.

PART 2—Swine compensation.

PART 3—Swine compensation fund and stamp duties.

PART 3A—Swine Compensation Fund Advisory Committee.

PART 4—Miscellaneous.

**Interpretation**

4. In this Act, unless the context otherwise requires—

"**carcass**" means the carcass of a pig;

"**chief inspector**" means the Chief Inspector of Stock for the time being in office under the *Stock Diseases Act 1934-1968*;

"**the Committee**" means the Swine Compensation Fund Advisory Committee;

"**disease**" means tuberculosis, infectious pneumonia of swine (including swine plague), swine dysentery, swine erysipelas, infectious rhinitis and swine paratyphoid (*necrotic enteritis*) and any other disease whether of the like nature or not affecting swine which the Governor has for the time being declared by proclamation to be a disease for the purposes of this Act;

"**financial year**" means the period of twelve months ending on the thirtieth day of June;

"**fund**" means the Swine Compensation Fund;

"**inspector**" means an inspector of stock under the *Stock Act 1990*;

"**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 ordered to be destroyed or where the pig was when it died because of disease and as if the pig were, at the time of destruction or death, as the case may be, free from disease;

"**owner**" includes the authorised agent of the owner;

"**pig**" means any boar, sow, barrow, or sucker.

**Swine Compensation Act 1936**

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**Proclamation of disease**

**4A.** (1) The Governor may from time to time by proclamation declare any disease affecting swine to be a disease for the purposes of this Act.

(2) The Governor may from time to time by proclamation declare that any disease shall cease to be a disease for the purposes of this Act and upon the publication of that proclamation that disease shall cease to be a disease as defined in section 4 of this Act.

(3) At any time after a disease has, pursuant to a proclamation under this section, ceased to be a disease as defined in section 4 of this Act, the Governor may by proclamation under subsection (1) of this section declare that disease to be a disease for the purposes of this Act.

**PART 2  
SWINE COMPENSATION**

**Compensation payable to owners of pigs**

5. Compensation shall be payable under this Act in the cases and to the extent and subject to the conditions hereinafter provided—

- (a) to the owner of any pig destroyed by or by order of an inspector pursuant to any Act or any regulation or proclamation under any Act, because the pig is suffering from or is suspected of suffering from disease:
- (b) 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 at any abattoir or slaughter-house condemned as unfit for human consumption, because of disease, by an inspector or any other person authorised by any such Act, regulation, or proclamation:
- (c) to the owner of any pig destroyed with the consent of the chief inspector, because the pig is suffering from or is suspected of suffering from disease:
- (d) to the owner of any pig which has died in any case where the body of the pig is examined by an inspector after the death of the pig and the inspector certifies that disease was the cause of death.

**Amount of compensation**

6. (1) Subject to this Act, the amount of compensation payable pursuant to this Act in respect of a pig ordered to be destroyed or destroyed with the consent of the chief inspector because the pig is suffering from or suspected of suffering from disease, shall be—

- (a) if after destruction the pig is found to be free from disease—the market value (subject to such deductions as are hereinafter in this Act specified) of the pig; and
- (b) if after destruction, the pig is found to be diseased—seventh-eighths of the market value (subject to such deductions as are hereinafter in this Act specified) of the pig:

but the market value of one pig for the purposes of this Act shall not exceed \$250 or such greater amount as may be prescribed.

(2) Subject to this Act, the amount of compensation payable pursuant to this Act 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.

(3) Subject to this Act, the amount of compensation payable pursuant to this Act in respect of a pig which has died because of disease shall be seven-eighths of the market value (subject to such deductions as are hereinafter in this Act specified) of the pig: but the market value of one pig for the purposes of this Act shall not exceed \$250 or such greater amount as may be prescribed.

**Swine Compensation Act 1936**

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

7. (1) The value of any pig so destroyed, or any carcass or portion thereof so condemned or any pig which has died because of disease, shall be determined by agreement between the owner thereof and the inspector or other person under whose authority the pig was destroyed, or such carcass or portion thereof condemned or the inspector giving the certificate of the cause of death of the pig, as the case may be. In default of such agreement the value shall be determined by some competent and impartial person nominated for the purpose by the Minister, and the determination of such person shall be final and conclusive.

(2) The residual value of any pig so destroyed or of any carcass or portion thereof so condemned or of any pig which has died because of disease shall be determined in the like manner.

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

**Application for compensation**

8. (1) No compensation under this Act shall be payable unless the owner of the pig so destroyed, or of the carcass or portion thereof so condemned or of the pig which has died because of disease, 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 inspector who destroyed or ordered the destruction of the pig, or the inspector or other person who condemned the carcass or any portion thereof or the inspector who inspected the body of the pig and certified the cause of death thereof, as the case may be.

(3) No compensation under this Act shall be payable unless the application for compensation is made by the owner within one month after the destruction of the pig, or the condemnation of the carcass or portion thereof or the death of the pig because of disease.

(4) No compensation under this Act shall be payable—

\* \* \* \* \*

(b) where the owner of a pig visibly affected with disease has failed to report the matter to an inspector; or

(c) unless the chief inspector is satisfied—

(i) that all swine 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 in accordance with the provisions of section 13; and

(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

(ii) that the owner claiming compensation has complied with this Act and the regulations with respect to applications and claims for compensation; or

\* \* \* \* \*

- (e) where the owner of any pig has failed to carry out any instruction in writing given to the owner by an inspector for the control or eradication of any disease in the piggery of the owner and the chief inspector is satisfied that the pig has died or has been destroyed because of that disease as a result of that failure.

**Compensation for pig sold in this State and destroyed in another State**

9. If the Minister is satisfied—

- (a) that any pig was sold in this State and that all swine stamp duty in respect of the sale has been paid; and
- (b) that the pig was destroyed in another State of Australia because the pig was suffering from or was suspected of suffering from disease or that the carcass of the pig was condemned as unfit for human consumption because of disease; and
- (c) that the pig was so destroyed or the carcass so condemned pursuant to any provision of any Act or law in force in such other State; and
- (d) upon the certificate of some competent officer of the Government of such other State or of some competent officer of the Government of the Commonwealth that the pig was destroyed or carcass condemned as aforesaid,

the Minister may direct that compensation pursuant to this Act shall be paid to the owner of the pig or carcass and compensation shall be payable accordingly.

**If disease is in localised form**

10. Notwithstanding anything in any Act, when a pig is affected only with a localised form of disease, an inspector instead of forthwith destroying the pig, or ordering the same to be destroyed in accordance with the requirements of any Act or the regulations thereunder, may in his discretion, require the owner to retain the pig under such conditions as are prescribed.

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

11. Any person—

- (a) who buys or sells or who attempts to buy or sell any pig knowing or having reasonable cause to suspect the pig to be diseased, and 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 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 fifty dollars for every such pig, or (as the case may be), for every such carcass or portion thereof.

**Swine Compensation Act 1936**

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**PART 3  
SWINE COMPENSATION FUND AND STAMP DUTIES**

**Establishment of Swine Compensation Fund**

**12.** (1) There shall be established and kept in the Treasury an account to be called the "Swine Compensation Fund".

(2) To the credit of the fund there shall be paid—

(a) all sums of money received by or for the Commissioner of Stamps in respect of swine stamp duty on statements under this Act; and

(aa) any payments made to the Minister pursuant to subsection (1a) of section 13 of this Act; and

(ab) all moneys arising from the sale of any property, purchased from moneys provided by the fund; and

(b) all penalties recovered under this Act.

(3) The fund shall, subject to this Act, be applied—

(a) towards meeting the costs of the administration of this Act;

(b) towards payments, pursuant to this Act, of claims for compensation under this Act;

(c) in any amount not exceeding in the aggregate \$50 000 in any financial year or such greater amount as may be prescribed, towards the costs of research and investigation relating to the pig industry undertaken at the direction of the Minister;

(d) in any amount not exceeding the aggregate of the surplus amounts for the time being declared by the Minister and for the time being unexpended, for any purpose that, in the opinion of the Minister, is for the benefit of the pig industry or any part thereof.

(3a) Where in respect of any financial year the amount paid into the fund during that year exceeds the aggregate of the amount applied from the fund pursuant to paragraph (a), (b) or (c) of subsection (3) of this section and an amount reasonably sufficient to provide for a proper reserve, the Minister may on the advice of the Auditor-General by notice in the *Gazette* declare an amount not exceeding that excess to be the surplus amount (in this section referred to as "the surplus amount") in respect of the financial year next succeeding the financial year in respect of which that excess occurred.

(4) If the Treasurer is of the opinion that the moneys in the fund are for the time being insufficient for the purpose of this Act, the Treasurer may, from time to time and without any further appropriation than this section, advance moneys out of the general revenue to be paid into the fund. Every such advance, together with interest thereon at the rate of five per centum per annum, shall be subsequently repaid from the fund to the Treasurer and shall when repaid be paid into the general revenue.

**Statements to be made out on sale of pigs and stamps affixed**

13. (1) Every owner of pigs or 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) of this section, 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; and
- (b) affix to the said statement swine duty stamps to the amount of the duty payable under this Act and cancel the stamps; and
- (c) give or by registered letter transmit the said statement to the purchaser within seven days of the sale.

(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 14 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.

**Swine Compensation Act 1936**

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(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.

(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.

(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 one hundred dollars.

(3) This section shall apply to a sale of a pig only where the pig is sold by auction or where the pig is sold to any person for the purpose of being slaughtered.

(4) If—

(a) any pig is sold by auction or for the purpose of being slaughtered and swine duty stamps are affixed as provided by this section to a statement given upon the sale of the pig; and

(b) within fourteen days of the sale the pig is slaughtered; and

(c) the statement given pursuant to this section in respect of any sale of the carcass includes particulars of the prior sale of the pig,

it shall not be necessary to affix any swine duty stamps to the statement given upon any such sale of the carcass and any such sale of the carcass shall be free from the payment of stamp duty.

(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.

**Permits for purchase of pigs, etc.**

**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.

(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; and
- (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.

**Swine Compensation Act 1936**

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(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 one hundred dollars.

**Duty on sales of pigs**

**14.** (1) There shall be payable in respect of every sale of any pig or carcass the stamp duties provided by this section by means of stamps affixed to the statement required or as the case may be by payment in respect of returns compiled and lodged under section 13.

(2) On and after the commencement of the *Swine Compensation Act Amendment Act 1974* for every three dollars or part of three dollars—

- (a) of the amount of 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 any number of carcasses sold in one lot,

there shall be payable stamp duty of a prescribed amount not exceeding one cent, but the stamp duty in respect of the amount of 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 in any case exceed a prescribed maximum amount (being an amount not exceeding twenty-one cents).

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(3) The duty hereby imposed shall be in addition to any other duty required to be paid under the *Stamp Duties Act 1923*.

**Swine duty stamps issued by Commissioner of Stamps**

**15.** (1) Stamp duties under this Act on the said statements shall be denoted by adhesive stamps (referred to in this Act as "swine duty stamps") issued by the Commissioner of Stamps.

(2) No statement required to be stamped under this Act shall be deemed or taken to be duly or properly stamped with an adhesive stamp to denote the payment of any duty under this Act unless the words "swine stamp duty" are printed on and form part of the stamp.

(3) Without prejudice to any other method of recovery, any unpaid duty under this Act may be recovered by the Commissioner of Stamps in any court of competent jurisdiction.

(4) Subject to this Act, the provisions of the *Stamp Duties Act 1923* and any regulations thereunder, shall, with such alterations, modifications, and substitutions as are necessary, extend and apply with respect to swine duty stamps.

(5) Without affecting the generality of the last preceding subsection, every person who practises or is concerned in any fraudulent act, contrivance, or device not specially provided for by law with intent to defraud His Majesty of any stamp duty under this Act, shall be guilty of an offence and liable to imprisonment for any term not exceeding twelve months.

(6) Notwithstanding anything in this Act contained stamp duty under this Act may be denoted by swine duty stamps issued by the Commissioner of Stamps prior to the coming into operation of the *Decimal Currency Act 1965*: Provided that this subsection shall cease to operate upon a day to be specified by the Governor by proclamation.

(7) The Treasurer may out of the fund refund to any person an amount equivalent to the face value of any unused swine duty stamps held by that person after the coming into operation of the *Decimal Currency Act 1965*.

**Inspection of books, etc.**

**15A.** (1) The Minister, or any person authorised 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 authorised or refuses or fails to furnish any information so required he shall be liable to a penalty not exceeding one hundred dollars.

**Swine Compensation Act 1936**

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**PART 3A  
SWINE COMPENSATION FUND ADVISORY COMMITTEE**

**Swine Compensation Fund Advisory Committee**

**15B.** (1) There shall be a Committee entitled the "Swine Compensation Fund Advisory Committee".

(2) The Committee shall consist of six persons appointed by the Minister, of whom—

(a) three shall be persons who are, in the opinion of the Minister, suitable persons to represent the interests of persons involved with the pig industry in this State; and

(b) three shall be officers of the Department of Agriculture.

(3) The Minister may appoint a member of the Committee to be the chairman of the Committee.

(4) A member of the Committee shall hold office on such terms and conditions as may be specified in the instrument of appointment.

(5) A member of the Committee is entitled to receive such allowances and expenses as the Minister may determine.

(6) Subject to the regulations, the procedure of the Committee shall be such as is determined by the Committee.

**Functions of the Committee**

**15C.** The functions of the Committee are—

(a) to advise the Minister in relation to the management of the fund; and

(b) to advise the Minister in relation to the maximum amount of compensation payable for one pig or carcass pursuant to this Act; and

(c) to advise the Minister in relation to the expenditure of surplus amounts pursuant to section 12(3)(d); and

(d) to advise the Minister in relation to proposals to vary the rate of stamp duty imposed by this Act; and

(e) to investigate and report to the Minister on any matters referred by the Minister to the Committee for advice.

**PART 4  
MISCELLANEOUS**

**Regulations**

**16.** 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; and
- (b) prescribing subject to this Act the form of any certificate to be issued by any 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 or by any inspector upon the examination and certifying as to the cause of death of any pigs which have died because of disease, and the particulars to be set forth in any such certificate; and
- (c) scales of compensation payable in respect of diseased carcasses or portions thereof; and
- (d) the retention under this Act of pigs by the owner thereof, when the pigs are affected with a localised form of disease only and the conditions of such retention; and
- (e) safeguarding the fund from claims for compensation in respect of pigs or carcasses or portions thereof in cases where the pigs are diseased or suspected of being diseased, when introduced or being introduced into South Australia, whether by land or sea; and generally preventing fraudulent or dishonest claims for compensation; and
- (f) all matters and things necessary or convenient to be prescribed with respect to the fund and the administration thereof; and
- (g) forms for the purposes of this Act and the regulations; and
- (h) prescribing penalties (of not more than forty dollars in any case) for any contravention of or failure to comply with the regulations; and
- (i) 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.

**Costs of administration of Act**

**17.** The costs of the administration of this Act shall be paid out of the fund.

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

**18.** 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

**Swine Compensation Act 1936**

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(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 two hundred dollars.

**Conditions inconsistent herewith in contracts to be inoperative**

**19.** 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 said commencement, be void and of no effect; or

(b) shall, if made before the said commencement, cease to have any further force, operation, or effect as on, from, and after the said commencement.

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## APPENDIX

### LEGISLATIVE HISTORY

· Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 11 of The Public General Acts of South Australia 1837-1975 at page 38.

· Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 3: amended by 110, 1985, s. 3

Section 4: definition of "the Committee" inserted by 110, 1985, s. 4

definition of "inspector" substituted by 62, 1990, Sched. 2, cl. 3(a)

Section 6(1): amended by 110, 1985, s. 5(a)

Section 6(3): amended by 110, 1985, s. 5(b)

Section 8(4): amended by 62, 1990, Sched. 2, cl. 3(b)

Section 12(2): amended by 110, 1985, s. 6(a)

Section 12(3): amended by 96, 1978, s. 29; 110, 1985, s. 6(b)

Section 14(2): amended by 79, 1978, s. 3

**Section 15(5): amended by 59, 1994, Sched. 2**

Part 3A comprising ss. 15B, 15C and heading inserted by 110, 1985, s. 7

**Section 20: repealed by 59, 1994, Sched. 2**