

ACTS OF THE PARLIAMENT OF SOUTH
AUSTRALIA

—
1937



ACTS
OF
THE PARLIAMENT
OF
SOUTH AUSTRALIA

1937

With Acts reprinted pursuant to the Amendments Incorporation
Act, 1937, Tables, and Indexes.

Pursuant to arrangements entered into by the Government of South Australia, the Tables
and Indexes in this Volume are prepared by

THE LAW BOOK COMPANY OF AUSTRALASIA PTY LIMITED

ADELAIDE	-	-	12 PIRIE STREET
MELBOURNE	-	-	425 CHANCERY LANE
SYDNEY	-	-	140 PHILLIP STREET
BRISBANE	-	-	21 ADELAIDE STREET

Printed and published, by authority, by
FRANK TRIGG, GOVERNMENT PRINTER, ADELAIDE.

Table of Contents.

	Page.
Alphabetical list of Acts passed in the year 1937	vii.
Alphabetical list of Acts reprinted pursuant to the Amendments Incorporation Act, 1937	viii.
Acts passed in the year 1937	1
Acts reprinted pursuant to the Amendments Incorporation Act, 1937	137
Table of Public General Acts in force.....	273
Table of Public Acts of Restricted Application in force	299
Table of Private Acts in force	305
Table of Acts repealed since 1st April, 1937	308
Table of Regulations, Rules, By-laws, Proclamations, and Notices in force .	311
Table of Acts affected by Amendment or Judicial Decision	343
Index to Acts passed in the year 1937	351
Index to Acts reprinted pursuant to the Amendments Incorporation Act, 1937	361

Alphabetical list of Acts passed in the year 1937.

	Page.
Administration and Probate Act Amendment Act, 1937	102
Air Navigation Act, 1937	47
Amendments Incorporation Act, 1937	49
Angas Recreation Park Act, 1937	23
Anzac Highway Agreement Act, 1937	25
Appropriation Act, 1937	36
Appropriation Act (No. 2), 1937	92
Broken Hill Proprietary Company's Indenture Act, 1937.....	75
Consolidation of Regulations Act, 1937	124
Constitution Act Amendment Act, 1937	134
Crown Lands Act Amendment Act, 1937.....	88
Dairy Industry Act Amendment Act, 1937	129
Dairy Produce Act Amendment Act, 1937	12
Electoral Act Amendment Act, 1937	130
Federal Aid Roads Agreement Act, 1937	5
Fibre and Sponges Act Amendment Act, 1937	104
Financial Emergency Act Amendment Act, 1937.....	11
Friendly Societies Act Amendment Act, 1937.....	121
Highways Act Amendment Act, 1937	40
Immigration Act Amendment Act, 1937	14
Income Tax (Rates) Act, 1937	42
Institute of Medical and Veterinary Science Act, 1937	109
Juries Act Amendment Act, 1937	54
Maintenance Act, 1937	63
Maintenance Act Amendment Act, 1937	132
Manufacturing Industries Protection Act, 1937	52
The Market Clauses Act Amendment Act, 1937	105
Metropolitan and Export Abattoirs Act Amendment Act, 1937	116
Municipal Tramways Trust (Leases) Act, 1937	98
Pharmacy Act Amendment Act, 1937	51
Phylloxera Act Amendment Act, 1937	100
Port Lincoln Abattoirs Act, 1937	95
Primary Producers Debts Act Amendment Act, 1937	57

Alphabetical list of Acts passed in the year 1937.

	Page.
Public Purposes Loan Act, 1937	15
Public Service Act Amendment Act, 1937	123
Public Service Act Amendment Act (No. 2), 1937	126
Sale of Goods Act Amendment Act, 1937	56
South Australian Housing Trust Act Amendment Act, 1937	107
Stamp Duties Act Amendment Act, 1937	59
Statute Law Revision Act, 1937	20
Supply Act (No. 1), 1937	1
Supply Act (No. 2), 1937	2
University of Adelaide Act Amendment Act, 1937	3
Whaling Act, 1937	68

Alphabetical list of Acts reprinted pursuant to the Amendments Incorporation Act, 1937.

	Page.
Maintenance Act, 1926-1937	137
Stamp Duties Act, 1923-1937	221



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2338.

An Act to apply, out of the General Revenue, the sum of Eight Hundred Thousand Pounds to the Public Service for the Year ending the Thirtieth day of June, nineteen hundred and thirty-eight.

[Assented to 29th July, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. Out of the General Revenue of the State there shall be issued and applied, from time to time, for the public service of the State for the financial year ending the thirtieth day of June, nineteen hundred and thirty-eight, any sum or sums of money not exceeding in the whole the sum of eight hundred thousand pounds.

Issue and
application of
£800,000.

2. No payments for any establishment or service shall be made out of the said sum in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended the thirtieth day of June, nineteen hundred and thirty-seven, except such payments as are necessary to pay any annual increases of salary fixed by—

Payments not
to exceed
last year's
Estimates.

- (a) any return which has been made by the Classification and Efficiency Board under the Public Service Act, 1936, or any previous Act relating to the Public Service, and is for the time being in force; or
- (b) any regulation made by the South Australian Railways Commissioner and confirmed by the Governor-in-Council and for the time being in force:

Provided that this section shall not authorise the payment of any increase whereby any salary is increased to a sum exceeding two hundred and eighty-seven pounds per annum.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A

W. DUGAN. Governor.



ANNO PRIMO
GEORGII VI REGIS.
 A.D. 1937.

No. 2339.

An Act to apply, out of the General Revenue, a further sum of One Million Two Hundred Thousand Pounds to the Public Service for the Year ending the Thirtieth day of June, nineteen hundred and thirty-eight.

[Assented to 1st September, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Issue and
application of
£1,200,000.

1. Out of the General Revenue of the State there shall be issued and applied, from time to time, for the public service of the State for the financial year ending the thirtieth day of June, nineteen hundred and thirty-eight, in addition to any sum or sums of money so issued and applied pursuant to the Act No. 2338, any further sum or sums of money not exceeding in the whole the sum of one million, two hundred thousand pounds.

Payments not
to exceed
last year's
Estimates.

2. No payments for any establishment or service shall be made out of the said sum in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended the thirtieth day of June, nineteen hundred and thirty-seven, except such payments as are necessary to pay any annual increases of salary fixed by—

- (a) any return which has been made by the Classification and Efficiency Board under the Public Service Act, 1936, or any previous Act relating to the Public Service, and is for the time being in force ; or
- (b) any regulation made by the South Australian Railways Commissioner and confirmed by the Governor-in-Council and for the time being in force :

Provided that this section shall not authorise the payment of any increase whereby any salary is increased to a sum exceeding two hundred and eighty-seven pounds per annum.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGH VI REGIS.

A.D. 1937.

No. 2340.

An Act to amend the University of Adelaide Act, 1935.

[Assented to 15th September, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the " University of Adelaide Act Amendment Act, 1937 ". Short titles.

(2) The University of Adelaide Act, 1935, as amended by this Act may be cited as the " University of Adelaide Act, 1935-1937 ". 2228, 1935.

(3) The University of Adelaide Act, 1935, is in this Act referred to as " the principal Act ".

2. Subsection (1) of section 25 of the principal Act is repealed and the following subsection is enacted in lieu thereof :— Amendment of s. 25 of the principal Act—

(1) In addition to any other sums payable to the university out of the general revenue of the State, the Treasurer shall in each of the seven financial years commencing with the financial year 1937-1938, pay to the university the sum of fifteen thousand pounds. Grants for agricultural research.

3. (1) Paragraph II. of section 26 of the principal Act is amended by inserting the word " botany " before the words " plant pathology " therein. Amendment of s. 26 of the principal Act—

(2) Paragraph IV. of section 26 of the principal Act is amended by striking out all the words therein after " standard ". Conditions of grant.

University of Adelaide Act Amendment Act, 1937.

(3) The following paragraph is inserted at the end of section 26 :—

- v. The Director of the Waite Agricultural Research Institute shall in every year furnish the Minister of Agriculture with a report on the work of the Institute during the preceding year, and the Minister of Agriculture shall lay the report before Parliament at the earliest convenient time.

Repeal of
s. 27 of
principal Act.

4. As from the twenty-fourth day of December, nineteen hundred and thirty-seven, section 27 of the principal Act shall be repealed.

Consequential
repeal of third
schedule.

5. The third schedule to the principal Act is repealed.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2341.

An Act to ratify a further agreement respecting Federal Aid Roads.

[Assented to 15th September, 1937.]

WHEREAS on the thirteenth day of August, one thousand nine hundred and thirty-seven, the agreement set out in the schedule to this Act (hereinafter called "the agreement") was entered into by the Commonwealth and the State: AND WHEREAS it is provided by the agreement and it shall have no force or effect until approved adopted authorised or ratified by the Parliaments of the Commonwealth and State: AND WHEREAS it is expedient that the Parliament of the State should ratify the agreement BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof as follows:

1. This Act may be cited as the "Federal Aid Roads Agreement Act, 1937". Short title.

2. The agreement is hereby approved and ratified. Ratification.

3. The moneys required for the purposes of carrying the agreement into effect shall be paid out of moneys provided by Parliament for those purposes. Financial provision.

THE SCHEDULE.

AGREEMENT made the thirteenth day of August one thousand nine hundred and thirty-seven BETWEEN THE COMMONWEALTH OF AUSTRALIA (in this Agreement called "the Commonwealth") and THE STATE OF SOUTH AUSTRALIA (in this Agreement called "the State"):

WHEREAS by an Agreement in the form contained in the Schedule to the Federal Aid Roads Act 1926, of the Commonwealth and made on the sixth day of December one thousand nine hundred and twenty-six between the Commonwealth and the State (which Agreement was approved adopted authorised and ratified by the Federal Aid Roads Agreement Act 1926 of the State and is hereinafter called the "Original Agreement") it was agreed (*inter alia*) that the Commonwealth would subject to and for the purposes of the Agreement provide the sum therein mentioned during the period of ten years commencing on the first day of July one thousand nine hundred and twenty-six and that subject as therein mentioned the State would provide the additional sum therein mentioned for the purposes of the Agreement :

AND WHEREAS the Original Agreement was varied by two Amending Agreements as follows, namely :—

- (a) an agreement in the form contained in the Schedule to the Federal Aid Roads Act 1931 of the Commonwealth and made on the seventeenth day of August one thousand nine hundred and thirty-one between the Commonwealth and the State which Agreement was approved adopted authorised and ratified by the Federal Aid Roads Agreement Act 1931 of the State and varied the Original Agreement and extended it for the period of six months from the first day of July one thousand nine hundred and thirty-six ; and
- (b) an agreement in the form contained in the Schedule to the Federal Aid Roads Act 1936 of the Commonwealth and made on the twenty-eighth day of October one thousand nine hundred and thirty-six between the Commonwealth and the State which Agreement was approved adopted authorised and ratified by the Amending Federal Aid Roads Agreement Act 1936 of the State and extended the Original Agreement as varied by the Amending Agreement aforesaid for six months from the first day of January one thousand nine hundred and thirty-seven :

AND WHEREAS the Commonwealth proposes to make available to the several States for the purposes hereinafter mentioned the amounts hereinafter mentioned in each year during the period of ten years commencing on the first day of July one thousand nine hundred and thirty-seven :

AND WHEREAS the Commonwealth proposes to distribute the said amounts between the several States on the following basis, namely, five per centum to the State of Tasmania, and

ninety-five per centum between the several States (excluding Tasmania) as to three-fifths of such ninety-five per centum, according to their respective populations as at the thirtieth day of June, one thousand nine hundred and thirty-six, and as to two-fifths of such ninety-five per centum according to their respective areas :

NOW IT IS HEREBY AGREED as follows :—

1. This Agreement shall have no force or effect and shall not be binding on either party unless and until it is authorised or approved by the Parliaments of the Commonwealth and of the State.

2. (1) The Commonwealth will subject to this Agreement and for the purposes mentioned in subclause (1) of clause 4 of this Agreement provide in each year during the period of ten years commencing on the first day of July one thousand nine hundred and thirty-seven a sum equivalent to 111/1,000ths of the aggregate of the following amounts namely :—

(a) so much of the duties of customs payable and collected under the Tariff Item specified in this paragraph in respect of the goods specified in this paragraph as shall be equal to 2½d. per gallon of all those goods which shall be entered for home consumption during that year that is to say, the duties of customs payable and collected under Tariff Item 229 (C) in the Schedule to the Customs Tariff 1933-1936 or under that Tariff Item as amended or proposed to be amended during the continuance of this Agreement in respect of petroleum and shale products viz. : naphtha benzine benzoline gasoline pentane petrol and any other petroleum or shale spirit ; and

(b) so much of the duties of excise payable and collected under the Tariff Item specified in this paragraph in respect of the goods specified in this paragraph as shall be equal to 1½d. per gallon of all those goods which shall be entered for home consumption during that year, that is to say, the duties of excise payable and collected under Tariff Item 11 in the Schedule to the Excise Tariff 1921-1936 or under that Tariff Item as amended or proposed to be amended during the continuance of this Agreement in respect of—

(A) petroleum or shale products, viz. : petrol, benzine, benzoline, gasoline, naphtha, pentane, and any other petroleum or shale spirit as described in that Item ;

(B) petroleum or shale distillates, viz. : turpentine substitutes ; and

- (c) coal tar and coke oven distillates, (including benzol) suitable for use as petrol substitutes as described in that Item.

(2) The Commonwealth will subject to this Agreement and for the purposes mentioned in subclause (2) of clause 4 of this Agreement provide in each year during the period of ten years last aforesaid a sum equivalent to 111/1,000ths of the aggregate of the following amounts, namely :—

- (a) so much of the duties of customs payable and collected under the Tariff Item specified in paragraph (a) of subclause (1) of this clause in respect of the goods specified in that paragraph as shall be equal to $\frac{1}{2}$ d. per gallon of all those goods which shall be entered for home consumption during that year ; and
- (b) so much of the duties of excise payable and collected under Tariff Item specified in paragraph (b) of subclause (1) of this clause in respect of the goods specified in that paragraph (other than benzol) as shall be equal to $\frac{1}{2}$ d. per gallon of all those goods which shall be entered for home consumption during that year.

(3) All the sums provided under subclauses (1) and (2) of this clause will be paid by the Commonwealth into a Trust Account established for the purpose under section 62A of the Audit Act 1901-1934.

(4) Payments will be made monthly to the State out of the moneys for the time being in the said Trust Account and the Minister shall when each payment is made notify the State of the portions of the payment which are made from the sums provided under subclauses (1) and (2) of this clause respectively.

3. (1) The Commonwealth will in each year during the period of ten years last aforesaid withdraw from moneys in the said Trust Account and pay into the Sinking Fund an amount equal to two pounds ten shillings per centum (£2 10s. per cent.) per annum accruing from day to day on so much of the moneys which have been provided by the State for the purposes of the Original Agreement as have been provided from loan moneys.

(2) The State will on the thirty-first day of December (or on such other date as may be agreed upon between the Commonwealth and the State) in each year after the expiration of the period of ten years last aforesaid pay into the Sinking Fund an amount equal to two pounds ten shillings per centum (£2 10s. per cent.) per annum accruing from day to day on the amount of loan moneys which have been provided by the State for the purposes of the Original Agreement until the amounts paid into

the Sinking Fund under the Original Agreement as varied as aforesaid and under this Agreement and any amendment of this Agreement in respect of such loan moneys together with the Sinking Fund contributions in respect of such loan moneys provided for by the Financial Agreement are sufficient to provide for the redemption of the said loan moneys. For the purposes of this clause the said payments and contributions shall be deemed to accumulate at the rate of four and a half per centum ($4\frac{1}{2}$ per cent.) per annum compounded.

(3) The Sinking Fund hereinbefore referred to is the National Debt Sinking Fund established under the National Debt Sinking Fund Act 1923-1934 of the Commonwealth or any amendment thereof or any Sinking Fund established in lieu thereof and all moneys paid into such Funds shall be applied as if they were Sinking Fund contributions paid under the Financial Agreement in respect of the Public Debt of the State.

(4) The Financial Agreement hereinbefore referred to is the Agreement set forth in the Schedule to the Financial Agreement Validation Act 1929 of the Commonwealth and in the Schedule to the Financial Agreement Act 1927 of the State and validated and approved by those Acts.

(5) Subclause (2) of clause 4 of the Original Agreement as varied as aforesaid shall cease to have effect upon the first day of July, one thousand nine hundred and thirty-seven.

4. (1) All moneys paid to the State from the sums provided under subclause (1) of clause 2 of this Agreement shall be expended upon the construction reconstruction maintenance or repair of roads.

(2) All moneys paid to the State from the sums provided under subclause (2) of clause 2 of this Agreement shall be expended upon the construction reconstruction maintenance or repair of roads or other works connected with transport as the State may think fit.

5. (1) Whenever so required by the Minister the State during the period of ten years commencing on the first day of July one thousand nine hundred and thirty-seven and not thereafter will to the reasonable satisfaction of the Minister make provision for the proper maintenance and repair, to a standard necessary to meet the requirements of the Commonwealth and other traffic using such roads, of public roads adjoining or of approach to properties of the Commonwealth within the State.

(2) The State shall not be required to make any provision under this clause—

(a) in any year in excess of an amount equivalent to one-twelfth of the moneys paid to the State in that year

Federal Aid Roads Agreement Act, 1937.

from the sums provided under subclause (2) of clause 2 of this Agreement ; or

(b) with respect to roads within the boundaries of the properties of the Commonwealth.

(3) In this clause " properties of the Commonwealth " includes establishments, works and activities of the Commonwealth.

6. Any notice, requirement or other communication to be given or made by the Commonwealth or the Minister to the State under this Agreement shall be deemed to have been duly given or made if signed by or on behalf of the Minister and delivered by hand or sent by prepaid post addressed to the Minister of Local Government at his office in Adelaide, South Australia.

7. In this Agreement " the Minister " means the Minister of State of the Commonwealth for the Interior for the time being and includes any Minister of State of the Commonwealth or member of the Federal Executive Council for the time being acting for and on behalf of the Minister.

IN WITNESS whereof the Prime Minister of the Commonwealth and the Premier of the State have hereunto set their hands the day and year first above written.

Signed by the Right Honorable JOSEPH ALOYSIUS LYONS, C.H., the Prime Minister of the Commonwealth in the presence of T. STRAHAN.	}	J. A. LYONS.

Signed by the Honorable GEORGE RITCHIE, the Acting Premier of the State of South Australia in the presence of A. L. READ.	}	GEORGE RITCHIE.

In the name and on behalf of His Majesty, I hereby
assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2342.

An Act to repeal sections 14 and 15 of the Financial
Emergency Act, 1931-1936.

[Assented to 29th September, 1937.]

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows :

1. (1) This Act may be cited as the "Financial Emergency Act Amendment Act, 1937". Short titles.

(2) The Financial Emergency Act, 1931-1936, as amended by
this Act, may be cited as the "Financial Emergency Act,
1931-1937".

2. This Act is incorporated with the Financial Emergency Act, 1931-1936, and that Act and this Act shall be read as one Act. Incorporation.

3. Sections 14 and 15 of the Financial Emergency Act, 1931-1936, are repealed as from the first day of July, 1937. Repeal of ss. 14 and 15 of Financial Emergency Act, 1931-1936, relating to reduction of pensions.

In the name and on behalf of His Majesty, I hereby
assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2343.

An Act to amend the Dairy Produce Act, 1934-1935.

[Assented to 6th October, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles. 1. (1) This Act may be cited as the "Dairy Produce Act Amendment Act, 1937".

(2) The Dairy Produce Act, 1934-1935, as amended by this Act, may be cited as the "Dairy Produce Act, 1934-1937".

Incorporation. 2. This Act is incorporated with the Dairy Produce Act, 1934-1935, and that Act and this Act shall be read as one Act.

Enactment of section 15a of Dairy Produce Act, 1934-1935— 3. The following section is enacted and inserted in the Dairy Produce Act, 1934-1935, after section 15 thereof:—

Duty of board to report as to wholesale prices.

15a. If at any time the board is of opinion—

(a) that the wholesale price of butter has been fixed at an unduly high amount; or

(b) that the price of butterfat has been fixed at an unduly low amount,

the board shall report its opinion and the grounds thereof to the Minister.

The Governor shall, when determining quotas for butter under this Act, take into consideration all reports made by the board under this section.

4. Section 26 of the Dairy Produce Act, 1934-1935, is amended by striking out the word "thirty-seven" therein and inserting in lieu thereof the word "thirty-eight".

Amendment
of s. 26 of
Dairy Produce
Act,
1934-1935—
Extension of
duration of
Dairy Produce
Act, 1934.

In the name and on behalf of His Majesty, I hereby
assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2344.

An Act to amend the Immigration Act, 1923-1935.

[Assented to 6th October, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Immigration Act Amendment Act, 1937".

(2) The Immigration Act, 1923-1935, as amended by this Act may be cited as the "Immigration Act, 1923-1937".

(3) The Immigration Act, 1923-1935, is in this Act called "the principal Act".

Amendment
of s. 10 of the
principal Act—
Application of
Immigrants'
Sickness and
Accident
Fund.

2. Section 10 of the principal Act is amended by inserting at the end thereof the following subsection :—

(4) Where the Minister is satisfied that the employer of any immigrant has at any time, whether before or after the enactment of this section, failed to pay to the immigrant any wages earned by him before the commencement of the Immigration Act Amendment Act, 1937, the Minister may out of the moneys in the fund, pay to that immigrant the whole or any part of those wages.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2345.

An Act to authorise the Treasurer to raise moneys to the amount of one million six hundred thousand pounds for various public works, and for other purposes.

[Assented to 6th October, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the " Public Purposes Loan Act, 1937 ". Short title.

2. In this Act " Financial Agreement " means the Financial Agreement made between the Commonwealth and all the States of Australia and ratified by the Financial Agreement Act, 1927. Interpretation

3. The Treasurer may arrange for the sum of one million six hundred thousand pounds to be borrowed in accordance with the Financial Agreement on behalf of the State. Power to borrow.

4. All sums of money borrowed under section 3 of this Act shall be applied to the several purposes set forth in the first schedule to this Act, and to the extent set forth in that schedule ; and shall be applied by the Treasurer in such amounts and manner as the Governor, by warrant under his hand, counter-signed by the Chief Secretary, from time to time authorises and directs. Application of moneys.

5. All salaries of officers, payable out of moneys borrowed under this Act, shall be annually submitted to Parliament. Salaries to be submitted to Parliament.

Advances.

6. The Governor may, by warrant countersigned by the Chief Secretary, authorise the Treasurer to advance to the proper responsible Minister of the Crown, for the purposes of this Act, any sums of money not exceeding in the whole the amount authorised by this Act to be borrowed; and an amount equal to the sums of money so advanced shall be retained by the Treasurer out of any moneys borrowed under the authority of this Act, and applied in repayment of the moneys so advanced.

Power to
borrow money
for expenses
incurred.

7. In addition to the amount of one million six hundred thousand pounds authorised by section 3 of this Act to be borrowed, there may be borrowed under that section such sum as will be sufficient to pay all discounts, charges, and other expenses incurred in connection with the borrowing of that amount of one million six hundred thousand pounds, and the amount of those discounts, charges, and other expenses shall be charged proportionately to the several purposes set forth in the first schedule to this Act.

Re-application
of repaid loan
moneys.

8. (1) In this section and in the following section "repaid loan moneys" means money received by the Treasurer in repayment of advances made or other sums expended out of moneys borrowed under any Act.

(2) The Treasurer may apply any repaid loan moneys for the time being in his hands to the several purposes set forth in the second schedule to this Act and to the extent therein set forth, and in such amount and manner as the Governor by warrant under his hand countersigned by the Chief Secretary from time to time authorises and directs.

(3) Subject to the proviso to this subsection the Treasurer may also apply any repaid loan moneys for the time being in his hands up to the amount of thirty-eight thousand pounds for defraying the cost of reconstructing the Baltic Wharf at Port Pirie: Provided that no money shall be so applied until the Parliamentary Standing Committee on Public Works has enquired into and reported upon the said reconstruction.

Entries of
repayments in
Treasury
accounts.

9. Whenever the Treasurer receives any repaid loan moneys he shall make a reduction corresponding to the amount so received, in the debits of the appropriate loan accounts in the books of the Treasurer.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.

SCHEDULES.

THE FIRST SCHEDULE.

Undertakings to be Paid for out of Loans raised pursuant to this Act.

Undertaking.	Amount.	
	£	£
STATE BANK.		
Loans to Producers	—	10,000
HIGHWAYS AND LOCAL GOVERNMENT.		
Construction of Roads	—	150,000
LANDS.		
Agricultural Graduates—Purchase of Land for	—	20,000
ENGINEERING AND WATER SUPPLY.		
Adelaide Sewers	80,000	
Country Water Districts	40,000	
Warren Water District	20,000	
River Murray—Weirs, Dams, Locks, &c.	130,000	
		270,000
ARCHITECT-IN-CHIEF.		
School Buildings	20,000	
Police and Courthouse Buildings.....	20,000	
Land for Buildings	10,000	
		50,000
PUBLIC STORES.		
Purchase of Public Stores	—	1,000,000
MISCELLANEOUS.		
Advances to South Australian Housing Trust.....	—	100,000
Total	—	£1,600,000

Public Purposes Loan Act, 1937.

THE SECOND SCHEDULE.

Undertakings to be Paid for out of Repaid Loan Moneys.

Undertaking.	Amount.	
	£	£
STATE BANK.		
Advances for Homes	22,000	
Frost Relief	3,000	
Advances to Settlers	10,000	
Loans for Fencing and Water Piping	7,000	
Vermin Proof Fencing	7,000	
		49,000
FARMERS' ASSISTANCE BOARD.		
Farmers Relief and Farmers Assistance Acts	450,000	
Drought Relief	10,000	
		460,000
HIGHWAYS AND LOCAL GOVERNMENT.		
Construction of Roads (Portion of Expenditure only)	—	50,000
LANDS.		
Land Repurchase for Closer Settlement	—	20,000
IRRIGATION.		
Irrigation and Reclamation of Swamp Lands	20,000	
Lessees of Reclaimed Swamp Lands—Loans to	2,500	
South-Eastern Drainage	2,500	
		25,000
CONSERVATOR OF FORESTS.		
Afforestation	—	170,000
RAILWAYS COMMISSIONER.		
Railway Accommodation	—	200,000
HARBORS BOARD.		
Coal-handling Appliances	300	
Deepening, &c.	57,700	
Wharves, Jetties, Plant, &c.	49,000	
		107,000
ENGINEERING AND WATER SUPPLY.		
Adelaide and Millbrook Water District	86,200	
Country Water Districts (Portion of Expenditure only)	15,500	
Barossa Water District	26,600	
Beetaloo, Bundaleer and Baroota Water District ..	70,100	
Spring Creek and Mount Remarkable Water District	100	
Tod River Water District	62,800	
Warren Water District (Portion of Expenditure only)	17,200	
Water Conservation	5,400	
Glanville Workshops	100	
Metropolitan Floodwaters	60,000	
		344,000

Undertakings to be Paid for out of Repaid Loan Moneys—continued.

Undertaking.	Amount.	
	£	£
ARCHITECT-IN-CHIEF.		
School Buildings (Portion of Expenditure only)	50,000	
Hospital Buildings	35,000	
Police and Courthouse Buildings (Portion of Expenditure only)	5,000	
Other Government Buildings—Additional Accommodation	1,000	
Architect-in-Chief Workshop	300	
Agricultural College	1,000	
Parliament Buildings	35,000	
S.A. Art Gallery	1,700	
Gaols and Prisons	1,000	
S.A. School of Mines	3,000	
		133,000
PRODUCE DEPARTMENT.		
Produce Stores	—	39,000
MINISTER OF REPATRIATION.		
Settlement of Discharged Soldiers on Land	—	26,000
MUNICIPAL TRAMWAYS TRUST.		
Advances to Municipal Tramways Trust under Act 2225/1935	—	150,000
TREASURER.		
Expenses and Discounts of floating Conversion Loans	—	150,000
MISCELLANEOUS.		
Wheat Pools Account	—	10,000
Total		£1,933,000



ANNO PRIMO

GEORGI VI REGIS.

A.D. 1937.

No. 2346.

An Act to revise the Statute law.

[Assented to 6th October, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. This Act may be cited as the "Statute Law Revision Act, 1937".

Repeals.

2. The Acts named in the first schedule are hereby repealed.

Saving provision.

3. (1) Any repeal under section 2 shall not affect—

- (a) the validity or invalidity of anything done or suffered before the repeal :
- (b) the validity or invalidity of anything declared to be valid or invalid by any Act so repealed :
- (c) any right, interest, title, power, or privilege existing or accruing under any Act so repealed :
- (d) the proof of any past act or thing :
- (e) the recognition in South Australia under any Act so repealed of any status, right, title or other matter or thing elsewhere acquired in the same circumstances and to the same extent as such recognition would have been granted or given prior to the passing of this Act.

(2) This section shall not limit the application of any provision of the Acts Interpretation Act, 1915, to any such repeal.

4. The Acts mentioned in the second schedule are amended in the manner shown in the said schedule. Amendment of certain Acts.

5. Notwithstanding the repeal of the Supreme Court Act, 1878, paragraph 1. of section 6 of that Act shall, so far as it relates to the administration of estates of deceased persons, remain in force until Parliament otherwise provides. Saving of s. 6 I. of the Supreme Court Act, 1878.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.

SCHEDULES.

THE FIRST SCHEDULE.

ACTS REPEALED.

Number and Year of Act.	Title or Short Title.
No. 15 of 1844	An Ordinance to repeal part of an Ordinance of the Governor and Legislative Council of this Province, passed on the third day of November, 1843, intituled "An Ordinance to regulate Trials by Jury in South Australia".
No. 247 of 1882	The Adelaide Gunpowder Magazine Act.
No. 1247 of 1916	State Salaries (Commonwealth Taxation) Act, 1916.
No. 2015 of 1931	Cornsacks Act, 1931.
No. 2070 of 1932	Cornsacks Act Amendment Act, 1932.
No. 2108 of 1933	Cornsacks Act Amendment Act, 1933.
No. 2191 of 1934	Cornsacks Act Amendment Act, 1934.
No. 2212 of 1935	Cornsacks Act Amendment Act, 1935.

THE SECOND SCHEDULE.

Title of Act.	How Amended.
Industrial Code, 1920-1936.	Section 218—Strike out "every" in the second line and insert "any".
Police Act, 1936	Section 145—Strike out "122" and insert "120".
Trustee Act, 1936	Section 91—Strike out "71" and "72" and insert "69" and "70" respectively.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2347.

An Act to vest in the District Council of Angaston the land comprised in the Angas Recreation Park, to determine certain trusts relating to the said land, to vest in the District Council of Angaston certain land adjacent to the Angas Recreation Park, and for other purposes incidental thereto.

[Assented to 20th October, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the “Angas Recreation Park Act, 1937”.

Short title.

2. The pieces of land described in the first and second schedules are hereby vested in the District Council of Angaston for an estate in fee simple.

Vesting of park in District Council of Angaston.

3. (1) The said pieces of land shall be held by the said district council as park lands.

Land to be park lands and name.

(2) The said pieces of land shall continue to be known as the “Angas Recreation Park”.

4. The trusts declared with respect to the land described in the first schedule by the late George Fife Angas by indenture made the eleventh day of September, eighteen hundred and seventy-six, are hereby determined and the said land shall be held by the said district council freed from the said trusts.

Determination of trusts.

Transfer of
personal
property to
council.

5. Any money and personal property held for the purposes of the said pieces of land by the trustees appointed pursuant to the said indenture or by any committee of management appointed pursuant to the said indenture shall, after payment of the liabilities of the trustees and committee of management, be by them delivered up to the said district council. The said district council shall apply all such money and personal property towards the improvement of or maintenance of any improvement on the said land.

Issue of Real
Property Act
title.

6. (1) Upon application made by the said district council to bring the land described in the first schedule under the provisions of the Real Property Act, 1886-1936, the Registrar-General may issue a certificate of title to the said land.

(2) Upon application made by the said district council to the Registrar-General, the Registrar-General may enter on the land grant issued in respect of the land described in the second schedule a memorial giving effect to the provisions of this Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.

THE FIRST SCHEDULE.

Comprising the portion of section 331, Hundred of Moorooroo, described in Memorial Registered No. 8, Book 295, in the General Registry Office, Adelaide, and delineated as "The Park" on Lands Titles Office Plan No. 989.

THE SECOND SCHEDULE.

Section 563, Hundred of Moorooroo, comprised in Land Grant Volume 1624, folio 119.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2348.

An Act to ratify an Agreement in respect of the Anzac Highway.

[Assented to 20th October, 1937.]

WHEREAS an Agreement has been made between the Commissioner of Highways of the one part and the Corporation of the City of Unley, the Corporation of the Town of Glenelg and the District Council of West Torrens of the other part : AND WHEREAS it is provided in the Agreement that it shall have no force or effect until approved adopted authorised or ratified by the Parliament of the State of South Australia : AND WHEREAS it is expedient that the said Agreement should be ratified by the Parliament of the State of South Australia : NOW THEREFORE BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Anzac Highway Agreement Act, 1937". Short title.

2. The Agreement in respect of the Anzac Highway, a copy of which is set out in the Schedule to this Act, is hereby approved, adopted, authorised and ratified. Ratification of Agreement

3. Every party to the Agreement mentioned in section 2 of this Act may do all things necessary to carry out the obligations of that party under that Agreement. Power to carry out agreement.

4. (1) In the work of planting and maintaining the centre and side plantations provided for in the Agreement mentioned in section 2 of this Act, the Commissioner of Highways shall not employ any person who is not a returned soldier or a returned Employment of returned soldiers and sailors.

sailor except in a case where in the opinion of the Commissioner and in the opinion of the Anzac Highway Garden Committee no suitable returned soldier or returned sailor is available for the particular work.

(2) In this section "returned soldier or returned sailor" means any person who—

(a) during the Great War, which commenced on the 4th day of August, 1914, served outside Australia, as a member of any Naval or Military Force of any part of His Majesty's Dominions, or being a member of any such Naval force, served on a ship of war or a mine sweeper ; or

(b) served in a theatre of war in any other war in which His Majesty was engaged, as a member of any Naval or Military Force of any part of His Majesty's Dominions.

Expense of
plantations
payable by
councils.

5. In accordance with the recitals of the Agreement mentioned in section 2 of this Act, the said Agreement shall be read and construed as if the words "and at the expense" had been inserted after the word "behalf" in the fourth lines of clauses 9 and 11 (a) thereof.

Invalidity
of amending
agreement
unless
ratified.

6. No agreement which is made by way of variation of or in substitution for the Agreement mentioned in section 2 of this Act, and which increases the share of the cost of the Anzac Highway payable by the Commissioner of Highways, shall have any force or effect until it has been ratified by the Parliament of South Australia.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.

THE SCHEDULE.

An Agreement made this 14th day of July 1937 between the Commissioner of Highways a body corporate constituted under the Highways Acts, 1926 to 1936 (hereinafter referred to as the "Commissioner") of the one part and the Corporation of the City of Unley, the Corporation of the Town of Glenelg, and the District Council of West Torrens (hereinafter referred to as the "Councils") of the other part: Whereas the Commissioner and the Councils desire to reconstruct the roadway hereinafter described, and whereas the Commissioner has agreed with the Councils to reconstruct the said roadway in accordance with the cross section plan attached hereto by constructing two roadways and two cycle tracks with centre and side plantations, and the Councils have agreed with the Commissioner to pay 22 per cent. of the cost of such construction And whereas the Commissioner has agreed with the Councils to maintain the two roadways and the two cycle tracks in good order and repair when constructed And whereas the Commissioner has agreed with the Councils to construct on behalf of the Councils the pathways adjoining the said roadway and the Councils have agreed with the Commissioner to pay to him the expense incurred in such construction and have further agreed to maintain in good order and repair the said pathways when constructed And whereas the Commissioner has agreed with the Councils to plant and maintain on behalf of the councils the said centre and side plantations in manner recommended from time to time by a joint authority set up by the Commissioner and the Councils and the Councils have agreed with the Commissioner to pay to him the expenses incurred in planting and maintaining the said centre and side plantations. Now therefore it is agreed between the parties hereto as follows:—

1. This agreement shall have no force or effect and shall not be binding on either party unless and until it is approved adopted authorised or ratified by the Parliament of the State of South Australia.

2. The Commissioner subject to and for the purposes of this agreement and in the manner hereinafter prescribed shall reconstruct approximately 4 miles and 33 chains of roadway between Keswick and Glenelg in the State of South Australia being that portion of the public road known as Anzac Highway situate between the point where the roadway known as Nottingham Avenue, Keswick in the said State joins the Anzac Highway at Keswick and the point where the roadway known as Brighton Road, Glenelg in the said State joins the Anzac Highway at Glenelg.

3. The Commissioner shall reconstruct the roadway referred to in paragraph 2 hereof as follows, namely:—

(a) With two roadways having a light bituminous penetration with a premixed drag surface on a waterbound rubble base, as recommended by the Commissioner to the Parliamentary Standing Committee on Public Works when giving evidence to the Committee upon its investigation and report on the Anzac Highway reconstruction scheme, and

(b) With two cycle tracks,

such roadways, and cycle tracks to conform generally with the cross section plan attached hereto and to provide for the pathways centre and side plantations as set out in the cross section plan attached hereto.

4. When the said roadway has been reconstructed by the Commissioner in accordance with clause 3 of this agreement, the Commissioner at his own cost and expense shall subsequently maintain in good order and repair the two roadways and the two cycle tracks so constructed, and, during the period of 28 years from the date of the certificate referred to in clause 5 hereof, the Commissioner shall not determine pursuant to the Highways Acts, 1926 to 1936, that money shall be contributed by any of the said Councils to the Main Roads Fund towards the keeping in repair and maintenance of the said roadways and cycle tracks but thereafter the Commissioner may do so in accordance with the Statutes then in force.

5. (a) When in the opinion of the Commissioner the said roadway has been reconstructed in accordance with clause 3 of this agreement, the Commissioner shall give his certificate to the Councils that the reconstruction is completed and shall set out in such certificate the total cost thereof and, in accordance with the following provisions, shall set out the proportions of such cost payable by each of the said Councils.

(b) The Commissioner shall apportion the total cost of reconstructing the said roadway set out in the said certificate as follows:—

(i.) 78 per cent. thereof shall be payable by the Commissioner

(ii.) 22 per cent. thereof shall be payable by the said Councils jointly and the respective proportions of such amount payable by each of the said Councils shall be as follows:—

9/20ths of such amount shall be payable by the Corporation of the Town of Glenelg;

9/20ths of such amount shall be payable by the District Council of West Torrens; and
1/10th of such amount shall be payable by the Corporation of the City of Unley.

6. The Commissioner, on behalf of the said Councils, shall form and pave the pathways in the said roadway making them to conform generally with the cross section plan attached thereto.

7. (a) When, in the opinion of the Commissioner the said pathways have been formed and paved in accordance with clause 6 of this agreement, the Commissioner shall give his certificate to the Councils that the said pathways have been formed and paved and shall set out in such certificate the expense incurred in so forming and paving the said pathways, and, in accordance with the following provisions, shall set out the respective proportions of such expense payable by each of the Councils.

(b) The Commissioner shall apportion the expense incurred in forming and paving the said pathways between the Councils, so that the respective proportion of such expense to be paid by each of the Councils respectively shall be according to the ratio that the lineal frontage of such of the said pathways as lie within the municipality or district of each such Council bears to the lineal frontage of the whole of the said pathways in the municipalities and district of all the Councils.

8. If the annual instalments to be paid by any of the Councils under clause 13 of this agreement are paid regularly by any such Council on or before the days on which the same are payable, for the period of twenty-eight such annual instalments, then the amount to be paid by any such Council complying with the said clause shall be deemed to be fully paid and the Commissioner shall release and discharge any such Council from all further liability under the said clause.

9. As soon as practicable after the construction of the centre and side plantations or any portion thereof by the Commissioner in accordance with clause 3 of the agreement, the Commissioner on behalf of the said Councils and upon the recommendation and with the consent of the Anzac Highway Garden Committee hereinafter referred to, shall plant and maintain trees, shrubs, lawns, or gardens in the centre and side plantations or any portion thereof.

10. (a) As soon as is practicable the Commissioner shall appoint an honorary Anzac Highway Garden Committee to be composed of five members being himself as Chairman of the Committee and four other members.

(b) Three of the members of the Committee may form a quorum and the Committee may act under this agreement notwithstanding any vacancy of the seat of any member of the Committee or any temporary non-appointment of the composite number of members of the Committee.

(c) Three of such members appointed by the Commissioner shall be persons nominated in writing addressed to the Commissioner by the Councils each of which shall have the right to nominate either a member or an officer of its Council as a member to be appointed on the Committee; provided that if no person is so nominated by a Council, the Commissioner may appoint any other person he deems fit.

(d) Each member duly appointed shall hold office for the period of two years from the date when he commenced to hold office under his appointment unless he sooner resigns, is dismissed, or, if a nominee of a Council ceases to be a member of such Council or an officer of such Council or otherwise ceases to be a member; provided that any retiring member may be renominated or be eligible for reappointment.

(e) The Commissioner shall have power in his absolute discretion to dismiss any member of the Anzac Highway Garden Committee and to appoint new members to the Anzac Highway Garden Committee and the Commissioner shall dismiss any nominee of a Council upon a request in writing in that behalf received from the Council.

(f) When any member nominated by any of the Councils ceases to hold office the Commissioner shall before appointing a new member call upon the Council whose nominee has ceased to hold office, to nominate a person under subclause (c) hereof.

11. (a) The Commissioner acting upon the recommendation and with the consent of the Anzac Highway Garden Committee shall have full control of planting and maintaining the centre and side plantations on behalf of the Councils and shall have the power to call upon the said Councils to make advances for the cost of planting and maintaining the centre and side plantations as provided in clause 9 hereof: Provided that the total amount of advances that the Commissioner, acting upon such recommendation as aforesaid, may call upon the said Councils to make shall not exceed the sum of £2,000 per annum except with the consent in writing of the said Councils.

(b) Such advances to be made by the Councils shall be apportioned and the respective proportions of such advances to be paid by each of the said Councils shall be as follows:—

9/20ths of such advances shall be payable by the Corporation of the Town of Glenelg;

9/20ths of such advances shall be payable by the District of West Torrens; and

1/10th of such advances shall be payable by the Corporation of the City of Unley.

(c) All advances received by the Commissioner under this clause shall be paid into either the Treasury or a Savings Bank according to the recommendation of the Committee and placed to the credit of a fund called the "Anzac Highway Garden Fund."

(d) Out of such fund the Commissioner with the consent of the Anzac Highway Garden Committee shall pay all costs of planting and maintaining the centre and side plantations as aforesaid.

(e) For the purpose of planting and maintaining the centre and side plantations as aforesaid the Commissioner with the consent of the Anzac Highway Garden Committee shall have the power to purchase such materials and to enter into such contracts and to employ such services clerical or otherwise as he deems fit.

12. Each of the said Councils hereby agree that the Commissioner, in the performance of the works and undertakings referred to in clauses 2, 3, 4, 6 and 9 of this agreement, may exercise such powers as each said Council would have the power to exercise if it were itself performing the said works and undertakings, and each of the said Councils hereby gives its authority to the Commissioner to exercise such powers on its behalf.

13. (a) Upon the Commissioner giving the certificate referred to in clause 5 of this agreement each of the said Councils shall pay to the Commissioner in the manner hereinafter provided the amount therein set out (calculated under the provisions of subclause (b) of clause 5 of this agreement) as payable by it for its proportion of the total cost of the reconstruction of the said roadway in accordance with clause 3 of this agreement, and each of the said Councils shall pay interest on the respective proportion payable by it from the date of such certificate until repayment at the rate of £4 per centum per annum.

(b) For the purpose of repaying the amount payable by it under subclause (a) hereof, each of the said Councils shall pay equal annual instalments to the Commissioner, the first of such instalments to be paid within one year from the date of the certificate referred to in clause 5 of this agreement, and each succeeding instalment to be paid within every succeeding year respectively until the amount is fully paid or the liability to pay is released and discharged by the Commis-

sioner as hereinbefore provided, such annual instalment to amount to 6 per cent. of the proportion payable by it under subclause (a) hereof.

14. (a) Each of the said Councils shall cause such pathways in the said roadway as lie within its municipality or district to be formed and paved so as to conform generally with the pathways marked in the cross section plan attached hereto.

(b) Each of the said Councils, without prejudice to any claim or right it may have to recover a moiety of the expense incurred in causing the work referred to in subclause (a) hereof to be carried out from the owners of the property abutting on the said pathways, hereby agrees that the Commissioner shall form and pave the said pathways on its behalf and hereby engages the Commissioner to form and pave the said pathways in such manner as the Commissioner shall determine.

(c) Upon the Commissioner giving the certificate referred to in clause 7 of this agreement each of the said Councils shall pay to the Commissioner in the manner hereinafter provided the amount therein set out calculated under the provisions of subclause (b) of clause 7 of this agreement as payable by it for its proportion of the expense incurred in forming and paving the pathways in accordance with clause 6 of this agreement, and each of the said Councils shall pay interest on the respective proportion payable by it from the date of such certificate until repayment at the rate of £4 per centum per annum.

(d) For the purpose of repaying the amount payable by it under subclause (c) hereof each of the said Councils shall pay equal annual instalments to the Commissioner the first of such instalments to be paid within one year of the date of the certificate referred to in clause 7 of this agreement, and each succeeding instalment to be paid within every succeeding year respectively until the amount is fully paid, such annual instalment to amount to 6 per cent. of the proportion payable by it under subclause (c) hereof: Provided that each of the said Councils shall have the right at any time to pay any such additional amount or amounts of the amount payable by it under subclause (c) hereof as it may desire to pay.

(e) When the Commissioner has formed and paved the pathways in the said roadway as hereinbefore provided, each of the said Councils at its own cost and expense shall subsequently maintain in good order and repair such of the said pathways as lie within its municipality or district.

15. Notwithstanding anything herein contained if any of the said Councils shall make default in payment of any of the said annual instalments referred to in clauses 13 and 14 hereof on or before the due date, and such default continues for the period of one calendar month, the Commissioner shall have the right to sue for the total sums payable under clauses 13 (a) and 14 (c) by any such Council making default.

16. (a) As soon as practicable after the construction of the centre and side plantations by the Commissioner in accordance with clause 3 of this agreement, each of the said Councils shall cause to be planted and maintained in the said centre and side plantations such trees, shrubs, lawns, or gardens as are recommended from time to time by the Anzac Highway Garden Committee hereinbefore referred to.

(b) Each of the said Councils from time to time as the occasion demands shall nominate in writing addressed to the Commissioner either a member or an officer of its Council as its nominee for appointment as a member of the Anzac Highway Garden Committee.

(c) Each of the said Councils hereby agrees that the Commissioner, upon the recommendation and with the consent of the Anzac Highway Garden Committee appointed by the Commissioner under clause 10 of this agreement shall plant and maintain trees, shrubs, lawns or gardens in the centre and side plantations on its behalf and hereby engages the Commissioner for that purpose.

(d) Each of the said Councils shall pay on demand to the Commissioner the proportion of such advances (calculated under the provisions of subclause (b) of clause 11 of this agreement as payable by it for its proportion of the cost of planting and maintaining the centre and side plantations) as the Commissioner upon the recommendation and with the consent of the Anzac Highway Garden Committee may demand for that purpose under subclause (a) of clause 11 of this agreement.

17. Each of the said Councils shall render such aid and assistance to the Commissioner in the performance of his covenants herein contained as is in its power to render, and for that purpose, while the construction of the pathways and/or the planting and maintenance of the centre and/or side plantations in or adjoining the area of any of the Councils is being performed or desired to be performed by the Commissioner, each such Council shall lend free of charge such plant machinery tools and equipment as it has at its disposal and will provide free of charge such reasonable services as the Commissioner may demand.

18. Each of the said Councils shall keep the Commissioner and/or his servants indemnified against all claims demands

proceedings damages expenses or costs by or at the instance of any person or body in relation to or in connection with the performance by the Commissioner and/or his servants of the covenants contained in clauses 6 and 9 of this agreement.

19. It is hereby expressly agreed that the terms and conditions of this agreement may be varied rescinded or altered by any further agreement in writing made between the Commissioner and all the Councils that are parties to this agreement.

20. Any dispute or difference arising between any of the parties to this agreement touching any matter or thing herein contained or to be done hereunder shall be referred to arbitration under the terms of "The Arbitration Act, 1891."

In witness whereof the parties hereto have executed these presents the day and year first above written.



The Common Seal of the Commissioner of Highways was hereto affixed in the presence of

D. V. FLEMING.

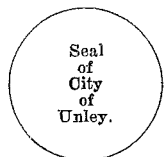
R. A. GIBBINS.



The Seal of the Corporation of the Town of Glenelg was hereto affixed in the presence of

WILLIAM FISK, Mayor.

F. A. LEWIS, Town Clerk.



The Seal of the Corporation of the City of Unley was hereto affixed in the presence of

J. SOUTAR, Mayor.

C. J. G. OSBORN, Town Clerk.



The Seal of the District Council of West Torrens was hereto affixed in the presence of

A. BURT, Chairman.

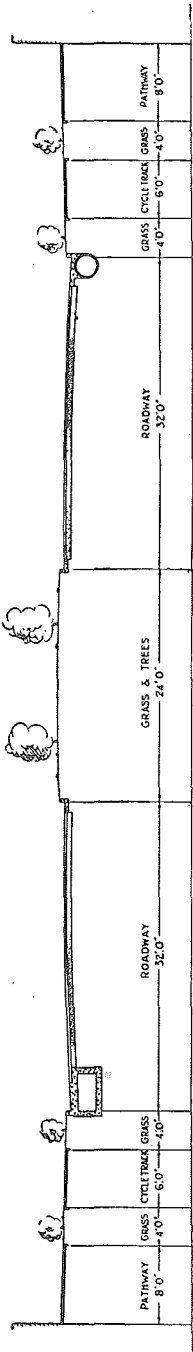
VERNON S. SHEPARD,
District Clerk.

I hereby consent to the within-described councils entering into the within contract.

A. P. BLESING, Minister of Local Government.

Dated 14th July, 1937.

ANZAC HIGHWAY
Cross Section Plan.





ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2349.

An Act for the general appropriation of the revenue of the State for the year ending on the thirtieth day of June, nineteen hundred and thirty-eight, and for other purposes.

[Assented to 27th October, 1937.]

Preamble.

WHEREAS, by certain Acts of the State of South Australia, certain moneys are or may be collected, to be paid to the Treasurer on behalf of His Majesty, His heirs and successors, for the public uses of the said State and support of the Government thereof: And whereas certain other moneys are or may become payable to the said State for the like uses, under the provisions of the Commonwealth of Australia Constitution Act, 63 & 64 Vict. ch. 12—

Be it therefore enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. This Act may be cited as the “ Appropriation Act, 1937 ”.

Further issue.

2. Out of the said moneys paid by the Commonwealth of Australia, and the produce of all or any other General Public Revenues of the said State, not otherwise by law specially appropriated, there shall or may be further issued the sum of six million and fifty thousand six hundred and ninety-eight pounds.

Appropriation
of General
Revenue.

3. Out of the sum of eight hundred thousand pounds issued under the authority of the Act No. 2338 of 1937, the sum of one million two hundred thousand pounds issued under the authority of the Act No. 2339 of 1937, and the said sum of six million and fifty thousand six hundred and ninety-eight pounds by this Act authorised to be issued, there shall or may be applied in the manner hereinafter mentioned, any sums of

money not exceeding in amount respectively the several sums of money hereinafter specified, that is to say—

For defraying the charges of the State Government for the year ending the thirtieth day of June, nineteen hundred and thirty-eight, there shall be paid the sum of eight million and fifty thousand six hundred and ninety-eight pounds, the said amount being appropriated as follows, viz. :—

Estimates,
1937-38.

	£	s.	d.
Legislative Council	3,099	0	0
House of Assembly	4,831	0	0
Parliamentary Library	1,220	0	0
Parliament House	2,347	0	0
Electoral	15,839	0	0
Government Reporting	9,464	0	0
Parliamentary Standing Committee on Public Works	1,060	0	0
Miscellaneous (The Legislature).....	17,051	0	0
Private Secretary	455	0	0
Chief Secretary	3,773	0	0
Statistical (including Principal Registrar of Births, etc., and Public Actuary)	10,437	0	0
Audit	11,611	0	0
Printing and Stationery	53,992	0	0
Police	316,115	0	0
Sheriff and Gaols and Prisons	38,241	0	0
Inspector-General of Hospitals.....	363,000	0	0
Children's Welfare and Public Relief	225,529	0	0
Central Board of Health	5,614	0	0
Miscellaneous (Chief Secretary)	99,851	0	0
Attorney-General (including Registrar of Companies' Office)	5,206	0	0
Crown Solicitor.....	7,690	0	0
Parliamentary Draftsman	1,998	0	0
Public Trustee	8,496	0	0
Supreme Court	14,858	0	0
Adelaide Local Court	10,451	0	0
Adelaide Police Court (including State Children's Court and Traffic Court)	7,825	0	0
Country Local Courts	11,034	0	0
Coroners	999	0	0
Registrar-General of Deeds	19,964	0	0
Miscellaneous (Attorney-General)	1,337	0	0
The Treasury and Superannuation Fund Branch...	15,476	0	0
Motor Vehicles	21,354	0	0
Agent-General in England	3,153	0	0
Taxation	79,585	0	0
Stamp and Succession Duties	7,296	0	0
Publicity and Tourist Bureau, and Immigration ..	19,822	0	0
Interest and Exchange	535,000	0	0
Unclaimed Moneys—Repayment of	1,000	0	0
Miscellaneous (Treasurer)	171,383	0	0
Lands	76,974	0	0
Botanic Garden	9,514	0	0
Government Motor Garage.....	5,639	0	0
Soldier Settlement Administration, Lands and Irrigation Branches	55,190	0	0
Woods and Forests	5,334	0	0

Appropriation Act, 1937.

	£	s.	d.
Miscellaneous (Commissioner of Crown Lands)	17,209	0	0
Public Works (Office of the Commissioner)	1,789	0	0
Labour Exchange	2,785	0	0
Engineering and Water Supply	362,153	0	0
Architect-in-Chief	22,422	0	0
Government Offices	14,587	0	0
Cemetery (West Terrace)	3,444	0	0
Supply and Tender Board and Public Stores	30,184	0	0
Aboriginals	35,083	0	0
Public Works	105,944	0	0
Miscellaneous (Commissioner of Public Works)	10,407	0	0
Education	919,740	0	0
Public Library, Museum, Art Gallery, and Societies	18,370	0	0
School of Mines and Industries and Technological			
Museum	25,061	0	0
Observatory	2,682	0	0
Miscellaneous (Minister of Education)	27,893	0	0
Industry (including Public Service Commissioner's			
Office)	9,522	0	0
Factories and Steam Boilers	13,303	0	0
Unemployment Relief Council	345,620	0	0
Minister of Agriculture	3,368	0	0
Agriculture	60,740	0	0
Agricultural College	19,882	0	0
Stock and Brands	12,907	0	0
Produce	51,880	0	0
Fisheries and Game	10,116	0	0
Chemistry	9,022	0	0
Miscellaneous (Minister of Agriculture, &c.)	4,301	0	0
Department of Lands (Irrigation and Drainage) . . .	106,669	0	0
Miscellaneous (Minister of Irrigation)	300	0	0
Mines	22,221	0	0
Harbors Board	231,625	0	0
Railways	2,803,679	0	0
Miscellaneous (Minister of Railways)	35,390	0	0
Highways and Local Government	20,755	0	0
Roads and Bridges, &c.	378,200	0	0
Miscellaneous (Minister of Local Government)	31,338	0	0
Total Estimates, 1937-38	£8,050,698	0	0

Treasurer to
pay the orders
of Governor,
and discharge
by receipt of
party.

4. The issue and payment by the Treasurer, from time to time, of any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively in that behalf hereinbefore specified, to such persons and in such portions as the Governor has heretofore directed by any order or orders in writing signed by him and countersigned by the Chief Secretary, or may hereafter direct by any order or orders so signed and countersigned, is hereby authorised; and the said Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums have been or are so paid shall be to him a full discharge for the sum or sums for which the same receipts

shall be or are respectively given, and the amounts thereof shall be passed to his credit in account accordingly.

5. If the moneys paid by the Commonwealth of Australia and the produce of the General Public Revenues of the State are insufficient to make the payments authorised by section 2 of this Act, moneys may be issued to make good the deficiency out of loan funds or other public funds or out of moneys raised by way of bank overdraft.

Power to issue money other than revenue or money received from the Commonwealth.

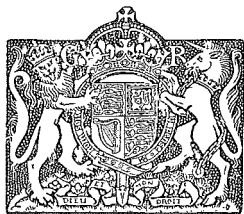
6. The Treasurer may, out of the money appropriated by this Act, make any payment for which money has been included in the estimates of expenditure of the Government of South Australia passed by the House of Assembly for the financial year ending on the thirtieth day of June, nineteen hundred and thirty-eight, notwithstanding that the payment is—

Power to make certain payments.

- (a) in respect of a period prior to the first day of July, nineteen hundred and thirty-seven ; or
- (b) at a rate in excess of the rate which, during the period in respect of which the payment is made, was in force under any return made by the Classification and Efficiency Board pursuant to the Public Service Act, 1936, or any Act repealed by that Act, or under any regulation of the South Australian Railways Commissioner.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2350.

An Act to amend the Highways Act, 1926-1936.

[Assented to 27th October, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. (1) This Act may be cited as the "Highways Act Amendment Act, 1937".

(2) The Highways Act, 1926-1936, as amended by this Act, may be cited as the "Highways Act, 1926-1937".

(3) The Highways Act, 1926-1936 is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the Highways Act, 1926-1936, and that Act and this Act shall be read as one Act.

Commencement of Act.

3. This Act shall be deemed to have come into operation on the first day of July, nineteen hundred and thirty-seven.

Amendment of s. 31a of the principal Act—
Extension of period of payment of motor taxes into revenue.

4. Section 31a of the principal Act is amended by striking out the word "thirty-seven" in the fifth line thereof and inserting in lieu thereof the word "thirty-eight".

Amendment of s. 35 of the principal Act—
Abolition of certain contributions by councils.

5. (1) Section 35 of the principal Act is amended as follows :—

(a) Paragraphs (c) and (d) of subsection (1) thereof are repealed :

(b) Paragraph ii. of the proviso to subsection (1) is repealed, and the following paragraph substituted therefor :—

(ii.) nothing in this subsection shall affect the liability of any council to pay to the Commissioner the cost of any work carried out

by the Commissioner (whether before or after the enactment of this proviso), at the request of the council under subsection (3a) of section 26 of this Act :

(c) Subsections (3) and (4) of section 35 are repealed.

6. Section 36 of the principal Act is amended by striking out the words and letters “ subdivisions (b), (c), and (d) ” in the first and second lines thereof and inserting in lieu thereof the word and letter “ subdivision (b) ”.

Consequential amendment of s. 36 of the principal Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2351.

An Act to prescribe the rates of tax payable upon income derived during the financial year ended on the thirtieth day of June, nineteen hundred and thirty-seven, and during certain other periods, and for purposes incidental thereto.

[Assented to 27th October, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. This Act may be cited as the "Income Tax (Rates) Act, 1937".

Incorporation.

2. This Act is incorporated with the Income Tax Assessment Act, 1936, and that Act and this Act shall be read as one Act.

Application of rates prescribed by this Act.

3. The rates of income tax prescribed by this Act shall apply—

- (a) to all assessments of income derived during the financial year ended on the thirtieth day of June, nineteen hundred and thirty-seven, or any accounting period lawfully adopted in lieu thereof ; and
- (b) in respect of all assessments of income derived during any subsequent year of income or accounting period or any part of any subsequent year of income or accounting period, where those assessments are made before the passing of the Act fixing the rates of income tax for the financial year commencing on the first day of July, nineteen hundred and thirty-eight.

4. Where the whole taxable income of a taxpayer is income derived from personal exertion the rate of income tax payable on every pound of the taxable income shall be as follows :—

Rates on
income derived
from personal
exertion.

- (a) If the taxable income does not exceed one thousand pounds, the rate shall be thirteen pence plus two one-thousandths of a penny where the taxable income is one pound, and shall increase uniformly by two one-thousandths of a penny for each increase of one pound in the taxable income :
- (b) If the taxable income exceeds one thousand pounds, but does not exceed seven thousand pounds, the rate shall be fifteen pence plus six one-thousandths of a penny where the taxable income is one thousand and one pounds, and shall increase uniformly by six one-thousandths of a penny for each increase of one pound in the taxable income :
- (c) If the taxable income exceeds seven thousand pounds, the rate shall be fifty-one pence.

5. Where the whole taxable income of a taxpayer is income derived from property, the rate of income tax for every pound of the taxable income shall be as follows :—

Rates on
income derived
from property.

- (a) If the taxable income does not exceed one thousand pounds, the rate shall be twenty-two pence :
- (b) If the taxable income exceeds one thousand pounds, but does not exceed seven thousand pounds, the rate shall be twenty-two pence plus six one-thousandths of a penny where the taxable income is one thousand and one pounds, and shall increase uniformly by six one-thousandths of a penny for each increase of one pound in the taxable income :
- (c) If the taxable income exceeds seven thousand pounds the rate shall be fifty-eight pence.

6. (1) Where the taxpayer is not a returned soldier or returned nurse, and is a resident of the State, and was on the last day of the year of income or of the period in which the income was derived an unmarried person of the age of twenty-one years or upwards, a male divorced person who had not remarried and had no children, or a widower without children, the rates of tax for every pound of the taxable income shall be as follows :—

Rates payable
by unmarried
persons and
others.

- (a) Where the whole taxable income is income derived from personal exertion and does not exceed one thousand pounds, the rate shall be twenty-one pence plus two one-thousandths of a penny where the taxable income is one pound, and shall increase uniformly by two one-thousandths of a penny for each increase of one pound in the taxable income :

- (b) Where the whole taxable income is income derived from personal exertion and exceeds one thousand pounds, but does not exceed seven thousand pounds, the rate shall be twenty-three pence plus six one-thousandths of a penny where the taxable income is one thousand and one pounds, and shall increase uniformly by six one-thousandths of a penny for each increase of one pound in the taxable income :
 - (c) Where the whole taxable income is income derived from personal exertion and exceeds seven thousand pounds, the rate shall be fifty-nine pence :
 - (d) Where the whole taxable income is income derived from property and does not exceed one thousand pounds, the rate shall be twenty-six pence :
 - (e) Where the whole taxable income is income derived from property and exceeds one thousand pounds but does not exceed seven thousand pounds, the rate shall be twenty-six pence plus six one-thousandths of a penny where the taxable income is one thousand and one pounds, and shall increase uniformly by six one-thousandths of a penny for each increase of one pound in the taxable income :
 - (f) Where the whole taxable income is income derived from property and exceeds seven thousand pounds, the rate shall be sixty-two pence.
- (2) Where the taxpayer is a person who would otherwise be taxable at the rates mentioned in subsection (1) of this section, but had a parent, or a brother or sister under sixteen years of age at the commencement of the year of income resident in Australia and wholly or mainly dependent upon his earnings during the whole of that year of income, the rates of tax on income derived by him shall be those specified in sections 4, 5, and 7.
- (3) In this section—
- “ returned soldier ” means a male person who enlisted for service outside Australia in the war which commenced on the fourth day of August, nineteen hundred and fourteen, as a member of the Australian Imperial Forces, or the Royal Australian Navy, or His Majesty’s Army or Navy, or any naval or military force raised in any country forming part of His Majesty’s dominions, for service in the said war outside the country :
 - “ returned nurse ” means a nurse who served outside Australia during the said war in connection with any military or naval force of Great Britain or any of the dominions.

7. Where the taxable income of any taxpayer is derived partly from personal exertion and partly from property, the income tax shall be at the following rates :—

Rates on mixed incomes.

- (a) On that part of the taxable income which is derived from personal exertion, income tax shall be payable at the rate at which it would have been payable on the whole of the taxable income of the taxpayer, if the whole of that income had been derived from personal exertion :
- (b) On that part of the taxable income which is derived from property, income tax shall be payable at the rate at which it would have been payable on the whole of the taxable income of the taxpayer if the whole of that income had been derived from property.

8. (1) Where the taxpayer is a trustee—

Rates payable by trustee.

- (a) if the beneficiary is presently entitled to the income, but is under a legal disability, the rate of tax shall be that which would be applicable if the income were directly received by the beneficiary ; and
- (b) if there is no beneficiary presently entitled to the income, the rate shall be that which would be applicable if the income were that of an individual taxpayer taxable at the rates mentioned in sections 4, 5, and 7 in his sole individual right.

(2) Where the taxpayer is the executor or administrator of a deceased taxpayer, the rate on income derived by him as executor or administrator shall be that which would apply if the deceased taxpayer were living and had been assessed on that income.

9. (1) Subject to section 8 of this Act the rate of income tax on income derived by a company shall be twenty-four pence in the pound.

Rates payable by companies.

(2) Where interest is paid or credited by a company to any person who is a non-resident of Australia—

- (a) on money secured by debentures of the company and used in the State, or used in acquiring assets for use or disposal in the State ; or
- (b) on money lodged at interest in the State with the company,

the rate of tax for every pound of interest so paid or credited shall be twenty-four pence.

Exemption
from tax of
basic wage
earner.

10. Where the taxpayer has a spouse and at least one child under the age of sixteen years at the commencement of the year of income, wholly dependent on him or her throughout the whole of the year of income, and the net income of such taxpayer does not exceed one hundred and seventy-seven pounds, the taxpayer shall be exempt from the tax imposed by this Act.

(2) In this section "net income" means the assessable income of the taxpayer less all allowable deductions other than the statutory exemption and the concessional deductions.

Minimum tax.

11. Where the income tax payable by a taxpayer would, if this section had not been enacted, be less than ten shillings the sum of ten shillings shall nevertheless be payable.

In the name and on behalf of His Majesty, I hereby
assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2352.

An Act to provide for the application of the Commonwealth Air Navigation Regulations to and in relation to air navigation within the State of South Australia.

[Assented to 3rd November, 1937.]

WHEREAS at a conference of representatives of the Governments of the Commonwealth and of the States held in April, one thousand nine hundred and thirty-seven, it was resolved that there should be uniform rules throughout the Commonwealth applying to air navigation and aircraft, the licensing and competence of pilots, air traffic rules, and the regulation of aerodromes, and it was agreed that legislation should be introduced in the Parliament of each State to make provision for the application of the Commonwealth Air Navigation Regulations, as in force from time to time, to air navigation and aircraft within the jurisdiction of the State : BE IT THEREFORE ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof as follows :

Preamble.

1. This Act may be cited as the " Air Navigation Act, 1937 ". Short title.
2. This Act shall commence upon a date to be fixed by proclamation. Commencement.
3. The Commonwealth Powers (Air Navigation) Act, 1921, is hereby repealed. Repeal.
4. In this Act— Definitions.

" the Commonwealth Act " means the Air Navigation Act 1920-1936 of the Commonwealth of Australia and, if that Act is amended, includes that Act as amended from time to time :

“the regulations” means the Air Navigation Regulations made, and as in force from time to time, under the Commonwealth Act :

“the territories” means territories under the authority of the Commonwealth and includes territories governed by the Commonwealth under a mandate.

Application of Commonwealth Air Navigation Regulations to air navigation, etc., within State.

5. The regulations from time to time in force applicable to and in relation to air navigation within the territories shall (except so far as those regulations are by virtue of the Commonwealth Act and the regulations applicable to and in relation to air navigation within South Australia) apply *mutatis mutandis*, to and in relation to air navigation within South Australia as if those regulations as so applied were incorporated in this Act, and for the purposes of this Act those regulations shall be read and construed and take effect accordingly.

Certain powers and functions vested in Commonwealth authorities.

6. Where, by or under the regulations, any power or function is vested in or exercisable by any person or authority for the purpose of the regulations or any part thereof, the like power or function under the regulations in their application by virtue of this Act shall be vested in or exercisable by that person or authority for the purposes of the regulations in such application.

Certificates, licences, &c.

7. Any certificate, licence or registration granted, issued, recognised or effected—

(a) by or under the regulations in their application under the Commonwealth Act ; or

(b) by or under the regulations in their application by virtue of the law of any other State of the Commonwealth,

and any cancellation or suspension of any such certificate, licence or registration, shall in South Australia have the same force and effect as if it had been granted, issued, recognised or effected in pursuance of the regulations in their application by virtue of this Act.

Fees.

8. All fees payable under the regulations in their application by virtue of this Act shall be paid to the Commonwealth to meet the cost of the administration of the regulations in such application.

Offences.

9. Proceedings for any offence against the regulations in their application by virtue of this Act shall be disposed of summarily.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2353.

An Act to incorporate amendments in reprints of amended Acts.

[Assented to 3rd November, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Amendments Incorporation Act, 1937". Short title.

2. The Amendments Incorporation Act, 1914, is hereby repealed. Repeal.

3. (1) Where any Act has been amended by—

(a) the repeal or omission of any words ; or

(b) the substitution of any words in lieu of any words repealed or omitted ; or

(c) the insertion or addition of any words,

Inclusion of amendments in reprinted Acts.

the Attorney-General may cause the Act to be reprinted so that the reprint incorporates every such amendment.

(2) In the margin of every Act so reprinted reference shall be made to the enactments, regulations, or proclamations by which the amendments were made.

(3) In this section, the term " words " includes Part, Division, heading, section, paragraph, subdivision of a section, schedule, and any other words, figures, or passage in any Act.

Provisions as
to reprinted
Acts.

4. In any Act reprinted as aforesaid all or any of the following things may be done :—

- I. The short title of the reprinted Act may be altered so as to indicate the year in which it was passed and the year in which was passed the latest Act amending the reprinted Act :
- II. If any reference is contained in a reprinted Act to any other Act or portion of an Act for which some other Act or portion of an Act has been substituted, that reference may be altered to a reference to the substituted Act or portion of an Act :
- III. If any reference is contained in a reprinted Act to the name, style, or title of any place, person, body corporate, or authority which name, style, or title has been changed pursuant to any Act or law, the reference may be altered to the name, style, or title as so changed :
- IV. Any marginal notes to any section contained in a reprinted Act may be altered so as to accord with the true effect of the section :
- V. Any words at the foot of a reprinted Act indicating the giving of the Royal assent thereto may be omitted : Provided that the date of the Royal assent shall appear on every reprinted Act :
- VI. Any errors in spelling in any reprinted Act may be corrected.

Reference to
amending Acts.

5. There shall be printed on every Act reprinted pursuant to this Act a short reference to every Act by which it has been amended.

Judicial notice
of reprinted
Acts.

6. Any Act reprinted pursuant to this Act shall in all courts and by all tribunals, bodies, and persons be judicially noticed and deemed for all purposes to be an Act of the Parliament of South Australia.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2354.

An Act to amend the law relating to persons apprenticed to pharmaceutical chemists registered pursuant to the Pharmacy Act, 1935-1936.

[Assented to 3rd November, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the " Pharmacy Act Amendment Act, 1937 ". Short titles.

(2) The Pharmacy Act, 1935-1936, as amended by this Act, may be cited as the " Pharmacy Act, 1935-1937 ".

(3) The Pharmacy Act, 1935-1936, is hereinafter referred to as " the principal Act ".

2. Part V. of the principal Act is amended by inserting therein after section 33 the following section :— Amendment of principal Act, Part V.—

33a. Section 223 of the Industrial Code, 1920, shall not apply and shall be deemed never to have applied to any apprentice to a registered pharmaceutical chemist.

Non-application of section 223 of the Industrial Code, 1920.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2355.

An Act to enact certain provisions for the protection of the proprietors of factories.

[Assented to 10th November, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. This Act may be cited as the " Manufacturing Industries Protection Act, 1937 ".

Interpretation.

2. In this Act " protected area " means an area which by any proclamation for the time being in force under this Act is declared to be a protected area.

Declaration of protected areas.

3. (1) If the Governor is satisfied that it is desirable in the public interests that the proprietors and occupiers of factories in any area should obtain the protection provided for in this Act, he may by proclamation declare that that area (which shall be defined in the proclamation either by setting out the boundaries thereof or otherwise) shall be a protected area within the meaning of this Act.

(2) The Governor may from time to time, if he considers it in the public interest to do so, by proclamation extend or alter any protected area.

Effect of proclamation.

4. So long as an area is a protected area under this Act—

(a) no person shall be entitled to civil remedy, legal or equitable, on the ground of any noise or vibration arising (at any time whether before or after that

area became a protected area or before or after the passing of this Act) from any factory within that area, unless he became the owner or occupier of the land or premises injuriously affected by the noise or vibration before manufacturing operations were originally commenced in the factory, or unless it is shown that the occupier of the factory has failed to take reasonable precautions to prevent the noise or vibration from becoming a nuisance :

(b) no criminal proceedings shall be taken in respect of any such noise or vibration.

Provided that this section shall not affect the rights of any person under any judgment of a competent court given before the passing of this Act.

5. Any proclamation made under section 3 may be revoked by proclamation if owing to the removal of all factories in the area the necessity for the protection provided by this Act shall have ceased.

Power to revoke
proclamation.

In the name and on behalf of His Majesty, I hereby assent
to this Bill

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGI VI REGIS.

A.D. 1937.

No. 2356.

An Act to amend the Juries Act, 1927.

[Assented to 10th November, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the " Juries Act Amendment Act, 1937 ".

(2) The Juries Act, 1927 (as amended by this Act) may be cited as the " Juries Act, 1927-1937 ".

(3) The Juries Act, 1927, is hereinafter called " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment of
s. 55a of
principal Act—

3. The following section is hereby enacted and inserted in the principal Act after section 55 thereof :—

Power to
excuse
jurymen
during trial.

55a. During any inquest civil or criminal, except for a capital offence, if the presiding judge is satisfied that by reason of any matter of special urgency or importance any juror should be excused from further attendance, the judge may order that that juror be excused from further attendance during that inquest, and during such further period (if any) as the judge specifies.

Amendment of
s. 56 of
principal Act—
Power to
continue trial
with reduced
jury.

4. Section 56 of the principal Act is amended by inserting therein after the word " offence " in the third line the words " or if during any such inquest any juror is excused under section 55a of this Act from further attendance ".

5. The third schedule to the principal Act is amended by adding at the end thereof the following passage :—

Amendment of
third schedule
to principal
Act—

Aircraft pilots, aircraft navigators and aircraft radio operators, if they are duly licensed under the laws of the Commonwealth, and are employed on Australian aircraft used in a public aerial transport service.

Exemption of
certain persons
in aerial
services.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGI VI REGIS.

A.D. 1937.

No. 2357.

An Act to amend the Sale of Goods Act Amendment Act, 1936.

[Assented to 17th November, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. (1) This Act may be cited as the "Sale of Goods Act Amendment Act, 1937."

(2) The Sale of Goods Act, 1895-1936, as amended by this Act, may be cited as the "Sale of Goods Act, 1895-1937."

(3) The Sale of Goods Act, 1895-1936, is in this Act referred to as "the principal Act."

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Repeal of s. 2 of 2309, 1936.

3. Section 2 of the Sale of Goods Act Amendment Act, 1936, is repealed.

Amendment of s. 57a of the principal Act—

4. Section 57a of the principal Act is amended by inserting at the end thereof the following passage:—

Commencement of s. 57a.

This section shall come into operation on a day to be fixed by the Governor by proclamation. No such proclamation shall be made unless the Governor is satisfied that legislation having the same object as this section has been passed in every other State of Australia and in the Dominion of New Zealand.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2358.

An Act to amend the Primary Producers Debts Act,
1935.

[Assented to 17th November, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Primary Producers Debts Act Amendment Act, 1937". Short titles.

(2) The Primary Producers Debts Act, 1935-1936, as amended by this Act, may be cited as the "Primary Producers Debts Act, 1935-1937".

2. This Act is incorporated with the Primary Producers Debts Act, 1935-1936, and that Act and this Act shall be read as one Act. Incorporation.

3. The following section is hereby enacted and inserted in the Primary Producers Debts Act, 1935, after section 34 thereof :— Enactment of s. 34a of the principal Act.

34a. (1) If an applicant dies or has died (and whether before or after the enactment of this section), before his debts have been adjusted under this Act, and the Board is satisfied— Provision as to death of applicant.

(a) that the executors or administrators of the deceased applicant or any other persons entitled to his land in succession to him *bona fide* intend to carry on operations as primary producers on that land ; and

- (b) that if the debts of the deceased applicant were adjusted under this Act, there would be a reasonable prospect that his executors or administrators or the other persons aforesaid would be able to carry on such operations without loss,

the Board may in its discretion direct that the application shall be proceeded with as if it had been made in the first instance by the executors, administrators, or other persons aforesaid.

(2) If such a direction is given the application shall be proceeded with accordingly; and the executors, administrators, or other persons aforesaid shall be deemed for all purposes to be applicants within the meaning of this Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2359.

An Act to amend the Stamp Duties Act, 1923-1936.

[Assented to 19th November, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Stamp Duties Act Amendment Act, 1937". Short titles.

(2) The Stamp Duties Act, 1923-1936, as amended by this Act, may be cited as the "Stamp Duties Act, 1923-1937". 1569, 1923.

(3) The Stamp Duties Act, 1923-1936, is in this Act referred to as "the principal Act".

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation.

3. Section 27a of the principal Act is amended by leaving out the words "necessary to be ascertained" in the third and fourth lines of subsection (2) thereof and inserting in lieu thereof "relevant to the matter being enquired into", and by leaving out the words "appear necessary for" in the eleventh line and inserting the words "be relevant to". Amendment of s. 27a of the principal Act.

4. Section 66a of the principal Act is repealed. Repeal of s. 66a of principal Act.

5. The following section is enacted and inserted in the principal Act after section 89 thereof :— Enactment of s. 89a. of principal Act—

89a. (1) Subject to subsection (3) of this section, where the Treasurer is satisfied that any racing club, racing committee or racing association intends to apply the whole of the profits derived by it from any race meeting (including any commission retained by it under section 28 of the Lottery and Gaming Act, 1936) to charitable purposes, or purposes Exemption from totalizator duty.

which the Treasurer considers should be regarded as charitable for the purpose of this section, the Treasurer may authorise the club, committee or association to apply towards such purposes the amount of any duty which would apart from this section be payable to the Commissioner on the gross takings of any totalizator used at the race meeting so held.

(2) If the club, committee or association satisfies the Treasurer that the amount of such duty has been so applied, the club, committee or association shall be exempt from the obligation to pay such duty to the Commissioner.

(3) In each year this section shall apply only in relation to four race meetings.

(4) The meetings to which this section applies shall be determined by the governing body of the South Australian Jockey Club Limited.

(5) The foregoing provisions of this section shall also apply *mutatis mutandis* in relation to not more than four trotting meetings held in any year by trotting clubs.

The trotting meetings to which this section shall apply shall be determined by the South Australian Trotting League Incorporated.

Amendment of
s. 92 of the
principal Act—
Further
exemption
from duty.

6. Section 92 of the principal Act is amended by striking out the words "six pence" at the end thereof and inserting in lieu thereof the words "one shilling".

Amendment of
s. 93 of
principal Act—
Production of
tickets.

7. Subsection (2) of section 93 is amended by striking out the words "place where an amusement is held" in the first and second lines thereof and inserting in lieu thereof the word "amusement".

Amendment of
s. 94 of the
principal Act—
Mode of
payment of
duty.

8. (1) Subsections (1) and (2) of section 94 are repealed and the following subsections are enacted and inserted in lieu thereof :—

(1) Where persons are admitted to an amusement by stamped ticket the amusements duty shall be charged in respect of each person admitted for payment and shall be paid by means of the stamp on the ticket.

(2) Where persons are admitted to an amusement through a barrier or by means of a mechanical contrivance which automatically registers the number of persons admitted the amusements duty shall be calculated and

paid on the gross amount paid for such admission (including amounts charged by the promoters for the purpose of paying the duty).

(2a) Where persons are admitted to an amusement otherwise than as mentioned in subsection (1) or subsection (2) of this section or in section 95 of this Act, the duty shall be calculated and paid on the number of admissions.

(2) Subsection (3) of section 94 is amended by inserting after the word "ticket" in the second line thereof the words "shall except where this Part otherwise provides, be payable to the Commissioner seven days after the holding of the amusement in respect of which the duty is charged and".

9. Section 96 is amended by adding at the end thereof the following subsection :—

Amendment of
s. 96 of the
principal Act—
Exemption
from amuse-
ments duty.

(4) Amusements duty shall not be charged on payments for admission to any amusement being a dance, concert, or card party, or any other amusement specially approved by the Treasurer, if the amusement is held for any of the following purposes :—

- (a) Raising funds for any hospital or any institute being a member of the Institutes Association of South Australia, or any public school as defined in the Education Act, 1915-1935 ; or
- (b) Raising funds to defray the cost of building any church, or any hall available or intended to be available for general public use, or to repay any loan raised to pay such cost ; or
- (c) Raising funds to defray the cost of beautifying or improving any streets, roads, public parks, public playgrounds, public reserves or other like public places ; or
- (d) Any other charitable, patriotic, religious, educational or scientific purpose ; or
- (e) Any other purpose specially approved by the Treasurer,

and if the whole of such net proceeds (if any) as are derived from the amusement are used for any such purpose.

No certificate of exemption shall be required in relation to any such amusement, but in any proceedings to recover amusements duty, it shall lie on the defendant to prove that the amusement was exempt from duty by virtue of this subsection.

Amendment of
s. 106 of
principal Act—
Deduction
when
allowance
made for
sollid or
unused stamps.

10. Section 106 of the principal Act is amended by adding at the end thereof the following proviso: "Provided that the Commissioner may, if he thinks it just to do so, refrain from making any such deduction."

Amendment of
principal Act,
fourth
schedule.

11. (1) Paragraph 1 of the fourth schedule is amended so as to read as follows:—

1. Where the payment does not exceed one shilling no duty shall be payable.

Where the payment, excluding the amount of duty, exceeds one shilling, the duty shall be one penny for every sixpence or fractional part of sixpence of such payment.

(2) Paragraph 3 of the fourth schedule is amended so as to read as follows:—

3. In cases where properly constructed barriers or mechanical contrivances which automatically register the actual number of persons admitted through or past such barriers or contrivances as the means of gaining admission to an amusement are permitted to be used in lieu of duly stamped tickets, duty shall be payable at the rate of one-seventh of the total amount (including the amounts charged by the promoter for the purpose of paying the duty), paid by persons so gaining admission to the amusement: Provided that where any persons are admitted to the amusement upon payment of sums not exceeding one shilling per person, no duty shall be payable in respect of the sums so paid.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2360.

An Act to amend the Maintenance Act, 1926-1936.

[Assented to 19th November, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the " Maintenance Act, 1937". Short titles.

(2) The Maintenance Act, 1926-1936, as amended by this Act, may be cited as the " Maintenance Act, 1926-1937".

(3) The Maintenance Act, 1926-1936, is hereinafter referred to as " the principal Act ".

2. Subsection (1) of section 3 of the principal Act is repealed and the following subsection is enacted in lieu thereof :— Amendment of principal Act, s. 3—

(1) Every investigation, legal proceeding, or remedy instituted, or sought to be enforced under any of the Acts repealed by this Act, by the Destitute Board, the State Children's Council, or any officer of either of those bodies, may be continued, enforced, and completed under the provisions of this Act by the board or any officer thereof.

Proceedings under repealed Acts.

Every order made under any of the Acts repealed by this Act shall be deemed to be an order made under this Act, and the appropriate provisions of this Act relating to the enforcement, variation, or discharge of maintenance orders, shall apply to all such orders made as aforesaid.

3. Section 40 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection :— Amendment of principal Act, s. 40—

(1a) Any such relative who is a married woman shall be liable to relieve or maintain or contribute to the relief and maintenance of the destitute person.

Duty of relations.
Cf. 300, 1883-4
s. 20.

Amendment of
principal Act,
s. 43—
Maintenance of
wives.

4. Section 43 of the principal Act is amended by inserting therein after the word “weekly” in the seventh line of subsection (2) thereof the word “fortnightly”.

Amendment of
principal Act—

5. Division I. of Part III. of the principal Act is amended by inserting therein after section 43 the following section :—

Maintenance of
husband of
wife having
separate
property.
Cf. 300, 1883-4.
s. 20.

43a. (1) When any wife leaves her husband without adequate means of support, any justice may, upon complaint made by or on behalf of such husband, issue a summons to such wife, to show cause why she should not support her husband.

(2) Upon the day appointed for the hearing, any court of summary jurisdiction may hear and determine the matter of the complaint in a summary way; and if it is satisfied that the husband is in fact without adequate means of support and that the wife is able to maintain her husband, or to contribute to his maintenance, the court shall make an order in writing directing her to pay either weekly, fortnightly, or monthly, at its discretion, and to such person and in such manner for his use as the court may think fit, such sum or allowance for the past or future maintenance of the husband as it considers proper.

(3) The provisions of this section shall not limit or affect the operation of any other provision of this Act.

(4) The provisions of subsection (2) of section 44, *mutatis mutandis*, shall apply to any order made pursuant to this section or pursuant to section 20 of the Married Women's Property Act, 1883-4.

Amendment of
principal Act,
s. 79—

Setting aside
of notices.

6. Section 79 of the principal Act is amended—

(a) by striking out the words “or before the expiration of one month from the service of the notice, whichever first happens, obtain from any justice” in subsection (1) thereof, and by inserting in lieu thereof the words “after giving notice in writing of such application to the person by whom notice is given under section 77, apply to a court of summary jurisdiction for”; and

(b) by inserting after the word “notice” in the fifth line thereof the words “under section 77”.

Amendment of
principal Act,
s. 89—

Application of
property taken
under warrant.

7. Section 89 of the principal Act is amended by inserting therein after the word “warrant” in the second line thereof the words “and the estate or interest in any real or personal estate taken under any such warrant”.

8. Division IV. of Part III. of the principal Act is amended by inserting therein after section 93 the following section :—

Amendment of principal Act—

93a. (1) If any order (which is hereinafter referred to in this section as “the maintenance order”) is before or after the commencement of the Maintenance Act, 1937, made under section 43, section 43a, or Division III. of this Part, or the corresponding provision of any Act repealed by this Act, or is made for the support of a husband by a wife pursuant to section 20 of the Married Women’s Property Act, 1883-4, and—

Provision on order for divorce, &c.

- (a) an order absolute is made by the Supreme Court whereby the marriage between the husband and wife referred to in the maintenance order is finally dissolved or decreed a nullity ; or
- (b) in the course of any proceedings in the Supreme Court for the divorce of the husband and wife referred to in the maintenance order or for the declaration of the nullity of their marriage, any order is made or refused with respect to maintenance ; or
- (c) an order is made by the Supreme Court for the judicial separation of the husband and wife referred to in the maintenance order and in the course of the proceedings or in the order any order is made for maintenance,

the following consequences shall follow.

(2) If any such order is made or if any such order for maintenance as is referred to in paragraph (b) of subsection (1) is refused by the Supreme Court after the passing of the Maintenance Act, 1937, a court of summary jurisdiction shall, upon the complaint of any party to the maintenance order or the board, discharge the maintenance order, and the maintenance order shall be deemed to have been discharged from the time the order is made or refused by the Supreme Court.

(3) If in any proceedings such as mentioned in subsection (1) an order for maintenance was made by the Supreme Court before the passing of the Maintenance Act, 1937, a court of summary jurisdiction shall, upon the complaint of any party to the maintenance order or the board, discharge the maintenance order, and the maintenance order shall be deemed to have been discharged from such time as is fixed by the court of summary jurisdiction.

(4) If any such order (other than an order for maintenance) was made or if any such order for maintenance as is referred to in paragraph (b) of subsection (1) was refused by the Supreme Court before the passing of the Maintenance Act, 1937, a court of summary jurisdiction may, upon the complaint of any party to the maintenance order or the board, discharge the maintenance order, and the maintenance order, if discharged, shall be deemed to have been discharged from such time as is fixed by the court of summary jurisdiction.

(5) A court of summary jurisdiction may exercise jurisdiction under this section although it is not constituted as mentioned in section 67.

Amendment of
principal Act,
s. 98—
Proof as to
earnings.

9. Section 98 of the principal Act is amended :—

- (a) by striking out the word “ Division ” in the first line thereof and by inserting in lieu thereof the word “ Act ” ;
- (b) by inserting after the word “ may ” in the third line thereof the words “ in its absolute discretion ” ;
- (c) by striking out the words “ document purporting to be a ” in the third line thereof ;
- (d) by adding at the end of paragraph (b) of subsection (2) thereof the word “ or ” ; and
- (e) by adding at the end of subsection (2) thereof the following paragraph :—

(c) by a member of the police force of this or any State in the Commonwealth or of the Commonwealth who declares as to information as to such earnings given to him by the employer of the person whose earnings are in question or by some person employed by such employer as manager, secretary, or accountant.

Amendment of
principal Act,
s. 110—
Entry into
premises.

10. Section 110 of the principal Act is amended by striking out the words “ secretary ” in the second line thereof and by inserting in lieu thereof the word “ chairman ”.

Amendment of
principal Act,
s. 126—
Extension of
period of
detention of
females.

11. Section 126 of the principal Act is amended :—

- (a) by inserting after subsection (4) thereof the following subsection :—

(4a) The powers conferred upon the Governor by the preceding subsections of this section may be exercised from time to time in respect of the

same child and, except in the case of the first order in respect of any child, may be exercised notwithstanding that the child has attained the age of eighteen years.

(b) by adding at the end of subsection (5) thereof the following passage :—

The powers conferred upon the Governor by this subsection may be exercised from time to time in respect of the same female person and notwithstanding that she has attained the age of twenty-one years, but the period of supervision or detention which may be ordered at any one time shall not exceed three years.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2361.

An Act relating to whaling.

[Assented to 1st December, 1937.]

WHEREAS it is desirable and necessary to make provision to ensure the application of the provisions of the Convention for the Regulation of Whaling signed at Geneva on the twenty-fourth day of September, one thousand nine hundred and thirty-one and the punishment of infractions of the said provisions: BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. This Act may be cited as the "Whaling Act, 1937".

Commence-
ment.

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

Definitions.
Com. 62, 1935,
s. 3.

3. In this Act, unless the contrary intention appears—

- "factory" does not include a ship:
- "licence" means a licence granted under this Act:
- "master" means any person having command or charge of a ship:
- "officer" means an officer performing duties under this Act:
- "owner" includes the manager or secretary of any company or body corporate or any person to whom the whole or a part of a ship belongs:
- "port or place" includes any natural harbour, haven, channel, or anchorage in or at which ships can obtain shelter or ship and unship goods:

“right whale” includes southern right whale, Pacific right whale and southern pigmy right whale :

“treating whales” includes the operation of cutting up, and the extraction of oil, whalebone, or other products from, the carcasses of whales, and “treat” has a meaning corresponding to “treating whales” :

“whale” means a baleen or whalebone whale.

4. (1) This Act shall extend to South Australia and all South Australian waters.

Application of Act.

Cf. Com. 62, 1935, s. 4.

(2) This Act shall be construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative powers of the State to the extent that, where any enactment thereof would but for this subsection have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

5. (1) Any person who takes or kills—

(a) any right whale ;

(b) any calf or suckling whale or immature whale ; or

(c) any female whale accompanied by a calf or suckling whale,

Taking or killing of certain kinds of whales prohibited.

Com. 62, 1935, s. 6.

shall be guilty of an offence.

(2) Any person who has in his possession any calf or whale taken or killed in contravention of this section, or any part or product of any such calf or whale, shall be guilty of an offence.

(3) For the purpose of this section a whale of any description shall be deemed to be immature if it is of less length than that prescribed in relation to whales of that description :

Provided that the length prescribed for the purposes of this section in relation to blue whales shall not be less than sixty feet, and the length so prescribed in relation to fin whales shall not be less than fifty feet.

(4) Any person who is guilty of any offence against this section shall be liable to the following penalty : Two hundred pounds or imprisonment for three months or both, and, in addition, an amount equal to the value of the products (if any) obtained or obtainable from the whale.

6. (1) It shall be unlawful for a ship to be used for taking, killing or treating whales or for a factory to be used for treating whales unless the owner or charterer of the ship, or the occupier of the factory, is the holder of a licence in force under this Act authorising the ship or the factory, as the case may be, to be so used.

Taking, killing or treating whales without a licence.

Com. 62, 1935, s. 7.

Penalty (on the owner, charterer, master, or occupier) : In respect of each whale taken, killed or treated in contravention of this section, two hundred pounds.

(2) A ship designed and equipped for taking, killing or treating whales shall, in the absence of proof to the contrary, be deemed to be used for taking, killing or treating whales.

Unlicensed
ship entering
South
Australia.
Com. 62, 1935,
s. 8.

7. A ship designed and equipped for taking, killing or treating whales shall not be brought into any port or place in South Australia unless the owner or charterer of the ship is the holder of a licence in force under this Act authorising the ship to be used for taking, killing or treating whales or the ship is duly authorised by the Government of the country whose flag she flies to engage in taking, killing or treating whales.

Penalty (on the owner, charterer or master) : One thousand pounds.

Possession of
whale, &c.,
illegally killed.
Com. 62, 1935,
s. 9.

8. The owner, charterer or master of any ship, or the manager or occupier of any factory or occupier of any premises on shore, in which is found any whale or any part or product of a whale the taking, killing or treating of which is an offence against this Act, shall be guilty of an offence.

Penalty : One thousand pounds.

Licenses to
engage in
taking or
killing whales
or in treating
whales.
Com. 62, 1935,
s. 10.

9. (1) Subject to this Act, the Minister may, in his absolute discretion, grant to the owner or charterer of any ship or the occupier of any factory a licence to engage in taking or killing whales or in treating whales, as the case may be :

Provided that no such licence shall be granted to the owner or charterer of any ship not registered in Australia unless the ship is duly authorised by the Government of the country whose flag she flies to engage in taking, killing or treating whales.

(2) A licence granted to the owner or charterer of a ship shall be granted in respect of the ship named therein and of whale catchers or chasers (if any) attached to that ship to the number specified in the licence, and a licence granted to the occupier of a factory shall be granted in respect of the premises specified therein.

(3) A licence granted under this section shall be for such period not exceeding five years as is fixed by the Minister and specified in the licence.

(4) The fee payable in respect of the grant of a licence under this section shall be, for each year or part of a year in respect of which the licence is granted—

(a) in the case of a licence to engage in taking or killing whales—one hundred pounds for the ship and fifty pounds for each whale catcher or chaser attached thereto ; and

(b) in the case of a licence to engage in treating whales—
two hundred pounds.

(5) In addition to the fees payable in pursuance of the last preceding subsection, there shall be payable in respect of any such licence such royalties or other payments as the Minister determines.

10. (1) A licence to engage in taking or killing whales or in treating whales shall be granted upon and subject to the following conditions :—

Conditions of
licences.
Com. 62, 1935,
s.11.

(a) That the fullest possible use is made of the carcasses of whales taken or treated, and, in particular, that there is extracted, by boiling or otherwise, the oil from all blubber and from the head and tongue and from the tail as far forward as the outer opening of the lower intestine :

Provided that this condition shall not apply to such parts of a whale as are intended to be used for human food ;

(b) That, in the case of a licence to engage in treating whales, the ship or factory used for the purpose is equipped with adequate apparatus for the extraction of oil from the blubber, flesh and bones ;

(c) That, in the case of whales brought on shore, adequate arrangements are made for utilising the residues after the oil has been extracted ;

(d) That there is kept on board the ship or in the factory a record of every whale taken or treated, with the following particulars :—

- (i.) Date of taking ;
- (ii.) Place of taking ;
- (iii.) Species ;
- (iv.) Sex ;
- (v.) Length ; measured, when taken out of water ;
estimated, if cut up in water ;
- (vi.) When foetus is present, length and sex, if ascertainable ; and
- (vii.) When practicable, information as to the stomach contents.

For the purposes of this paragraph, the length of each whale shall be the length taken from the tip of the snout to the notch between the flukes of the tail ;

(e) That in the case of a ship the owner or master of the ship shall in each year furnish to the Minister a return in the prescribed form containing the following particulars :—

- (i.) The name and tonnage of the ship ;
- (ii.) The name and tonnage of each whale catcher or chaser attached to the ship ;
- (iii.) A list of the land stations which were in operation in connection with the ship during the period in which the ship was engaged in taking, killing or treating whales ;
- (iv.) The particulars referred to in the last preceding paragraph of this section ; and
- (v.) The amounts of oil of each grade and the quantities of meal, guano and other products derived from whales taken by the ship ; and

(f) Such other conditions (whether in addition to or in substitution for the foregoing conditions) as are prescribed or as the Minister sees fit to impose.

(2) Any breach of a condition of a licence shall be an offence against this Act.

(3) Where the Minister is satisfied that there has been any contravention of or failure to comply with any condition upon which a licence was granted, the Minister may cancel the licence.

(4) The Minister may require any applicant for a licence or any licensee to give security to his satisfaction for compliance with the conditions of the licence and of the requirements of this Act.

(5) Where any applicant for a licence, or a licensee, fails or refuses to give security in accordance with the last preceding subsection, the Minister may, in the case of an applicant, refuse to grant a licence, and, in the case of a licensee, cancel the licence.

11. Notwithstanding anything contained in this Act, the Minister may grant to any person a special permit authorising that person to take, kill and treat whales for purposes of scientific research or for other exceptional purposes, subject to such restrictions as to number, and subject to such other conditions, as the Minister thinks fit, and the taking, killing or treating of whales in accordance with a permit in force under this section shall be exempt from the operation of the foregoing provisions of this Act.

12. The owner or master of any ship and the occupier of any factory engaged in treating whales shall in each year furnish a return of the number of each species of whale treated in the ship or at the factory and of the amounts of oil of each grade and the quantities of meal, guano and other products derived from them.

Owners of ships and occupiers of factories to furnish returns.
Com. 62, 1935, s. 13.

Penalty : One hundred pounds.

13. Where the owner or master of a ship authorised under this Act to be used for taking, killing or treating whales engages gunners and other members of the crew of the ship on terms such that their remuneration is made dependent to any extent on results he shall engage them on terms that—

Remuneration of crew not to depend on results.
Com. 62, 1935, s. 14.

- (a) their remuneration shall depend, to that extent, upon such factors as the size, species, value and yield of oil of the whales taken ;
- (b) their remuneration shall not depend only upon the numbers of whales taken ; and
- (c) remuneration in respect of any whale which is of less length than that prescribed for the purposes of this section or the taking of which is prohibited by this Act shall be excluded.

Penalty : One hundred pounds in respect of each such gunner or member of the crew.

14. (1) Where—

- (a) any whale taken or killed ; or
- (b) any part or product of any whale taken or killed,

Forfeited whales and whale products.
Com. 62, 1935, s. 15.

in contravention of this Act or of any condition of a licence, is brought into any port or place in South Australia, that whale, part or product, as the case may be, shall be forfeited to the King.

(2) Any whale or any part or product of any whale forfeited under this Act shall be disposed of as the Minister directs.

15. (1) For the purposes of this Act, an officer may—

- (a) board any ship or enter any factory which he has reason to believe is used for taking or treating whales, and inspect the ship or factory and its plant and equipment ;
- (b) in the case of any such ship, require the master and crew or any of them, and, in the case of any such factory, require the occupier or manager thereof and the employees therein or any of them, to produce all

Powers of officers to board and search ships.
Com. 62, 1935, s. 16.

such licences, records and other documents as the officer considers it necessary to inspect, and to answer all such inquiries as he considers it necessary to make ; and

(c) take copies of, or extracts from, any documents produced to him.

(2) Any person who refuses to produce to an officer any document which he is required under this section to produce, or refuses to answer, or answers falsely, any inquiry made of him by an officer, or obstructs or refuses facilities to an officer in the discharge of his duties under this section, shall be guilty of an offence.

Penalty : One hundred pounds.

Officer may board and remain on board ship.
Com. 62, 1935, s. 17.

16. (1) An officer may go on board any ship which is used for treating whales and shall be entitled to remain on board the ship, to be provided with subsistence and accommodation therein and to be present at all operations in connection with the treating of whales on board the ship.

(2) There shall be paid to the owner or master of the ship, in respect of each day during which an officer remains on board the ship, such sum as is prescribed for the provision of subsistence and accommodation of an officer boarding the ship and remaining on board the ship in pursuance of this section.

Offences where no penalty provided.
Com. 62, 1935, s. 18.

17. Any person who commits an offence against this Act for which no other penalty is provided shall be liable to a penalty not exceeding one hundred pounds.

Regulations.
Com. 62, 1935 s. 20.

18. The Governor may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding one hundred pounds for offences against the regulations.

Summary proceedings.

19. All proceedings for offences against this Act shall be disposed of summarily.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2362.

An Act to authorise and ratify an Indenture made between His Majesty King George the Sixth of the first part, the Lieutenant-Governor of the State of South Australia of the second part, and the Broken Hill Proprietary Company Limited of the third part, and to secure to the Company the rights provided for in the Indenture and to provide for carrying the provisions of the Indenture into effect, and for purposes incidental thereto.

[Assented to 1st December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Broken Hill Proprietary Company's Indenture Act, 1937". Short title.

2. The Indenture set out in the schedule to this Act is hereby authorised and ratified, and, subject to the other sections of this Act, shall, notwithstanding any other enactment, be carried out by the parties thereto and take effect as though the obligations, duties, liabilities, rights, powers, exemptions and privileges therein provided for had been expressly imposed and granted by an Act of the Parliament of the State. Validation of Indenture.

3. (1) The Parliamentary Standing Committee on Public Works shall, as soon after the passing of this Act as is convenient, inquire into and report to the Governor upon the possible methods of improving the water supply of the Northern Water District, and of the lands extending north of that Inquiry into water supply.

Broken Hill Proprietary Company's Indenture Act, 1937.

District as far as Port Augusta; and in framing its recommendations the said Committee shall have regard to the possibility that a supply of water may be required at or near Whyalla for the purpose of enabling the Broken Hill Proprietary Company Limited to establish and operate coke oven plant and other works for the production of steel as mentioned in clause 13 of the Indenture set out in the Schedule to this Act.

(2) Sections 20, 21, 22, and 23 of the Public Works Standing Committee Act, 1927, shall apply in relation to the inquiry conducted under this section as if it were an inquiry conducted pursuant to the said Act.

Payment of
royalties to
Public Debt
Commission.

4. (1) All royalties paid by the Broken Hill Proprietary Company Limited pursuant to the Agreement set out in the schedule to this Act, in excess of threepence per ton, shall be paid to the Public Debt Commission continued in existence by the Public Finance Act, 1936.

(2) The said Commission shall hold such royalties as a separate fund for purposes of this section and shall invest such royalties and all interest derived from the investment thereof, in the manner prescribed by subsections (2) and (3) of section 23 of the Public Finance Act, 1936.

(3) The said Commission may at its discretion from time to time apply any amounts paid to it pursuant to this section and the interest thereon towards the reduction of any debits in the Loan Accounts relating to moneys raised by the State for the purpose of providing a water supply for Whyalla.

(4) Any amounts paid to the Public Debt Commission pursuant to this section which are not required for the purposes mentioned in subsection (3) of this section shall be transferred to the Public Debt Sinking Fund.

Saving of
certain rights.

5. The Indenture set out in the schedule to this Act shall not—

(a) entitle the Broken Hill Proprietary Company Limited to acquire the fee simple of any land comprised in any mineral leases:

(b) prohibit the South Australian Harbors Board or any other Governmental authority for the time being controlling harbours of the State from imposing or collecting from the said Company any port dues or fees for pilotage, if such dues or fees would apart from this Act have been properly payable by the Company under any law for the time being in force. The term "port dues" means any charge generally applicable throughout the State for channels and lights or either of them, provided by the State.

Further provisions as to the Indenture.

6. The Indenture set out in the Schedule to this Act shall be construed as if it contained the following covenants :—

- (a) The blast furnace to be established at Whyalla shall be capable of producing at least 200,000 tons of pig iron per annum :
- (b) The Broken Hill Proprietary Company Limited before commencing to erect or construct any jetties wharves works buildings approaches roads ways tramways or conveniences pursuant to clause 7 of the said Indenture shall lodge with the Minister of Marine of South Australia for the time being in office plans showing the actual sites selected by the said company for the erection or construction of such jetties wharves works buildings approaches roads ways tramways or conveniences.

The said Company shall not have the right to construct or erect any such jetties, wharves, works, buildings, approaches, roads, ways, tramways, or conveniences at Rapid Bay except on or within one-third of a mile of the sites of which plans have been lodged as aforesaid within three years from the passing of this Act.

7. If the South Australian Railways Commissioner should at any time (whether during or after the term of the Indenture set out in the schedule to this Act) be authorised by Statute to connect any Government railway with any tramway of the Broken Hill Proprietary Company Limited, the said Company will at the request of the said Commissioner from time to time—

Rights of South Australian Railways Commissioner.

- (a) grant and afford the said Commissioner all necessary and reasonable rights, facilities and opportunities for joining the said Government line of railway with the tramways of the Company and for maintaining the junction in proper repair ; and
- (b) in consideration of the payment by the Commissioner of reasonable charges to be mutually agreed upon, and under such arrangements as are mutually agreed upon, haul over any tramways for the time being operated by the Company, such carriages and wagons (together with all passengers, livestock, goods and chattels thereon) as the Commissioner delivers to the said Company on its tramways, and reasonably requires to be so hauled for the purpose of carrying on his business ; such haulage to be carried out with as great expedition as is reasonable, having regard to the Company's own requirements, and with locomotives to be supplied and operated by the Company.

Broken Hill Proprietary Company's Indenture Act, 1937.

If the Commissioner and the Company are unable to agree as to any matter under this section that matter shall be settled by arbitration.

Right to cross
tramways, &c.,
of the
Company.

8. No rights of the Broken Hill Proprietary Company Limited shall be deemed to be impaired, disturbed or prejudicially affected merely by virtue of the fact that any person by or pursuant to any Act is granted or exercises any of the following rights, namely :—

Any right to erect, construct, maintain and operate any railway, tramway or apparatus for transmitting electricity, which railway, tramway or apparatus—

- (a) passes above or below any railway or tramway of the Broken Hill Proprietary Company Limited or any of the Company's apparatus for transmitting electricity; and
- (b) is erected, constructed, maintained and operated in such a manner as not to interfere with a reasonable exercise by the said Company of any of its rights.

Leases in
paragraph B of
the schedule.

9. The leases referred to in paragraph B. of the schedule contained in the Indenture set out in the schedule to this Act are the mineral leases held by the Broken Hill Proprietary Company Limited, numbered 2713 to 2730, inclusive.

In the name and on behalf of His Majesty, I hereby
assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.

SCHEDULE.

This Indenture made on the fourth day of October, 1937 BETWEEN HIS MOST GRACIOUS MAJESTY KING GEORGE THE SIXTH by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, of the first part, HIS EXCELLENCY THE LIEUTENANT-GOVERNOR of the State of South Australia and its Dependencies in the Commonwealth of Australia, contracting for and on behalf of the State of South Australia and the Governments thereof from time to time in office, of the second part, and THE BROKEN HILL PROPRIETARY COMPANY LIMITED (which with its successors and assigns is hereinafter called "the Company") of the third part :

WHEREAS the establishment of a blast furnace in South Australia for smelting iron ores would be of great economic advantage to South Australia and of considerable value for the purposes of national defence and the Honourable Richard Layton Butler Premier and Treasurer of the said State has on behalf of the Government of the said State requested the Company to establish within the said State a blast furnace and the works and plant ancillary thereto: AND WHEREAS the Company has agreed to comply with that request and to establish such a furnace and such works and plant upon the Government of South Australia entering into this Indenture and upon and subject to the covenants terms and conditions therein contained and subject to the authorisation and ratification thereof by the Parliament of the said State AND WHEREAS in consideration of the great expenditure to be incurred by the Company in complying with the request and establishing the furnace works and plant it is agreed that the tenure and other rights of the Company should be effectively extended preserved and protected and that adequate rights of winning transporting treating and shipping ironstone and its products and other materials and stores used by the Company should be secured to the Company, and that arrangements should be made for providing the Company with additional sites for the erection of wharves and jetties and with other shipping facilities:

NOW THIS INDENTURE WITNESSETH AS FOLLOWS :—

1. (a) The Government of the State will as early as practicable after the execution of this Indenture and during the session of Parliament current at the time of the execution of this Indenture introduce a Bill into the Parliament of the State for authorising and ratifying this Indenture and securing to the

This Indenture
to be subject
to ratification.

Company the rights provided for in this Indenture and enabling this Indenture to be fully carried into operation. If such a Bill is not passed during the said session the clauses of this Indenture, other than this clause, shall not come into operation but if such a Bill is so passed and the Act founded thereon comes into operation before the 1st March, 1938 those clauses shall become binding on the day on which the said Act comes into operation.

Interpretation.

(b) In this Indenture, except where the context otherwise requires, the following terms have the following meanings :—

“ The commencement of this Indenture ” means the day on which the Act for authorising and ratifying this Indenture and securing to the Company the rights provided for in this Indenture and enabling this Indenture to be fully carried into operation, comes into operation :

“ The Government ” means the Government of the State of South Australia for the time being in office during the term of this Indenture :

“ The State ” means the State of South Australia :

“ The term of this Indenture ” (without affecting any obligation of any party to do any act after the expiration of the term of this Indenture) means the period of fifty years from the commencement of this Indenture and, if the period of operation of this Indenture is extended by mutual agreement, includes the period for which the operation of this Indenture is so extended :

“ The Treasurer ” means the Treasurer of the State of South Australia for the time being in office :

“ Blast furnace ” means a blast furnace and all ancillary works plant tramways jetties wharves roads and other works necessary for the production of pig iron.

Construction of works by the Company.

2. The Company will at its own expense establish at or in the vicinity of Whyalla a blast furnace for the production of pig iron.

The Company shall commence the work of constructing the blast furnace as early as practicable after the commencement of this Indenture and shall so carry on the said work of construction that the blast furnace will be capable of producing pig iron within three years from the commencement of this Indenture, or within such extended period as the Treasurer approves.

The Treasurer shall not capriciously withhold his approval to any extension of period reasonably asked for by the Company, and shall not withhold his approval to any extension of period rendered necessary by labour troubles or causes beyond the Company's control.

3. The term of all the leases described in the schedule to this Indenture shall be extended so that every such lease shall expire upon the expiration of fifty years from the commencement of this Indenture: and the Government will cause to be executed such indorsements or instruments as are necessary to give effect to this covenant.

Extension of
mineral leases.

During the said period and, unless otherwise agreed, during any further period for which the operation of this Indenture is extended, the covenants terms conditions and provisoes of the said leases shall remain as at the commencement of this Indenture, subject only to the modifications provided for in this Indenture.

4. Upon the expiration of the term of this Indenture the Company shall have a right to the renewal of the said leases from time to time for periods of twenty-one years and the renewal shall be on the terms and conditions prescribed in that behalf by the laws of the State in force at the commencement of this Indenture, subject to payment of the same royalty as is provided for in subclause (2) of clause 6 of this Indenture.

Renewal of
leases.

5. It shall be a sufficient compliance with the labour conditions of any of the said leases if the horsepower and labour employed on any one or more of the said leases satisfy the total labour conditions of the whole of the said leases.

Compliance
with labour
conditions.

6. (1) As from the commencement of this Indenture until the 31st December, 1939, or the date on which the Company commences the production of pig iron in South Australia, whichever is earlier, the Company shall pay to the Treasurer a royalty at the rate of three pence per ton on all ironstone won by it in the State, which during the period aforesaid is shipped from Whyalla or sold in the State.

Royalty on
leases.

(2) From the 31st December, 1939, or the earlier date aforesaid and throughout the remainder of the term of this Indenture, the Company shall pay to the Treasurer a royalty at the rate of sixpence per ton on all ironstone won by the Company in the State, which during the period aforesaid is shipped in the State, or used by the Company in its smelting operations in the State, or delivered in the State on sale.

(3) The said royalties shall be—

- (a) computed upon the total quantity of ironstone shipped or used or delivered as aforesaid during every period of six calendar months ending respectively on the 30th day of June and the 31st day of December, and also during any portion of any such period occurring at the beginning or end of the term of this Indenture; and

(b) paid not later than two months after the end of the period for which they are computed.

(4) For the purpose of computing the tonnage upon which the said royalty is payable the Company's weighbridge and weightometer records with such corrections and adjustments thereof as it is necessary to make to achieve reasonable exactitude shall be accepted as correct.

(5) The said royalties shall be substituted for any other royalties or payments in the nature of royalties reserved under any of the leases mentioned in the schedule to this Indenture.

(6) The Company shall in every month of July and every month of January during the term of this Indenture and within one month after the expiration of the term of this Indenture furnish to the Minister of Mines of the State a full and complete return of all ironstone shipped used or delivered as aforesaid during the period of six calendar months ending on the preceding 30th day of June or 31st day of December or during any portion of any such period for which the return is furnished and any other information reasonably required by the said Minister for the purpose of enabling him to compute the amount of royalty payable by the Company. The said Minister his officers servants and agents shall for the purpose of checking and verifying any such return have free access to and right of inspection of all books papers and documents of the Company in so far as they shew the quantities of ironstone shipped or used or delivered and the right to enter and examine the lands comprised in the said leases.

Rights to
construct
jetties.

7. (a) The Company may erect construct occupy maintain and use at or near False Bay on any part of the area hereinafter described in this subclause (being land of the Crown, foreshore and sea-bed) a jetty or jetties extending to seaward for such distance within the said area as the Company thinks proper, with any wharves channels works buildings approaches roads ways tramways and conveniences which are reasonably required in connection with the operations of the Company, and may, within the said area, extend any jetty or wharf existing at the time when this Indenture comes into operation.

The area previously referred to in this subclause consists of land of the Crown, foreshore and sea-bed defined as follows :—

Commencing at the eastern corner of Section 2, Hundred of Randell ; thence southeasterly by a line being the production of the northeastern boundary of said section ; thence northeasterly at right angles by a line 30 chains southeast of the southeastern edge of the Ore Berth at Whyalla Jetty for 160 chains ; thence northwesterly at right angles to high water

mark on the sea coast ; thence generally southerly along said high water mark to the point of commencement, together with the 150 links Coast Reserve abutting the above defined area on its coastal boundary and extending throughout the length of that boundary.

(b) The Company may also erect construct occupy maintain and use at Rapid Bay on any part of the foreshore or sea-bed within one mile from the following point namely :—the point in or near Rapid Bay where the jetty opposite section 1507 Hundred of Yankalilla and shewn on the Surveyor General's maps as existing at the commencement of this Indenture, intersects high water mark, a jetty or jetties and any wharves channels works buildings approaches roads ways tramways and conveniences which are reasonably required in connection with the operations of the Company : Provided that the right conferred by this clause shall lapse on the expiration of five years from the commencement of this Indenture if the actual work of erecting a jetty or other works for working a limestone or other deposit has not commenced before such expiration.

(c) The Company shall be entitled to occupy maintain and use all jetties wharves works buildings approaches roads ways tramways and conveniences which are erected or constructed by it pursuant to this Indenture ; and such rights shall be as full and extensive as the rights granted to the Company by or under the Broken Hill Proprietary Company Limited's Hummock Hill to Iron Knob Tramways and Jetties Act, 1900, in respect of the jetties wharves works buildings approaches roads ways tramways and conveniences mentioned in sections 22 and 23 of that Act.

8. The Company may, on any land which is vested in it or over which it holds or acquires the necessary rights, make form lay down construct maintain and work such new tramways or extensions of existing tramways as are necessary for the purpose of transporting ironstone and other material from and to any mineral leases for the time being held by the Company ; but before commencing to make any such tramway or extension the Company shall deposit the usual and proper plans thereof in the office of the Surveyor General.

Right of
Company to
construct
tramways.

9. For the purpose of making forming laying down constructing and working any such new tramway or extension of any tramway, the Company may cut sufficient spaces or openings through any vermin fence, dog-proof fence or rabbit proof fence within the meaning of the Vermin Act, 1931, through which the tramway or extension passes ; but the Company shall erect and at all times maintain across every opening or space so cut good and sufficient gates or other effective apparatus or devices for preventing the ingress or egress of vermin. Such gates or other apparatus or devices shall be constructed in such a manner that such gates when closed or such other

Right of
Company as
to vermin
fences.

apparatus or devices will be at least as effective for the exclusion of rabbits dogs and other vermin as the fence through which the openings or spaces are cut. The Company (unless other apparatus or devices are employed) shall keep such gates constantly closed and securely fastened, but may open any of them so long as is necessary to enable any engines, waggons, carriages or other conveyances or traffic of the Company to pass through them.

Application of
Statute to
tramway built
by the
Company.

10. In and for the purpose of making, forming, laying down, constructing, maintaining and working any tramways or extensions of tramways under this Indenture the Company shall conform to and have the benefit of those provisions of the Broken Hill Proprietary Company Limited's Hummock Hill to Iron Knob Tramways and Jetties Act, 1900, including the provisions of any Acts incorporated with that Act, which relate to the tramways authorised by that Act, as if those provisions applied also to the tramways and extensions provided for in this Indenture ; but no provision of that Act or any Act incorporated therewith inconsistent with this indenture or fixing the period for the completion of any tramway, or empowering the Government to license any person to use the tramways, or binding the Company to file accounts relating to tramways shall apply to or in relation to the tramways or extensions provided for in this Indenture.

Land for
tramways and
electric
transmission.

11. (a) If for the purpose of or in connection with the construction extension or working of any tramways mines or quarries, or the installation of any posts, wires, conduits or other apparatus or equipment for or in connection with the transmission of electricity, the Company should require the fee simple of, or any lease easement or other rights over, any land comprised in any pastoral lease or other lease from the Crown, and any Minister of the Crown or any authority under the Crown has power to resume such land, the Minister or other authority shall at the request of the Company exercise such power to the extent necessary, and transfer convey or assign to the Company the land or the lease easement or rights which the Company requires for the purposes aforesaid ; but the Company shall pay to the Minister or other authority a reasonable price for such land lease easement or other rights, sufficient to cover the expenditure incurred by such Minister or other authority for and in connection with the resumption.

(b) If for any of the purposes mentioned in paragraph (a) of this clause the Company requires the fee simple of or any rights over any Crown Lands not subject to any lease or agreement, the Government will sell to the Company at such reasonable price as may be agreed the fee simple of that land or the other rights required by the Company over that land.

Deviation of
Port Augusta-
Whyalla Road.

12. If any part of the Port Augusta-Whyalla Road passes through the site selected by the Company for its blast furnace

or other plant and works the Government shall procure the closing of that part of the said road, and shall procure the opening of a new piece of road in substitution for the part of the road so closed, along a route convenient as far as possible both to the Company and the public; and the new piece of road shall be constructed, in a manner similar to the previously existing road, at the cost of the Company.

13. In order to assist the Company to further extend its works by the establishment in the vicinity of Whyalla of Coke Oven Plant and/or works for the production of Steel, Rolling Mills, and other Plant, the Government on being notified by the Company that it is prepared to establish any such works will use every endeavour to provide the Company with a supply of fresh water at the site of such works sufficient for the full requirements of the Company at such fair and reasonable price as may be mutually agreed upon.

Water supply.

14. If at any time during the term of this Indenture the Company desires to erect new furnaces plant wharves jetties or other works at Backie Bay or to transfer all or any part of its furnace plant wharves jetties and other works from Whyalla to Backie Bay the Government will endeavour by all reasonable and lawful means to secure to the Company, as far as possible, rights at and in relation to Backie Bay its foreshore sea-bed and lands adjacent thereto for the purpose of enabling the Company to carry on its operations there, similar to the rights which the Company enjoys at the commencement of and by virtue of this Indenture in relation to and for the purpose of its operations at Whyalla.

Provision in event of removal of works to Backie Bay.

15. During the term of this Indenture no charges or imposts other than those which have heretofore been collected from the Company shall be imposed in respect of the use or occupation of the said wharves and jetties or on the shipment or carriage of goods to over or from the said wharves and jetties nor on the ships engaged in the shipment thereof.

Tolls and dues in respect of use of jetties.

16. Neither the Governor of the State nor the South Australian Railways Commissioner nor any Governmental or other body shall during the term of this Indenture exercise any right conferred on any of them by The General Tramways Act, 1884, or The Broken Hill Proprietary Company Limited's Hummocks Hill to Iron Knob Tramways and Jetties Act, 1900, or any Act amending either of those Acts of purchasing any part of the Company's land tramways wharves jetties works plant or other property, or of granting any licence to any other person to use the wharves jetties or tramways of the Company.

Works not to be resumed.

17. In further consideration of the Company entering into this Indenture it is hereby further covenanted that neither during the term of this Indenture nor during any extension of that

Security of tenure.

C.L. Smith
1/1/60
4942/60
see R.L.C.
note Book

Broken Hill Proprietary Company's Indenture Act, 1937.

term shall the rights of tenure and otherwise of the Company existing at the commencement or by virtue of this Indenture or lawfully acquired during the term of this Indenture, be in any wise impaired disturbed or prejudicially affected ; and the Government shall take all necessary steps to secure those rights to the Company and prevent them from being impaired disturbed or prejudicially affected in any way whatsoever, and no other person shall have the right to acquire a mining claim or title over any land occupied by the Company for its works.

Provided that no tax payable by the Company or in respect of its property under any public general Act of the Parliament of the State at rates not exceeding those applicable generally throughout the State shall be deemed to impair disturb or prejudicially affect any right of the Company.

IN WITNESS WHEREOF the public seal of the State and the common seal of the Company were hereunto affixed on the days and years set out below.

The Common seal of the Broken Hill Proprietary Company Limited was affixed hereunto on the fourth day of October, 1937, in the presence of—



H. G. DARLING, Director.

C. SYME, Director.

F. M. MITCHELL, Secretary.



G. J. R. MURRAY, Lieutenant-Governor.

THE SCHEDULE TO THE AGREEMENT.

A.

Mineral Leases over iron ore deposits held by or to be issued to The Broken Hill Proprietary Company Limited, the term of which is extended by this Indenture :

Numbers :—1659-1667, 2238-2242, 2383, 2384, 2386-2392, 2397-2403, 2560-2568, 2612-2614, 2631, 2632, 2647-2654, 2656-2663, 2668-2674, 2677-2712.

B.

Any leases which may be granted to the Company before or during the term of this Indenture in respect of areas pegged out and held by virtue of the following Miner's Rights :

Numbers :—1874, 1875, 1951, 1995, 1996, 1997, 1999, 2001, 2002, 2010, 2058, 2061, 2063, 2080, 2081, 2084, 2111, and 2059.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2363.

An Act to amend the Crown Lands Act, 1929-1936.

[Assented to 1st December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Crown Lands Act Amendment Act, 1937".

(2) The Crown Lands Act, 1929-1936, as amended by this Act, may be cited as the "Crown Lands Act, 1929-1937".

(3) The Crown Lands Act, 1929-1936, is hereinafter referred to as the "principal Act".

Amendment of
principal Act,
s. 5—
Reserving of
Crown lands
for aviation
stations.

2. Section 5 of the principal Act is amended by inserting therein after subdivision VI. of paragraph (f) thereof the following subdivision:—

via. for aviation stations or landing grounds established or to be established by any municipal or district council:

Amendment of
principal Act,
s. 31—
Limitation of
holding on
allotment.

3. Section 31 of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof)—

(2) In any case where the Commissioner is of opinion that in the special circumstances it is desirable so to do, he may, on the recommendation of the board, direct that a lease or agreement for Crown lands may be granted to a lessee or purchaser who holds or would then hold lands in excess of the unimproved value aforesaid, but in no case

shall the unimproved value of the land included in any lease or agreement so granted, or, if more than one such lease or agreement is granted, in all such leases and agreements, exceed five hundred pounds.

4. Division V. of Part X. of the principal Act is amended by inserting therein after section 174 the following section :—

Amendment of
principal Act,
Part X.,
Division V.—
Provision in
case of
undeveloped
land.

174a. (1) In any case where the Commissioner is of opinion that, by reason of the undeveloped condition of any block, this section should apply to the agreement in respect of the block, the Commissioner may direct that this section shall apply. In any such case the term of the agreement shall be for fifty-nine years and the purchase-money and the interest thereon shall be payable by the following instalments, namely :—

- I. Five per centum of the purchase-money shall be paid at the time of the application to purchase :
- II. For the first four years of the term of the agreement no instalments of principal or interest shall be payable :
- III. During the next five years of the said term no portion of the purchase-money shall be payable, and interest only at the fixed rate on the balance of the purchase-money shall be payable in half-yearly instalments :
- v. Thereafter the balance of the purchase-money and interest thereon at the fixed rate (including the amount of interest accruing during the first four years of the said term) over the whole term of the agreement shall be payable in such equal half-yearly instalments as will pay the full amount of the balance of the purchase-money and interest as aforesaid during the said term.

(2) Except as provided by paragraph i. of subsection (1), every instalment shall be paid at the end of the period in respect of which it is payable, and not in advance.

(3) The provisions of section 180 shall not apply to any such agreement.

(4) If any application is made to the Commissioner for the transfer of any such agreement the Commissioner may, before giving his consent to the transfer, require the applicant to pay the whole or any part of the interest which has accrued during the first four years of the term of the agreement. If any such amount is paid, the

amount of the half-yearly instalments subsequently falling due shall be decreased ratably to the amount so paid.

(5) In a case in which this section applies, the agreement shall contain the terms, covenants, conditions, and provisions provided for by section 174: Provided that the purchaser shall have the option of completing the purchase at any time after the expiration of six years from the date of the agreement, on paying the purchase-money, or the balance thereof, with interest at the fixed rate on the purchase-money, or on the balances thereof, from time to time remaining unpaid, from the date of the agreement to the date of completion, and complying with all the terms, covenants, conditions, and provisions of the agreement.

Amendment of
principal Act,
s. 220—
Conditions of
surrender.

5. Section 220 of the principal Act is amended—

(a) by striking out paragraph i. of subsection (1) thereof and by inserting in lieu thereof the following paragraphs:—

i. If the lease so surrendered is other than a miscellaneous lease or a perpetual lease subject to revaluation, the unimproved value of the land to be included in the perpetual lease or agreement, and the unimproved value of all other lands held by the lessee or purchaser under any tenure, shall not altogether exceed seven thousand pounds, except where the land to be included in the perpetual lease or agreement is, in the opinion of the Commissioner, suitable only for pastoral purposes:

ia. If the lease so surrendered is a miscellaneous lease or a perpetual lease subject to revaluation, the unimproved value of the land to be included in the perpetual lease or agreement, and the unimproved value of all other lands held by the lessee or purchaser under any tenure, shall not altogether exceed five thousand pounds, except where the land to be included in the perpetual lease or agreement is, in the opinion of the Commissioner, suitable only for pastoral purposes:

(b) by striking out the words "Pastoral Act, 1904," in paragraph ii. of subsection (1) thereof and by inserting in lieu thereof the words "Pastoral Act, 1936, or any Act repealed by that Act"; and

(c) by adding at the end thereof the following subsection :—

(3) For the purposes of subsection (1) hereof, account shall not be taken of the value of lands within the limits of any city or town held by the lessee or purchaser nor of the value of lands held by him under any miscellaneous lease or under lease under the Pastoral Act, 1936, or any Act repealed by that Act.

6. Section 262a of the principal Act is amended by striking out the word “ public ” wherever occurring in the second and fourth lines thereof.

Amendment of
principal Act,
s. 262a—
Disposal of
surplus land.

In the name and on behalf of His Majesty, I hereby
assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2364.

An Act for the further appropriation of the revenue of the State for the year ending on the thirtieth day of June, nineteen hundred and thirty-eight.

[Assented to 8th December, 1937.]

Preamble.

WHEREAS, by certain Acts of the State of South Australia, certain moneys are or may be collected, to be paid to the Treasurer on behalf of His Majesty, His heirs and successors, for the public uses of the said State and support of the Government thereof: And whereas certain other moneys are or may become payable to the said State for the like uses, under the provisions of the Commonwealth of Australia Constitution Act, 63 and 64 Vict. ch. 12—

BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. This Act may be cited as the “Appropriation Act (No. 2), 1937”.

Further issue.

2. Out of the said moneys paid by the Commonwealth of Australia, and the produce of all or any other General Public Revenues of the said State, not otherwise by law specially appropriated, there may be issued, in addition to all sums by any other Act authorised to be issued and applied for defraying the charge of the Government for the year ending on the thirtieth day of June, nineteen hundred and thirty-eight, any further sum or sums not exceeding in the whole fifty-three thousand and seventy-seven pounds.

3. All moneys issued under this Act, not exceeding the sum hereinbefore mentioned, shall be applied and appropriated for the purpose of meeting the expenditure of the departments specified in this section for the year ending the thirtieth day of June, nineteen hundred and thirty-eight.

Appropriation of moneys issued under this Act.

	£	s.	d.
Legislative Council	15	0	0
House of Assembly	15	0	0
Parliamentary Library	14	0	0
Parliament House	25	0	0
Electoral	57	0	0
Government Reporting	72	0	0
Parliamentary Standing Committee on Public Works	7	0	0
Chief Secretary	45	0	0
Statistical (including Principal Registrar of Births, etc., and Public Actuary)	140	0	0
Audit	176	0	0
Printing and Stationery	133	0	0
Police	5,068	0	0
Sheriff and Gaols and Prisons	551	0	0
Inspector-General of Hospitals	4,485	0	0
Children's Welfare and Public Relief	587	0	0
Central Board of Health	48	0	0
Attorney-General (including Registrar of Companies' Office)	73	0	0
Crown Solicitor	95	0	0
Parliamentary Draftsman	20	0	0
Public Trustee	141	0	0
Supreme Court	158	0	0
Adelaide Local Court	168	0	0
Adelaide Police Court (including Children's Court and Traffic Court)	106	0	0
Country Local Courts	105	0	0
Registrar-General of Deeds	352	0	0
The Treasury and Superannuation Fund Branch	231	0	0
Motor Vehicles	326	0	0
Taxation	1,220	0	0
Stamp and Succession Duties	136	0	0
Publicity and Tourist Bureau, and Immigration	218	0	0
Miscellaneous (Treasurer)	273	0	0
Lands	1,260	0	0
Botanic Garden	210	0	0
Government Motor Garage	53	0	0
Soldier Settlement Administration, Lands and Irriga- tion Branches	235	0	0
Miscellaneous (Commissioner of Crown Lands)	120	0	0
Public Works (Office of the Commissioner)	27	0	0
Labour Exchange	53	0	0
Engineering and Water Supply	5,157	0	0
Architect-in-Chief	326	0	0
Government Offices	186	0	0
Cemetery (West Terrace)	74	0	0
Supply and Tender Board—Public Stores Department	463	0	0
Aboriginals	84	0	0
Education	10,290	0	0
Observatory	40	0	0
Industry (including Public Service Commissioner's Office)	69	0	0

	£	s.	d.
Factories and Steam Boilers	200	0	0
Unemployment Relief Council	236	0	0
Minister of Agriculture	28	0	0
Agriculture	759	0	0
Agricultural College	263	0	0
Stock and Brands	163	0	0
Produce	535	0	0
Fisheries and Game	47	0	0
Chemistry	118	0	0
Department of Lands (Irrigation and Drainage)	1,105	0	0
Mines	385	0	0
Harbors Board	2,640	0	0
Railways	12,510	0	0
Miscellaneous (Minister of Railways)	46	0	0
Highways and Local Government.....	335	0	0

Treasurer to pay the orders of Governor, and discharge by receipt of party.

4. The issue and payment by the Treasurer, from time to time, of any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively in that behalf hereinbefore specified, to such persons and in such portions as the Governor has heretofore directed by any order or orders in writing signed by him and countersigned by the Chief Secretary, or may hereafter direct by any order or orders so signed and countersigned, is hereby authorised; and the said Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums have been or are so paid shall be to him a full discharge for the sum or sums for which the same receipts shall be or are respectively given, and the amounts thereof shall be passed to his credit in account accordingly.

Power to issue money other than revenue or money received from the Commonwealth.

5. If the moneys paid by the Commonwealth of Australia and the produce of the General Public Revenues of the State are insufficient to make the payments authorised by section 2 of this Act, moneys may be issued to make good the deficiency out of loan funds or other public funds or out of moneys raised by way of bank overdraft.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2365.

An Act to provide for the establishment of abattoirs at Port Lincoln, and for purposes incidental thereto.

[Assented to 8th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Port Lincoln Abattoirs Act, 1937". Short title

2. This Act, with the exception of sections 1 and 2 thereof, shall commence on a day to be fixed by the Governor by proclamation. Commence-
ment of Act.

3. In this Act, unless the context otherwise requires or some other meaning is clearly intended— Interpretation.

"abattoirs" means the Port Lincoln abattoirs operated pursuant to this Act:

"carcass" includes the whole or any part of the flesh, wool, skin, hide, bones, hair, hoofs, and offal of any stock:

"meat" means the flesh of any slaughtered stock, whether such meat is intended to be consumed within the Port Lincoln abattoirs area or not, and whether it is in its natural state, or has been subjected to any freezing, chilling, salting, or other preservative process:

"Minister" means the Minister of Agriculture:

“ small goods ” means any article of food prepared either wholly or in part from small parts of meat :

“ stock ” means cattle, including horses, sheep, swine, goats, and all other animals which the Governor from time to time, by proclamation, declares to be stock for the purposes of this Act, but does not include poultry.

Port Lincoln
abattoirs
area.

4. (1) The Port Lincoln abattoirs area shall, subject to any alterations thereof effected under this section, consist of the municipality of Port Lincoln.

(2) The Governor may by proclamation alter the Port Lincoln abattoirs area as existing for the time being, by including additional territory therein or excluding any territory therefrom.

Erection of
abattoirs.

5. The Minister may—

- (a) erect, establish and maintain abattoirs either within or outside the Port Lincoln abattoirs area for the purpose of serving the Port Lincoln abattoirs area :
- (b) for the purposes of such abattoirs make, establish, and erect all such railway sidings, buildings, works, cold storage plant, machinery, fixtures, fittings, and other works and plant as he considers necessary, and may from time to time alter, remove, and extend the same.

Restriction
on the
slaughter of
stock.

6. Except as provided by the regulations or by a permit under this Act, while abattoirs are available under this Act for slaughtering stock for consumption within the Port Lincoln abattoirs area—

- (a) no person other than the Minister or his servants shall within the Port Lincoln abattoirs area, elsewhere than at the abattoirs, slaughter or allow or cause to be slaughtered any stock for sale, or dress or allow or cause to be dressed any carcass for sale ; and
- (b) no person shall within the Port Lincoln abattoirs area sell or expose for sale or allow or cause to be sold or exposed for sale any carcass or meat not slaughtered at the abattoirs.

Time when
abattoirs
available.

7. For the purposes of this Act the abattoirs shall be deemed to be available for slaughtering stock for consumption within the Port Lincoln abattoirs area at all times after the commencement of this Act except times during which the Minister by notice in the *Gazette* and a newspaper circulating in Port Lincoln declares the abattoirs to be closed to the slaughtering of stock.

8. (1) No council or board of health shall, save as is in this section provided, license any slaughter-house within the Port Lincoln abattoirs area ; and any licence for a slaughter-house existing at the commencement of this Act shall upon such commencement, cease to be of any effect.

Private
abattoirs
not to be
licensed.

(2) This section shall not apply to any slaughter-house or abattoirs used or intended to be used only—

- (a) for curing bacon and ham ; or
- (b) for the purpose of slaughtering stock for export otherwise than as fresh meat in a chilled or frozen condition.

9. No person shall be liable to any punishment for an offence against section 6 in respect of any meat or carcass which he proves to the satisfaction of the court was not sold or intended to be used for human consumption.

Exemption
of meat not
for human
consumption.

10. (1) The Minister or any person authorised by him in writing to grant permits under this section may, on application duly made and payment of the prescribed fee, grant any person a permit authorising him—

Permits to
import meat
into Port
Lincoln
abattoirs area.

- (a) to bring into the Port Lincoln abattoirs area any carcass or meat specified in the permit ; or
- (b) to slaughter within the Port Lincoln abattoirs area elsewhere than at the abattoirs any such carcass or meat ; and
- (c) to sell and expose for sale within the Port Lincoln abattoirs area any carcass or meat so brought in or slaughtered.

(2) Every such permit shall be for such period and contain such terms and conditions as the Minister determines.

(3) If any person contravenes any term of a permit issued under this section he shall be guilty of an offence and liable to a penalty of twenty pounds.

11. The Governor may make any regulations necessary or convenient for carrying this Act into effect and for exempting any stock carcasses or meat from the operation of this Act ; and may by any regulation prescribe penalties not exceeding ten pounds for breach of any regulation.

Regulations.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2366.

An Act to empower the Governor to lease certain lands to The Municipal Tramways Trust, to resume certain lands leased to The Municipal Tramways Trust, and for other purposes.

[Assented to 8th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Municipal Tramways Trust (Leases) Act, 1937".

(2) The Municipal Tramways Trust Act, 1935, as amended by this Act, may be cited as the "Municipal Tramways Trust Act, 1935-1937".

(3) The Municipal Tramways Trust Act, 1935, is hereinafter referred to as "the principal Act".

Amendment of
principal Act,
Part VIII.—

2. Part VIII. of the principal Act is amended by inserting therein after section 86 the following sections :—

Leasing of
land at Port
Adelaide.
Cf. 936, 1907,
s. 2.

86a. (1) The Governor is hereby authorised and empowered to lease to the Trust all those pieces of land in the hundred of Port Adelaide shown in the plan signed "C. M. Hambidge, Acting Surveyor-General", deposited in the Land Office on the first day of November, nineteen hundred and thirty-seven, and numbered No. 326, which said pieces of land are therein marked "A" and margined green.

(2) The said lease shall be for a term expiring on the thirty-first day of July, nineteen hundred and fifty, at a yearly rental of an amount equal to four pounds per centum

on the value thereof calculated in the cases of the pieces of land numbered 376 and 378 in the said plan at two hundred and fifty pounds per acre, and calculated in the case of the piece of land numbered 377 in the said plan at one thousand two hundred pounds per acre, and upon such terms and conditions and subject to such restrictions as are approved by the Governor, including a right of renewal, which renewal the Governor is hereby authorised and empowered to grant as from the expiration of the said term for a further term of forty-two years upon the like terms and conditions, except that the yearly rental to be reserved upon such renewal shall be of an amount equal to four pounds per centum on the then estimated unimproved value of the said pieces of land.

*Renewed
Lease
10/11/62
ML 11684*

(3) Upon the granting of a lease pursuant to subsection (1), the piece of land comprised in miscellaneous lease No. 7284 granted to the Trust pursuant to The Tramways Trust Crown Lease Act, 1907, and shown in the said plan and therein marked "B" and margined pink, shall be deemed to be resumed to the Crown. Upon the resumption pursuant to this subsection of the said piece of land, the said lease shall be deemed to be cancelled so far as regards the said piece of land so resumed and the rental payable under the lease shall be reduced proportionately.

86b. (1) The Governor is hereby authorised and empowered to lease to the Trust the piece of land in the hundred of Adelaide shown in the plan referred to in section 86a and therein marked "C" and margined green.

Leasing of
land at
Hackney.
Cf. 1902, 1929,
s. 2.

(2) The said lease shall be for a term expiring on the thirty-first day of July, nineteen hundred and fifty, at a yearly rental of an amount equal to four pounds ten shillings per centum on the value of the said land calculated at two thousand five hundred pounds per acre, and upon such terms and conditions and subject to such restrictions as are approved by the Governor, including a right of renewal, which renewal the Governor is hereby authorised and empowered to grant as from the expiration of the said term for a further term of forty-two years upon the like terms, except that the yearly rental to be reserved upon the said renewal shall be an amount equal to four pounds ten shillings per centum per annum on the then estimated unimproved value of the said piece of land.

*ML
11685*

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2367.

An Act to amend the Phylloxera Act, 1936.

[Assented to 8th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the “Phylloxera Act Amendment Act, 1937”.

Short titles.

(2) The Phylloxera Act, 1936, as amended by this Act, may be cited as the “Phylloxera Act, 1936-1937”.

(3) The Phylloxera Act, 1936, is hereinafter referred to as the “principal Act”.

Amendment of
principal Act
s. 5—
Interpretation.

2. Section 5 of the principal Act is amended by striking out the definition of “owner” therein and by inserting in lieu thereof the following definition :—

“owner” means—

(a) the owner in fee simple :

(b) the purchaser under an agreement for sale and purchase of land with the Crown :

(c) the lessee under a perpetual lease granted by the Crown :

Repeal of
principal Act

3. Section 12 of the principal Act is repealed.

4. Section 16 of the principal Act is amended so as to read as follows :—

Amendment of
principal Act,
s 16—

16. (1) The chairman of the board shall be paid a fee of two pounds for every meeting of the board attended by him and any other member shall be paid a fee of one pound for every meeting of the board attended by him.

Payment of
members.

(2) If any member of the board is by the direction of the board engaged upon any business of the board (other than at a meeting of the board) he shall be paid a fee of one pound for every day or part thereof during which he is so engaged.

(3) Any member may be paid his actual and necessary travelling expenses whilst engaged upon any business of the board.

(4) All fees and expenses paid pursuant to this section shall be paid out of the fund.

5. The principal Act is amended by inserting therein after section 29 the following section :—

Amendment of
principal Act—

29a. Any rate declared in respect of any vineyard shall, until payment, be a charge upon the land upon which the vineyard is situated.

Rates to be
charge upon
land.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2368.

An Act to amend the Administration and Probate Act, 1919-1936, and for other purposes.

[Assented to 8th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the “ Administration and Probate Act Amendment Act, 1937 ”.

(2) The Administration and Probate Act, 1919-1936, as amended by this Act, may be cited as the “ Administration and Probate Act, 1919-1937 ”.

(3) The Administration and Probate Act, 1919-1936, is hereinafter referred to as “ the principal Act ”.

Amendment of principal Act, s. 61—
Administration of insolvent estates.

2. (1) Section 61 of the principal Act is amended by inserting after the passage “ section 60 ” in the fifth line thereof the words “ and in any administration by the Court of the assets of any deceased person whose estate is insufficient for the payment in full of the debts and liabilities of the deceased ”.

(2) Section 5 of the Statute Law Revision Act, 1937, is repealed.

Amendment of principal Act—

3. Sections 112 and 113 of the principal Act are repealed and the following section is enacted in lieu thereof :—

Charges of Public Trustee.

112. (1) In order to defray the expenses incidental to the establishment and maintenance of the office of the Public Trustee, there shall be charged on any property which becomes vested in him, or which comes into his possession or under his management or control, in addition to the amount of his proper expenses in connection with such money or property, a commission in respect of his services in connection therewith according to the scale for

the time being in force under rules made under section 122 : Provided that, until a scale is prescribed by rule so made and in force, the scale in force at the commencement of the Administration and Probate Act Amendment Act, 1937, shall apply.

(2) In any case, such commission and the money so expended may be deducted by the Public Trustee from the money received by him as aforesaid, or from any moneys in the same estate or trust or fund which are so received ; or, with the approval of a Judge, such commission and the moneys so expended, together with the costs and expenses of raising the same, may be raised by sale or mortgage of, or other charge on, any property of the estate or trust or fund in respect of which the services were rendered.

(3) The Court or a Judge may direct what part or parts of an estate or trust shall bear the burden of any commission or expense provided for by this section, and in what proportions (if any) such burden is so to be borne.

(4) All moneys so deducted or raised shall be paid by the Public Trustee, together with any fines which have been received by him, to the Treasurer, who shall carry the same to a separate account, to which shall be charged the expenses of or incidental to the establishment and maintenance of the said office.

(5) Notwithstanding anything in this section, the Court or a Judge may in any case, upon application by the Public Trustee or any person interested, if it or he considers that there are special circumstances which warrant so doing—

- (a) fix the commission to be charged at a higher or a lower rate than that prescribed and applicable to the particular case ; or
- (b) direct that no commission be charged.

4. Section 122 of the principal Act is amended by inserting therein after paragraph (e) of subsection (1) thereof the following paragraph :—

Amendment of
principal Act,
s. 122—
Rules.

(e1) for prescribing the scale of commission to be charged pursuant to section 112, and how and when such commission is to be calculated and collected or retained :

5. The second schedule to the principal Act is repealed.

Repeal of
second
schedule.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2369.

An Act to amend the Fibre and Sponges Act, 1909-1935.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Fibre and Sponges Act Amendment Act, 1937".

(2) The Fibre and Sponges Act, 1909-1935 (as amended by this Act) may be cited as the "Fibre and Sponges Act, 1909-1937".

Incorporation.

2. This Act is incorporated with the Fibre and Sponges Act, 1909-1935, and that Act and this Act shall be read as one Act.

Enactment of principal Act, s. 7a.

3. The following section is hereby enacted and inserted in the Fibre and Sponges Act, 1909-1935, after section 7 thereof:—

Exemption from royalty.

7a. Notwithstanding any other provision of this Act, where any fibre removed within the period of three years commencing on the first day of December, nineteen hundred and thirty-seven, from any area held under a licence under this Act, has been used in the manufacture of goods within the State, no royalty shall be payable in respect of that fibre or the profits derived therefrom.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2370.

An Act to amend The Markets Clauses Act, 1870-1935.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as “The Markets Clauses Act Amendment Act, 1937”. Short titles.

(2) The Markets Clauses Act, 1870-1935, as amended by this Act may be cited as “The Markets Clauses Act, 1870-1937”.

(3) The Markets Clauses Act, 1870-1935, is in this Act called “the principal Act”.

2. The following section is enacted and inserted in the principal Act after section 26 thereof:—

Enactment of
s. 26A of the
principal Act—

26a. (1) Any person who exposes any goods or commodities for sale in the market place or in the immediate approaches thereto, or who in pursuance of any order solicited or obtained in the market place or the immediate approaches thereto delivers any goods or commodities in the market place or the immediate approaches thereto shall be guilty of an offence unless—

Requirements
to be observed
by persons
selling goods,
soliciting
orders, &c.

- (a) he is in lawful occupation of a shop, stall, stand, bench or ground space in the market for which he has paid the proper toll, rent, or stallage; or
- (b) he is acting in accordance with a written permit issued to him by the undertakers and for the time being in force and authorising the act in question.

Penalty : A fine not exceeding two pounds.

This subsection shall not apply—

- (a) where goods or commodities are delivered to the lessee of a shop or store leased from the undertakers of the market ;
- (b) where the person delivering the goods or commodities is the lawful occupant of a shop, stall, stand, bench or ground space in any other fruit or produce market.

(2) Every such permit shall—

- (a) be in such form and be issued in respect of such period as the undertakers determine :
- (b) specify the nature of the acts or conduct thereby authorised, and shall be deemed to authorise only acts or conduct of the nature so specified.

For any such permit the undertakers may charge such reasonable fees as they may from time to time appoint, but such fees shall not exceed the rate of one pound for every month. The undertakers shall cause a board containing a list of such fees to be set up in a conspicuous place in the market place.

(3) For the purposes of this section no part of a public road or public street shall be regarded as being the immediate approaches to a market.

(4) This section shall be incorporated with and form part of the Adelaide Fruit and Produce Exchange Act, 1903, and the East End Market Act, 1872.

Repeal of s. 40
of principal
Act.

3. Section 40 of the principal Act is repealed.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant Governor.



ANNO PRIMO

GEORGII VI REGIS.

. A.D. 1937.

No. 2371.

An Act to amend the South Australian Housing Trust Act, 1936.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof as follows :

1. (1) This Act may be cited as the “South Australian Housing Trust Act Amendment Act, 1937 ”. Short titles.

(2) The South Australian Housing Trust Act, 1936 (as amended by this Act) may be cited as the “South Australian Housing Trust Act, 1936-1937 ”. 2333, 1936

(3) The South Australian Housing Trust Act, 1936, is in this Act referred to as “the principal Act ”.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation.

3. Section 25 of the principal Act is amended so as to read as follows :— Amendment of principal Act, s. 25—

25. (1) The cost of any house built under this Act (including the cost of the site of the house, the fences, and the sewerage) shall not exceed— Cost of houses.

(a) if the house is of group A, eight hundred and twenty times the daily living wage at the time when the contract for the building of the house is made, or five hundred pounds, whichever is the less.

(b) if the house is of group B, six hundred and forty times the daily living wage at the time when the contract for the building of the house is made.

South Australian Housing Trust Act Amendment Act, 1937.

(2) In this section "living wage" means the living wage per day for male adult employees as last previously declared under the Industrial Code, 1920-1936, for the area in which the particular house is situated.

Amendment of
principal Act,
s. 27—
Terms of
letting of
houses of
group A.

4. (1) Paragraph (a) of subsection (1) of section 27 of the principal Act is amended by striking out the words "four pounds ten shillings" and inserting in lieu thereof "eight and a quarter times the daily living wage".

(2) Paragraph (c) of subsection (1) of section 27 of the principal Act is amended so as to read as follows:—

(c) The Trust shall let the houses of group A at such rents as the Trust decides: Provided that the aggregate rents charged in any year by the Trust for all houses of group A shall not exceed eight per cent. of the total capital cost to the Trust of those houses.

(3) The following subsection is added at the end of section 27 of the principal Act:—

(3) In this section "living wage" means the living wage per day for male adult employees as last previously declared under the Industrial Code, 1920-1936, for the area in which the particular house is situated.

Enactment of
s. 29a—

5. The following section is hereby enacted and inserted in the principal Act after section 29 thereof:—

Power of Trust
to carry out
conditions of
gifts.

29a. If the Trust receives any gift, devise or bequest for the purpose of assisting it to provide houses, and that gift, devise or bequest is subject to any trust, condition or stipulation which cannot by reason of any other provision of this Act be given effect to, the Trust may, notwithstanding that provision, give effect to the trust, condition or stipulation, if it is otherwise in accordance with law.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2372.

An Act to provide for the establishment and maintenance of an Institute of Medical and Veterinary Science and for purposes incidental thereto.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Institute of Medical and Veterinary Science Act, 1937". Short title.
2. This Act shall commence on a day to be fixed by the Governor by proclamation. Commencement of Act.
3. In this Act, unless the context otherwise requires or some other meaning is clearly intended— Interpretation.
 - "Minister" means the Minister of the Crown for the time being holding the office of Minister of Health :
 - "the council" means the Council of the Institute of Medical and Veterinary Science :
 - "the director" means the Director of the Institute of Medical and Veterinary Science :
 - "the institute" means the Institute of Medical and Veterinary Science established under this Act.
4. (1) There shall be an Institute of Medical and Veterinary Science. Establishment of institute and council.
 - (2) The institute shall be under the control and management of a council constituted as provided in this Act.
 - (3) The name of the council shall be "The Council of the Institute of Medical and Veterinary Science".

(4) The council shall be a body corporate with perpetual succession and a common seal and shall be capable of suing and being sued in its corporate name.

(5) All courts, judges and persons acting judicially shall take judicial notice of the seal of the council affixed to any document and shall presume that it was duly affixed.

(6) The council shall, subject to this Act, have power to hold lands, tenements, hereditaments, goods, chattels and other property of all kinds for the purposes of and subject to this Act.

Members of
council.

5. (1) The council shall consist of—

- (a) the person for the time being holding the office of Director-General of Medical Services of the State, or if that office is vacant, the person for the time being acting in that office :
- (b) two other members of the Board of Management of the Adelaide Hospital :
- (c) two persons nominated by the Council of the University of Adelaide :
- (d) a person whose business is or includes the raising of stock and who shall be appointed by the Governor.

(2) The Governor shall, from time to time, appoint members of the council to be chairman and deputy chairman thereof respectively.

(3) Subject to the other provisions of this Act, the chairman and every member of the council shall hold office for five years from the time fixed by the Governor by notice in the *Gazette* as the time when his appointment takes effect : Provided that a chairman or a member appointed to fill a casual vacancy shall hold office only for the balance of the term of his predecessor.

(4) If for any reason the chairman is unable to carry out his duties, the deputy chairman shall act as chairman during the period of such inability ; and if for any reason any other member of the council is unable to carry out his duties the Governor may appoint some other person to act as a member during the period of such inability. Where the member unable to act was appointed after nomination, a similar nomination shall be required for the appointment of a member to act in his place.

(5) If the Council of the University of Adelaide, after being requested by the Minister to make any nomination necessary

under subsection (1) of this section, fails to do so within two months after receiving the request, the Governor may appoint a person to the seat in respect of which the nomination is requested without any nomination.

6. (1) The seat of any member of the council shall become vacant if he— Casual vacancies.

(a) dies :

(b) resigns :

(c) absents himself without permission of the council from more than four consecutive meetings of the council :

(d) becomes a mentally defective person within the meaning of the Mental Defectives Act, 1935-1936 :

(e) is removed from his office by the Governor for misbehaviour or incapacity :

(f) ceases to hold any office or qualification which he is required to hold as a member of the council.

(2) The chairman and every member of the council shall retire upon attaining the age of seventy years.

7. The chairman or acting chairman and any three other members of the council shall form a quorum for the transaction of the business of the council. Quorum.

8. (1) The first meeting of the council shall be convened by the chairman and thereafter meetings of the council shall be held at the times and places determined by the council. Meetings of council.

(2) The business of the council shall be conducted in such manner as the council determines.

9. (1) There shall be a director and a deputy director of the institute. Director of the institute.

(2) Edward Weston Hurst shall be the first director and shall be entitled to hold office for five years as from the commencement of this Act but may be reappointed by the Governor.

(3) Every subsequent director and every deputy director shall be appointed by the Governor on the recommendation of the council and on such terms and conditions as are approved by the Governor on the like recommendation.

(4) Every director and every deputy director shall receive such remuneration as the Governor on the recommendation of the council determines : Provided that the remuneration

of the said Edward Weston Hurst, during the first five years for which he holds office under this Act, shall be at a rate not less than that at which he is being remunerated at the time of the commencement of this Act.

(5) The director shall be the principal executive officer of the council and, subject to the directions of the council, shall be responsible for the control and management of the institute.

(6) If for any reason the director is unable to carry out his duties as director the deputy director shall carry out the duties, and have all the powers and authorities of the director, during the period of such inability.

Staff of the
institute

10. (1) The Governor, on the recommendation of the council, may appoint such officers as are required to carry out the work of the institute.

(2) Such officers shall, unless the Governor otherwise determines, be public servants within the meaning of the Public Service Act, 1936, and unless the Governor otherwise determines shall be subject to the Superannuation Act, 1926-1936.

(3) Those officers of the council who are not public servants within the meaning of the Public Service Act, 1936, shall be appointed at such salary and for such period and on such other terms and conditions as are recommended by the council.

(4) The director shall in relation to those officers of the institute who are subject to the Public Service Act, 1936, be deemed for the purposes of that Act to be the head of the department in which those officers are employed.

(5) The council may appoint any employees of the institute other than the members of the salaried staff thereof, at such remuneration and for such period and on such other terms and conditions as are approved by the Minister on the recommendation of the council.

Power of
council to
secure
assistance from
Government
Departments.

11. The council may with the approval of the Minister administering any department of the Public Service make use of the services of any officers employed in that department on any terms agreed upon.

Power of
council to
grant leave of
absence.

12. The council may grant to any person in its employment who is not subject to the Public Service Act, 1936, any leave of absence (whether with or without pay) which the council thinks proper.

Trust fund and
financial
provisions.

13. (1) For the purpose of this Act there shall be a trust fund kept at the Treasury and known as "The Institute of Medical and Veterinary Science Trust Fund".

(2) The Treasurer shall in each of the five financial years commencing with the financial year 1938-1939 pay into the said trust fund the sum of ten thousand pounds; and this Act, without any further or other appropriation, shall be a sufficient authority for making such payments.

(3) There shall also be paid into the said trust fund all fees and revenue earned by the council, and all other money received by the council from any source for purposes of the institute.

(4) The following expenditure in connection with the institute shall be defrayed by the Government of the State out of moneys to be provided by Parliament for the purpose :—

(a) interest on and sinking fund payments in respect of any loan moneys expended on the construction of the buildings of the institute :

(b) the cost of maintaining, repairing, and replacing the buildings of the institute and the fixtures, furniture, and equipment thereof (other than scientific instruments) :

(c) water and sewerage rates :

(d) payments into the South Australian Superannuation Fund on account of pensions payable to officers of the institute :

(5) Subject to any agreement or arrangement under section 18 of this Act all expenditure incurred in connection with teaching carried on at the institute by or on behalf of the University of Adelaide shall be defrayed by that University.

(6) All expenditure incurred in connection with the management and work of the institute, except expenditure which is defrayed by the University of Adelaide or the Government of the State, shall be paid out of the said trust fund.

14. The Auditor-General shall audit the accounts of the Board annually. For the purpose of the conduct of any such audit the Audit Act, 1921-1936, shall apply as if the institute were a Department of the Public Service. Audit.

15. (1) The Governor may, subject to such terms and conditions as he thinks proper, grant the council the right to use and occupy for the purposes of the institute any land and buildings of the Crown. Power of Governor to grant use of premises to institute.

(2) Any Minister of the Crown or other public authority may, subject to such terms and conditions as he or it thinks proper, grant the council the right to use for the purposes of the institute any plant or equipment under the control of such Minister or public authority.

Application of
Public Supply
and Tender
Act, 1914-1930.

16. The Public Supply and Tender Act, 1914-1930, shall apply to and in respect of all stores, materials and other requisites required by the council: Provided that in any case of emergency the council may without complying with The Public Supply and Tender Act, 1914-1930, purchase any stores, materials and requisites which are urgently required, and the price of which does not exceed twenty-five pounds.

Duties and
functions of
the council.

17. (1) It shall be the duty of the council to establish and maintain an institute of medical science for the following purposes, namely :—

- (a) Research into the diseases of human beings and animals and into problems connected with such diseases :
- (b) Furnishing the Adelaide Hospital and any Minister of the Crown (without cost to the Hospital or Minister) such services in pathology, bacteriology and biochemistry and other allied sciences as the Board of Management of the Adelaide Hospital or the Minister requires :
- (c) Performing such work for public authorities, medical practitioners, and the public as the council thinks proper :
- (d) Providing such facilities as the council thinks proper for any person to conduct research at the institute :
- (e) Providing the University of Adelaide, in accordance with any agreement or arrangement made under this Act, with the use of any premises, plant or equipment of the institute.

(2) For any such work as mentioned in paragraph (c) of subsection (1) of this section, the council may charge such fees as are prescribed, and if no fees are prescribed for the particular work, such fees as the council fixes.

The person for the time being holding the office of Director-General of Medical Services in the employment of the Government of the State, shall be entitled to recover on behalf of the council by action in his own name in any court having jurisdiction up to the amount claimed, any fees due to the council under this subsection.

(3) The council shall pay such fees into the trust fund established under section 13.

Agreements
with the
University.

18. The council may enter into and carry out agreements or arrangements with the University of Adelaide under which the council undertakes—

- (a) to grant to the University or any persons nominated by the University rights to use and occupy the

buildings of the institute or any parts thereof, and to use any plant or equipment (other than scientific equipment) of the institute ;

- (b) to furnish the said University with any services which it may require and which can conveniently be furnished by the institute.

19. The Commissioners of Charitable Funds holding office under the Public Charities Funds Act, 1935, may grant to the council for the purpose of the institute, out of any moneys which the said Commissioners hold upon trust for the benefit of the Adelaide Hospital, such sums of money as the said Commissioners think fit.

Grants by Commissioners of Charitable Funds.

Any such sums of money so granted by the said Commissioners before the commencement of this Act shall be deemed to have been lawfully granted.

20. The Council shall, as early as convenient after the end of each financial year, furnish the Minister with a report on the work of the institute during that year, and the Minister shall cause the report to be laid before each House of Parliament.

Annual report.

21. The Governor on the recommendation of the council may make any regulations which he deems necessary or convenient for the due administration of this Act, including regulations—

Regulations.

- (a) necessary or convenient for the proper management of the institute and for facilitating its work ; and
- (b) for prescribing the fees to be charged by the council for work done for public authorities, medical practitioners and the public ; and
- (c) for protecting the institute and the plant and equipment therein against damage, defilement or loss ; and
- (d) for prescribing penalties recoverable summarily and not exceeding ten pounds for breach of any regulation.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2373.

An Act to amend the Metropolitan and Export Abattoirs Act, 1936.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. (1) This Act may be cited as the "Metropolitan and Export Abattoirs Act Amendment Act, 1937".

2291, 1936.

(2) The Metropolitan and Export Abattoirs Act, 1936, as amended by this Act, may be cited as the "Metropolitan and Export Abattoirs Act, 1936-37".

(3) The Metropolitan and Export Abattoirs Act, 1936, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act.

Amendment of s. 41 of the principal Act—
Councillors eligible to be auditors.

3. (1) Subsection (2) of section 41 of the principal Act is amended by striking out therein the words "and members of the council of any municipality or district within or partly within the metropolitan abattoirs area".

Term of auditors not limited to two years.

(2) Subsection (3) of section 41 is amended by striking out therein the words "but shall not hold office for more than two consecutive years" and inserting in lieu thereof the word "from time to time".

Enactment of s. 52a of the principal Act—

4. The following heading and section are enacted and inserted in the principal Act after section 52 thereof:—

*Licensing of Premises used for Slaughtering Stock
for Export.*

Licensing of export meat works.

52a. (1) No person shall in any part of the State outside the Metropolitan Abattoirs Area use any premises for the

purpose of slaughtering stock for export as fresh meat in a chilled or frozen condition unless he is the holder of a licence from the Minister of Agriculture authorising him to use those premises for that purpose.

Any person who contravenes this subsection shall be guilty of an offence and liable to a fine not exceeding one hundred pounds and in the case of a continuing offence to an additional fine not exceeding twenty pounds for every day on which the offence continues.

(2) The Minister of Agriculture shall have a discretion to grant or refuse any application for a licence under this section after due consideration of the following matters :—

- (a) whether the applicant is a fit and proper person to hold a licence under this section ; and
- (b) whether the place where it is proposed to establish the premises to be used under the licence is a suitable place for the establishment of such premises ; and
- (c) whether the premises are necessary to meet the requirements of the public :

Provided that the Minister shall not refuse an application for such a licence if the premises for which the licence is required are to be erected at least eighty miles from all premises, existing at the date of such application, and established within the State for the purpose of slaughtering stock for export as aforesaid.

(3) Every licence shall be for such period and contain such restrictions, terms and conditions as the Minister thinks proper.

(4) This section shall not apply to the Government Produce Department.

5. The following section is hereby enacted and inserted in the principal Act after section 59 thereof :—

Enactment of
s. 59A of the
principal Act—

59a. (1) In addition to any other borrowing powers the board may borrow from such persons or institutions and on such terms and conditions as it thinks fit any sums of money which it requires for the purpose of carrying out its duties and functions and defraying its expenditure under this Act.

Borrowing
powers of
board.

(2) Notwithstanding any other provision of this Act, the board may enter into any arrangement with the Treasurer or with any person or institution which has

lent money to the board, for the funding of any loans and the repayment thereof on any terms which may be arranged. When any such arrangement is made the period of forty-two years mentioned in paragraph (d) of section 60 of this Act shall in relation to the loans so funded, commence from the date when the arrangement comes into operation.

Enactment of
s. 65A. of the
principal Act—

6. The following section is enacted and inserted in the principal Act after section 65 thereof :—

Provision for
annulling
certain
claims.

65a. No constituent council shall be entitled to—

(a) any profits earned at any time by the Metropolitan Abattoirs Board in connection with its operations under the Metropolitan and Export Abattoirs Acts, 1908-1930, or any share of those profits :

(b) any damages, compensation or other legal remedy of any kind on the ground that the said Metropolitan Abattoirs Board failed to distribute among the constituent councils any profits earned at any time by it under the Metropolitan Abattoirs Acts, 1908-1930, or otherwise failed to comply with any provision of those Acts.

Amendment of
s. 77 of the
principal Act—

7. Section 77 of the principal Act is repealed and the following sections are enacted and substituted in lieu thereof :—

Conditions
under which
meat may be
brought into
the metro-
politan
abattoirs
area.

77. (1) Subject to subsections (5) and (6) of this section no person shall bring into the metropolitan abattoirs area from any place outside that area any carcass or meat which has been derived from stock slaughtered outside that area unless he has obtained from the board a permit under this section.

Penalty : A fine not exceeding fifty pounds.

(2) The board may on application duly made and payment of such reasonable fee as the board fixes, but not exceeding one pound, grant a permit under this section for any of the following purposes :—

(a) To authorise any person to bring into the metropolitan abattoirs area boneless beef or buttocks, topsides or silversides of beef intended for human consumption, or fresh pork to be cured as bacon :

(b) To authorise any person who carries on the business of breeding and rearing dogs for sale, or training racing dogs, to bring into the metropolitan abattoirs area carcasses of stock for consumption by dogs :

- (c) To authorise any person to bring any specified carcass or meat into the metropolitan abattoirs area in any other circumstances which in the board's opinion, justify the grant of a permit under this section.
- (3) Any permit granted under this section—
- (a) may, if it applies to any meat intended for human consumption, authorise the sale and exposure for sale of such meat :
- (b) shall, notwithstanding any other provision of this Act, render lawful anything done in accordance with its terms and conditions :
- (c) shall set out the period for which, and the terms and conditions on which, it is granted :
- (d) may require the person to whom it is granted to submit the meat or carcass mentioned in the permit for inspection and branding and to pay a reasonable fee for such inspection and branding.
- (4) No holder of a permit under this section shall contravene any term or condition thereof.

Penalty : A fine not exceeding twenty pounds.

(5) No person shall be liable to any penalty under this Act if he shows that any carcass or meat brought by him into the metropolitan abattoirs area without a permit was so brought in for consumption by himself and the members of his household.

(6) This section shall not apply to any carcass, part of a carcass, or meat which has been brought into the metropolitan abattoirs area from outside that area, and in respect of which the requirements prescribed by paragraph (c) of section 70, or by section 76 of this Act have been complied with, nor to poultry.

77a. (1) The Board may as an administrative act on application duly made and payment of such reasonable fee as the board fixes, grant a permit to authorise the Dogs Rescue Home Incorporated, or any person who carries on the business of breeding and rearing dogs for sale or training racing dogs, or who breeds, rears, and keeps hounds for hunting with any hunt club, to slaughter within the Metropolitan Abattoirs area such stock as the Board specifies in the permit, for consumption by dogs.

Permits to
slaughter
stock for
consumption
by dogs.

(2) Any permit granted under this section—

- (a) shall set out the period for which and the terms and conditions on which it is granted ;

Metropolitan and Export Abattoirs Act Amendment Act, 1937.

(b) shall, notwithstanding any other provision of this Act, render lawful anything done in accordance with its terms and conditions.

(3) No holder of a permit under this section shall contravene any term or condition of that permit.

Penalty: A fine not exceeding twenty-five pounds.

Amendment of
principal Act,
s. 86—

Duty of
owners as to
stock dying.

8. Section 86 of the principal Act is amended by striking out the words “an inspector” in the first line of paragraph (a) thereof and inserting in lieu thereof the words “the general manager of the abattoirs”.

Amendment of
s. 87 of the
principal Act—

Evidentiary
provisions.

9. Section 87 of the principal Act is amended by inserting the following subsections at the end thereof:—

(4) In any proceedings for an offence under this section relating to portion of a carcass, if it is proved that the portion of a carcass in question was unbranded while in the defendant's possession, it shall be presumed that the carcass of which it was a portion had not been branded as required by this Act unless the defendant proves the contrary.

(5) Every carcass or portion of a carcass or any meat or smallgoods which is or are on the premises of any person carrying on within the metropolitan abattoirs area the business of selling meat shall be deemed to be offered, kept or exposed for sale according to the nature of the offence charged. In this subsection “the premises of any person” includes any shop occupied by that person or by any member of his family, and any land or building which is adjacent to the shop, or forms part of the same premises as the shop, and is occupied by the person who occupies the shop or by any member of his family.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2374.

An Act to amend the Friendly Societies Act, 1919-1936.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Friendly Societies Act Amendment Act, 1937". Short titles.

(2) The Friendly Societies Act, 1919-1936, as amended by this Act, may be cited as the "Friendly Societies Act, 1919-1937".

(3) The Friendly Societies Act, 1919-1936, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation.

3. Section 10 of the principal Act is amended by inserting therein after subsection (2) the following subsection:— Amendment of s. 10 of the principal Act—

(2a) Any society having branches may, by its general laws or rules, make provision for the establishment out of the funds of the society or otherwise of a reserve to make good losses caused by the dishonesty or neglect of any officer of any branch of the society, or of any person appointed to an office of any branch of the society.

Power of societies to make general laws or rules.

Amendment of
s. 18 of the
principal Act—

4. Section 18 of the principal Act is amended by adding at the end of subsection (1) thereof the following :—

Exemptions.

Provided that if the Public Actuary is of opinion that by reason of the arrangements made by any society having branches for safeguarding its funds held by branches, or by reason of the small risk of loss of such funds, or for any other adequate reason it is proper to grant an exemption from this section in respect of the society, he may by a written certificate exempt all or any of the officers of any branch of the society, or all or any of the other persons appointed to offices in any branch of the society, from the obligation to comply with this section. Every such certificate shall be for such period and on such terms and conditions as the Public Actuary thinks fit.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2375.

An Act to amend the Public Service Act, 1936.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Public Service Act Amendment Act, 1937". Short titles.

(2) The Public Service Act, 1936, as amended by this Act, may be cited as the "Public Service Act, 1936-1937".

(3) The Public Service Act, 1936, is in this Act referred to as "the principal Act".

2. This Act is incorporated with the principal Act, and this Act and that Act shall be read as one Act. Incorporation.

3. Section 49 of the principal Act is amended as follows :—

(a) The words and figures "and section 75" are inserted at the end of subsection (5) :

(c) Subsection (6) is repealed.

Amendment of s. 49 of the principal Act—
Long service leave for temporary employees.

4. Subsection (1) of section 74 of the principal Act is amended by inserting at the end thereof the following passage :—

Where any person employed by the Government of the State as a daily or weekly paid employee is appointed to an office in the public service, his service as a daily or weekly paid employee, if continuous with his service as an officer of the public service, shall be counted as service in the public service for purposes of this subsection.

Amendment of s. 74 of the principal Act—
Leave of absence for recreation.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2376.

An Act to enact certain provisions for facilitating the consolidation of certain regulations, rules, and by-laws.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. This Act may be cited as the " Consolidation of Regulations Act, 1937 ".

Consolidation
of regulations

2. (1) Where any regulations, rules or by-laws to which this Act applies—

- (a) have before the making thereof been certified by the Attorney-General to be a correct consolidation of any previously existing regulations, rules or by-laws ; and
- (b) have the said certificate of the Attorney-General appended at the foot thereof ; and
- (c) have received any confirmation, approval or assent required by law ; and
- (d) have been published in the *Gazette*,

such regulations, rules or by-laws shall come into operation upon the date mentioned therein, or if no date is so mentioned, upon the date of their being published in the *Gazette*, and section 38 of the Acts Interpretation Act, 1915-1936, shall not apply to such regulations, rules or by-laws.

(2) The Attorney-General shall not give a certificate as mentioned in subsection (1) of this section unless—

- (a) he has received from a practitioner of the Supreme Court and from the head or one of the principal officers of the Government Department or other public authority administering the regulations, rules or by-laws, written opinions that the regulations, rules or by-laws are a correct consolidation of previously existing regulations, rules or by-laws; and
- (b) he is satisfied that the regulations, rules or by-laws are a correct consolidation.

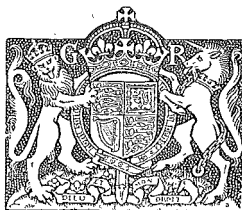
(3) This Act shall apply to regulations, rules and by-laws made by—

- (a) the Governor :
- (b) any Minister of the Crown :
- (c) the South Australian Railways Commissioner :
- (d) the South Australian Harbors Board :
- (e) any other person or authority declared by proclamation to be a person or authority to whom this Act applies,

and which at the time of the consolidation thereof are no longer subject to disallowance under section 38 of the Acts Interpretation Act, 1915-1936, or under any provision of the Act by virtue of which the regulations, rules or by-laws were made.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2377.

An Act to amend the Public Service Act, 1936.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Public Service Act Amendment Act (No. 2), 1937".

(2) The Public Service Act, 1936, as amended by this Act, may be cited as the "Public Service Act, 1936-1937".

2281, 1936.

(3) The Public Service Act, 1936, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 40—

Appointments in special cases.

3. Section 40 of the principal Act is amended as follows :—

(a) The words "the public service or is only temporarily employed in the public service" in the third and fourth lines of subsection (1) are struck out, and the words "the employ of the Government of the State" are inserted :

(b) The words "or, if the person proposed to be appointed is temporarily employed in the public service, no person available and permanently employed in the public service", in the third, fourth, fifth and sixth lines of subsection (2) are struck out.

Amendment of principal Act, s. 42—

Appointment to public service of Government employees.

4. Section 42 of the principal Act is amended by striking out the word "permanently" in the second line thereof.

5. Section 52 of the principal Act is amended as follows :—

Amendment of
principal Act,
s. 52—
Filling of
vacancies by
appointing
Government
employees.

- (a) The words “ officer in the public service ” in the third line of subsection (1) are struck out and the words “ any person in the employ of the Government of the State ” are inserted in lieu thereof :
- (b) The word “ officers ” in the fifth line of subsection (1) is struck out and the words “ applicants for the vacancy ” are inserted in lieu thereof :
- (c) The words “ the officers available for appointment ” in the sixth and seventh lines of subsection (1) are struck out and the words “ those applicants ” are inserted in lieu thereof :
- (d) The word “ officer ” occurring in the fifth and seventh lines of subsection (4) is struck out and the word “ person ” is inserted in each case in lieu thereof :
- (e) The words “ an officer of the public service ” in the third line of subsection (8) are struck out and the words “ a person in the employ of the Government ” are inserted in lieu thereof :
- (f) The words “ in the public service ” in the fourth line of subsection (9) are struck out and the words “ in the employ of the Government ” are inserted in lieu thereof.

6. The following section is hereby enacted and inserted in the principal Act after section 57 thereof :—

Enactment of
section 57a of
the principal
Act—

57a. Where any Act provides that any office, to which appointments may be made by the Governor, is to be held for a fixed term of years, and the Governor desires to appoint to any such office a person who will attain the age of sixty-five years before the expiration of the fixed term, the Governor may, notwithstanding any enactment to the contrary, appoint that person to the office for any period shorter than the fixed term, but not extending beyond the time when the person so appointed attains the age of sixty-five years or any later time to which the Governor directs that his service shall be extended under proviso i. to subsection (1) of section 57 of this Act.

Appointments
for less than
term fixed by
Statutes.

7. Section 70 of the principal Act is amended by inserting after subsection (1) thereof the following subsection :—

Amendment of
s. 70 of the
principal Act—

(1a) Upon or after the resignation of an officer under subsection (1) of this section, the Governor may pay to him the whole or any part of the salary which would have been payable to him during the currency of any leave of absence which, had he not resigned, could have been

Payments
where officer
resigns to
contest
election.

granted to him under section 75 of this Act at the time of his resignation. This subsection shall apply in relation to any officer who has resigned or resigns after the first day of October, nineteen hundred and thirty-seven.

Amendment of
s. 75 of
principal Act—

8. Section 75 of the principal Act is amended by inserting after subsection (6) thereof the following subsection :—

Continuity of
service when
pensioner
re-employed.

(6a) Where a person who has retired on a pension under section 40 or section 47 of the Superannuation Act, 1926, is subsequently re-employed in the Public Service, his continuous service before the period during which he was in receipt of pension and his continuous service after that period shall, in determining the length of his service for purposes of this section, be taken into account as if all such service were continuous ; but the period during which he was in receipt of pension shall not be taken into account.

This subsection applies in relation to all long service leave granted after the enactment thereof, notwithstanding that the retirement on pension, the re-employment, or the service in respect of which the leave is granted, or any of them, may have taken place before the enactment of this subsection.

Enactment of
s. 75a of the
principal Act—

9. The following section is hereby enacted and inserted in the principal Act after section 75 thereof :—

Special leave.

75a. (1) Subject to this section the Minister may, if he is of opinion that special circumstances justify him in so doing, and if the Commissioner so recommends, grant to any officer of the public service special leave of absence.

(2) The leave may be granted without pay or on reduced pay or on full pay and on any terms which the Minister thinks fit ; but where the leave is granted on pay it shall not exceed sixteen days in any year on full pay or a proportionately longer period on reduced pay.

(3) Where any special leave is granted without pay, the Minister may order that the period of such leave or any portion thereof shall be counted as service for the purpose of determining the date of any annual increment or increase in the officer's salary.

(4) Nothing in this section shall be held to restrict any power of the Governor to grant special leave of absence.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2378.

An Act to amend the Dairy Industry Act, 1928.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Dairy Industry Act Amendment Act, 1937". Short titles.

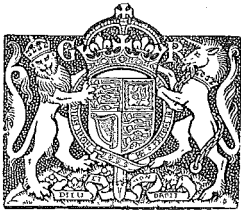
(2) The Dairy Industry Act, 1928-1935, as amended by this Act, may be cited as the "Dairy Industry Act, 1928-1937".

2. This Act is incorporated with the Dairy Industry Act, 1928-1935, and that Act and this Act shall be read as one Act. Incorporation.

3. Section 4 of the Dairy Industry Act, 1928-1935, is amended by striking out the words "or where milk is pasteurised or chilled" in the last line of the definition of "Factory". Amendment of Dairy Industry Act, 1928, s. 4—
Interpretation of factory.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO

GEORGII VI REGIS.

A.D. 1937.

No. 2379.

An Act to amend the Electoral Act, 1929-1934.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof as follows :

Short titles.

1. (1) This Act may be cited as the “ Electoral Act Amendment Act, 1937 ”.

(2) The Electoral Act, 1929-1934, as amended by this Act, may be cited as the “ Electoral Act, 1929-1937 ”.

(3) The Electoral Act, 1929-1934, is hereinafter referred to as “ the principal Act ”.

Amendment of principal Act, s. 13—

2. (1) Subsection (1) of section 13 of the principal Act is amended so as to read as follows :—

Subdivisions.

(1) The Governor from time to time may by proclamation divide any Assembly district into subdivisions or may declare the whole of any Assembly district to be a subdivision and from time to time may by proclamation revoke or vary any such proclamation.

(2) The amendment made by this section shall be deemed to take effect from the eleventh day of August, nineteen hundred and thirty-seven.

Amendment of principal Act, s. 71—
Deposit.

3. Section 71 of the principal Act is amended by striking out the words “ the names of the candidates are ” in paragraph (a) of subsection (2) thereof and by inserting in lieu thereof the words “ his name is ”.

4. Paragraph (a) of subsection (1) of section 73 of the principal Act is repealed.

Amendment of principal Act, s. 73—
Voting by post.

5. Section 96 of the principal Act is amended by adding at the end of paragraph (b) of subsection (1) thereof the following proviso :—

Amendment of principal Act, s. 96—

Provided that if all the candidates whose names are included in a group, at the time of signifying pursuant to section 65 their desire to have their names included in the group, also request the returning officer in writing to print their names in any specified order in the group, the names in the group shall be printed in that order :

Printing of ballot-papers.

6. Section 103 of the principal Act is amended by striking out paragraph (b) of subsection (1) thereof and by inserting in lieu thereof the following paragraph :—

Amendment of principal Act, s. 103—

(b) at any other polling place within the State at which a polling booth is open, subject to the regulations relating to absent voting.

Polling places at which electors may vote.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO
GEORGI VI REGIS.

A.D. 1937.

No. 2380.

An Act to amend the Maintenance Act, 1926, so as to make further and better provision for the relief of mothers and children, and for other purposes.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

- Short title.

1. (1) This Act may be cited as the “ Maintenance Act Amendment Act, 1937 ”.

(2) The Maintenance Act, 1926-1936, as amended by this Act may be cited as the “ Maintenance Act, 1926-1937 ”.
- 1780, 1926.

(3) The Maintenance Act, 1926, is hereinafter called “ the principal Act ”.
- Incorporation.

2. This Act is incorporated with the Maintenance Act, 1926-1936, and that Act and this Act shall be read as one Act.
- Enactment of s. 34A of the principal Act—

3. The following section is hereby enacted and inserted in the principal Act after section 34 thereof :—

34a. If the person to whom a sum is payable under this Division towards the maintenance of any child is the mother of any such child whose usual place of abode for one year immediately preceding the making of the application under this Part has been within the State, there shall also be paid to her for her own maintenance the sum of not more than one pound per week throughout the period
- Payments to mothers.

during which she is paid any such sum towards the maintenance of any child and thereafter, unless the Minister on the recommendation of the Board directs that owing to a change in the financial position of the mother payment shall cease or that some smaller sum shall be paid. Instead of paying to any such mother any amount provided to be paid by this section, the Minister on the recommendation of the board may cause to be supplied to her goods to the value of the amount which would otherwise be payable.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.



ANNO PRIMO
GEORGII VI REGIS.
 A.D. 1937.

No. 2381.

An Act to amend the Constitution Act, 1934-1936.

*[Reserved, 8th December, 1937.
 Royal Assent Proclaimed, 30th March, 1938.]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Constitution Act Amendment Act, 1937".

(2) The Constitution Act, 1934-1936, as amended by this Act, may be cited as the "Constitution Act, 1934-1937".

(3) The Constitution Act, 1934-1936, is in this Act called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act.

Amendment of
 s. 28 of the
 principal Act—
 Term of House
 of Assembly.

3. (1) Subsection (1) of section 28 of the principal Act is amended by striking out the word "three" wherever occurring therein and inserting in lieu thereof in each case the word "five".

(2) Subsection (2) of section 28 of the principal Act is repealed as from the first day of March, nineteen hundred and thirty-eight.

Amendment of
 s. 55 of
 principal Act—
 Committee for
 examining
 regulations, &c.

4. Section 55 of the principal Act is amended by inserting at the end of subsection (1) thereof the following paragraph :—

(g) the establishment of a Joint Standing Committee of both Houses to examine and report to the Council and the Assembly upon all regulations, rules, by-laws and orders (not being orders made in judicial proceedings) made pursuant to any Act of Parliament.

Reserved for the signification of His Majesty the King's pleasure thereon.

G. J. R. MURRAY, Lieutenant-Governor.

Acts reprinted pursuant to the Amendments Incorporation Act,
1937.

MAINTENANCE ACT, 1926-1937

STAMP DUTIES ACT, 1923-1937

With notes of judicial decisions affecting sections of the reprinted Acts.



MAINTENANCE ACT, 1926-1937.

BEING

MAINTENANCE ACT, 1926, No. 1780 OF 1926 [ASSENTED TO
16TH DECEMBER, 1926.]

AS AMENDED BY

MAINTENANCE ACT AMENDMENT ACT, 1930, No. 1983 OF 1930
[ASSENTED TO 20TH NOVEMBER, 1930.]

CRIMINAL LAW CONSOLIDATION ACT, 1935, No. 2252 OF 1935
[ASSENTED TO 21ST DECEMBER, 1935.]

CHILDREN'S PROTECTION ACT, 1936, No. 2279 OF 1936
[ASSENTED TO 3RD SEPTEMBER, 1936.]

MAINTENANCE ACT, 1937, No. 2360 OF 1937 [ASSENTED TO
19TH NOVEMBER, 1937.]

AND

MAINTENANCE ACT AMENDMENT ACT, 1937, No. 2380 OF 1937
[ASSENTED TO 15TH DECEMBER, 1937.]

An Act to consolidate and amend the law relating to
State children, destitute persons, the summary
protection of married women, and other matters,
and to make provision for granting assistance to
mothers for the maintenance of their children,
and for other purposes.

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows:

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "Maintenance Act, 1926-1937," and shall come into operation on a day to be fixed by proclamation. Short title and commencement.

Criminal Law Consolidation Act, 1935: This Act was proclaimed to commence on 2nd January, 1936: *Gazette* 2nd January, 1936, p. 1.

Children's Protection Act, 1936: This Act was proclaimed to commence on 1st April, 1937: *Gazette* 11th February, 1937, p. 286.

s. 1. This Act was proclaimed to commence on 7th April, 1927: *Gazette* 7th April, 1927, p. 791.

PART I.

Repeal.

2. The Acts mentioned in the first schedule are hereby repealed.

Power of board to continue proceedings commenced under repealed Acts.

Subsec. (1) substituted by 2360, 1937, s. 2.

3. (1) Every investigation, legal proceeding, or remedy instituted, or sought to be enforced under any of the Acts repealed by this Act, by the Destitute Board, the State Children's Council, or any officer of either of those bodies, may be continued, enforced, and completed under the provisions of this Act by the board or any officer thereof.

Every order made under any of the Acts repealed by this Act shall be deemed to be an order made under this Act, and the appropriate provisions of this Act relating to the enforcement, variation, or discharge of maintenance orders, shall apply to all such orders made as aforesaid.

(2) Except where inconsistent with this section or any other section of this Act, the provisions of the Acts Interpretation Act, 1915, relating to the effect of repeals shall apply in respect of the repeals enacted by this Act.

Inserted by 1983, 1930, s. 2.

(3) In every case where any maintenance order or any instrument of any kind provides that any moneys shall be paid to the State Children's Council, to the Destitute Board, or to any officer of either of those bodies, the maintenance order or instrument shall for all purposes be deemed to provide and to always have provided that payment of the said moneys shall be made to the board at Adelaide, notwithstanding that any of the said moneys became due or payable before the passing of the Maintenance Act Amendment Act, 1930.

Division of Act.

4. This Act is divided into Parts, as follows:—

PART I.—Preliminary.

PART II.—The Children's Welfare and Public Relief Board—

DIVISION I.—Its Constitution, Powers and Functions:

DIVISION II.—The Relief of Necessitous Persons:

DIVISION III.—Special Provisions relating to the Relief of Children.

s. 3. (1) *McLURE v. McLURE* (1928) S.A.S.R. 201; 13 Austn. Digest 996. The validity of an order made under an Act repealed by this Act for the payment of money to the State Children's Council discussed. Observations as to the person to whom such money should be paid consequent upon the abolition of the State Children's Council. *Semble*, an order to pay moneys is not invalid because the payee described in the order has ceased to exist. Since this decision subsection (3) of section 3 has been enacted.

PART III.—Maintenance Obligations—

DIVISION I.—The Maintenance of the Indigent Poor by their Relatives:

DIVISION II.—The Maintenance of Children by their Relatives:

DIVISION III.—The Summary Protection of Married Women:

DIVISION IV.—General Provisions relating to Maintenance and the Enforcement of Maintenance Orders.

PART IV.—State Children—

DIVISION I.—The Commitment, Detention, and Release of State Children:

DIVISION II.—Apprenticing and Placing Out.

PART V.—Institutions and Asylums—Their Establishment, Inspection, and Abolition.

PART VI.—The Licensing and Supervision of Lying-in Homes and Foster-mothers.

PART VII.—Procedure, Penalties, and General Matters.

5. In this Act, except where the context or subject matter or some other provision requires a different construction,—

Interpretation.
641, 1895,
s. 4.

“affiliation case” means proceedings by way of complaint against the alleged father of an illegitimate child for relief, or maintenance, or confinement expenses:

“asylum” means any asylum, institution, or place for the reception and relief of destitute persons established under this Act, or which was immediately prior to the commencement of this Act under the control of the Destitute Board:

“board” means the Children’s Welfare and Public Relief Board established under this Act:

“chairman” means chairman of the board:

“child” means any boy or girl under the age of eighteen years; and, in the absence of positive evidence as to age, means any boy or girl apparently under the age of eighteen years:

Of. U.K.
23 Geo. 5
c. 12, ss. 93,
107.

PART I.

702, 1898,
s. 3.

“confinement expenses” includes reasonable medical and nursing expenses attendant upon the confinement of the mother, and the cost of clothing necessary for the child for two months after its birth:

“convicted child” means any child found guilty or convicted of any crime or offence punishable by imprisonment:

“destitute child” means any child who has no sufficient means of subsistence apparent to the court, and whose near relatives are, in the opinion of the court, in indigent circumstances and unable to support such child, or are dead, or unknown, or cannot be found, or are out of the jurisdiction, or in the custody of the law:

“foster-mother” means a female having the care, charge, or custody of a child under seven years of age, to adopt, rear, nurse, or otherwise maintain such child apart from his or her parent, and not being a near relative of such child:

“foster-parent” means any person to or with whom a State child is apprenticed or placed out under this Act, or any Act hereby repealed, and includes the assignee of such person:

“guardian” means either the mother or father of a child, or any person having the immediate custody and control of a child:

“inmate” means a State child maintained in an institution:

“institution” means and includes the Receiving Depot, the Reformatory School for Boys, the Reformatory School for Girls; every depot, industrial school, probationary school, or reformatory school established under this Act, or any Act hereby repealed; and every private reformatory school or private institution proclaimed under this Act, or any Act hereby repealed; and all other institutions, schools, and places for the time being under the care, control, or supervision of the board:

“lying-in home” means a place for the accommodation of females during their confinement and lying-in, but does not include any asylum or place under the control of the board:

“maintenance” includes the cost of clothing, support, training, and education:

“maintenance order” means an order made by a court for payment of money by any person in respect of the maintenance of a child or any other person, and includes any order directing the payment of money to the board in respect of relief afforded by the board to any person, and so much of any order made under Division III. of Part III. of this Act as relates to the payment of money:

“member” means member of the board, other than the chairman:

“near relative,” as regards a child other than an illegitimate child, means and includes the father, mother, stepfather, stepmother, grandfathers, and grandmothers of the child; and, as regards an illegitimate child, means and includes the mother, father, and the husband of the mother of such child; and as regards any person other than a child means and includes the father, grandfather, mother, grandmother, children, and grandchildren of such person:

“neglected child” means any child who—

Of. U.K.
8 Edw. 7
c. 67, s. 58.

- (a) habitually begs or receives alms, whether under the pretext of sale or otherwise, or frequents any public place for the purpose of so begging or receiving alms; or
- (b) wanders about, or frequents any public place, or sleeps in the open air, and does not satisfy a court that he or she has a home or settled place of abode; or
- (c) resides in any reputed brothel, or associates or dwells with any person known to the police or reputed to be a prostitute, whether such person is the mother of such child or not; or
- (d) associates or dwells with any person who has been convicted of vagrancy, or is known to the police as of bad repute, or who has been or is reputed to be a thief or habitual drunkard; or
- (e) being under the age or apparent age of ten years, sells or offers for sale, between the hours of eight o'clock in the evening and five

in the morning, in any public place or in any place other than the child's home, any matches, newspapers, or any other article whatsoever; or

- (f) is under the guardianship of any person whom a court considers unfit to have such guardianship; or
- (g) is illegitimate, and whose mother is dead or is unable to maintain or take charge of such child; or
- (h) is found in any brothel or house of ill fame; or
- (i) being under the age of fourteen years, and not being on any lawful business or errand, habitually frequents public streets or places between the hours of eight o'clock in the evening and five o'clock in the morning; or
- (j) being under the age of sixteen years, and not being the child or ward of the licensee, is, on more than one occasion and without lawful excuse, found in the bar, barroom, or taproom of any public house or wine saloon, or is on more than one occasion served with intoxicating liquor in or upon the premises of such public house or wine saloon:

“private institution” means an institution or establishment for the detention, maintenance, training, education, and employment of destitute or neglected children, established and maintained by private persons:

“private reformatory school” means a school or institution for the detention, maintenance, reformation, training, employment, and education of convicted children, established and maintained by private persons:

“public place” includes every erection, building, or place to which free access is permitted to the public with the express or tacit consent of the owner; or to which the public are admitted on payment of money, and the test of the right to admission to which is the payment of money only; and also every road, street, thoroughfare, footway, court, or alley to which the public have the right of access, or which the public are allowed to use:

“State child” means any child who has been committed to an institution, or has been placed in the custody or under the control of the board, pursuant to this Act, or any Act hereby repealed, for a period which has not yet expired:

“the Destitute Board” means the board appointed pursuant to the Destitute Persons Act, 1881:

“the State Children’s Council” means the State Children’s Council constituted under the State Children Act, 1895.

PART II.

PART II.

THE CHILDREN’S WELFARE AND PUBLIC RELIEF BOARD.

DIVISION I.—CONSTITUTION, GENERAL POWERS, AND FUNCTIONS. DIVISION I.

6. (1) A board to be called the “Children’s Welfare and Public Relief Board” is hereby constituted for the purposes of this Act. Constitution and incorporation of board.

(2) The board shall be a body corporate and by the name aforesaid shall have perpetual succession and a common seal.

7. Judicial notice shall be taken of the incorporation and of the common seal of the board; and the production of any deed instrument or writing, if sealed with the said seal, shall be sufficient evidence of the due making and execution of that deed instrument or writing. Judicial notice of seal.

8. (1) The board shall consist of—

Membership of board.

(a) the chairman; and

(b) eight other members appointed by the Governor.

Four, at least, of the members shall be women.

(2) The eight persons first appointed as members of the board under this Act shall be appointed from among persons holding office as members of the Destitute Board or the State Children’s Council immediately prior to the coming into operation of this Act.

PART II.
DIVISION I.

(3) No member of either House of Parliament shall be at any time appointed to the board.

Tenure of
office.

9. (1) Each member of the board shall be appointed for a term of three years, and may from time to time, at the expiration of his term of office, be re-appointed for a further term of three years.

(2) Whenever a vacancy occurs in the office of either member whether by expiration of the member's term of office or otherwise, the Governor shall appoint a person to fill the vacancy: Provided that the person appointed to fill the vacancy caused otherwise than by the expiration of the term of office of a member shall hold office only for the unexpired portion of the term of office of the member in whose place he is appointed, and any retiring member shall hold office until his successor is appointed.

(3) The provisions of the Public Service Act, 1916, shall not apply to any member of the board by virtue only of his appointment as such member.

Casual
vacancies.

10. In addition to the retirement of members by the expiration of their terms of office, the seat of a member shall become vacant on—

(a) his death, lunacy, or insolvency, or his executing a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than twenty shillings in the pound, or his being convicted of an indictable offence; or

(b) his resignation by notice in writing posted or delivered to the chairman; or

(c) his absence from three consecutive meetings of the board without the leave of the board.

Effect of
defects in
appointment
of members
of board.

11. (1) No act or proceeding of the board shall be invalid or illegal in consequence only of the number of the members of the board not being complete at the time of such act or proceeding.

(2) All acts and proceedings of the board shall, notwithstanding the discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if such member had been

duly appointed and was qualified and entitled to be and to act, and had acted, as a member of the board, and as if the board had been properly and fully constituted.

12. (1) The Governor may appoint a fit and proper person to be chairman of the board. Chairman.

(2) The person so appointed shall be subject to the Public Service Act, 1916.

13. (1) At all meetings of the board the chairman shall preside. Meetings and quorum.

(2) The chairman and four other members of the board shall constitute a quorum thereof.

14. Each member shall, at the discretion of the Minister, be reimbursed any expenses incurred by him in the exercise of his office. Expenses of members may be reimbursed.

15. (1) The board shall, on or before the first day of September in every year, report to the Governor on the working of this Act, and shall in such report specify the number of children and destitute persons in the several institutions and asylums, the number of children placed out and apprenticed during the period covered by the report, the nature and value of the relief given by the board to destitute persons, including the weekly payments to children under Division III. of Part II. of this Act, and set out a summary of the receipts and expenditure of the board during the same period, and any other particulars which the Chief Secretary may direct from time to time to be included in such report. Reports by board.
641, 1895,
s. 19.

(2) All reports shall be laid before Parliament.

16. (1) The board shall have the following general powers and functions, namely:— General powers of board.

i. The care, management, and control of the persons and property of all State children; and the supervision of all children nursed by foster-mothers: Ibid., s. 16.
Of U.K.
20 Geo. 5
c. 17, s. 2.

ii. Power to apprentice and place out State children:

iii. Power to license fit and proper persons to be foster-mothers to children under the age of seven years:

iv. The supervision of all illegitimate children under the age of seven years, and the homes of such children:

s. 12. The Public Service Act, 1916, has been repealed and superseded by the Public Service Act, 1936.

- v. Power, subject to the approval of the Governor, to appoint institutions for the reception, detention, education, employment, training, or reformation of State children:
- vi. The control, supervision, and management of all institutions as hereinafter provided:
- vii. The licensing, control, and supervision of lying-in homes:
- viii. The control, supervision, and management of asylums, and of the officers and servants employed therein, and of all visiting officers:
- ix. The ordering of the persons and property of destitute persons and children so long as they shall be inmates of any asylum:
- x. Power, subject to the approval of the Chief Secretary, to appoint superintendents, matrons, psychologists, inspectors, teachers, officers, and servants:
- xi. The management, custody, and control of all property, real or personal, vested in or belonging to the board:
- xii. The administration, subject to the regulations of the public service, of all moneys voted by Parliament or otherwise acquired by the board, for the purposes of this Act.

U.K. 20
Geo. 5 c. 17,
s. 9.

Of. U.K.
20 Geo. 5
c. 17, s. 17.

(2) In cases of emergency requiring immediate action, and in all cases where it is impracticable, or would be likely to cause delay calculated to defeat the proper attainment of any object contemplated by the Act, to obtain the authority of the board before acting, the chairman may, in the name and on behalf of the board, do any act or exercise any power which the board is authorised to do or exercise; but all such acts, or the exercise of any such powers and authorities, shall be reported by the chairman to the board at its next subsequent meeting, and shall be subject to the ratification of the board, but until such meeting shall for all purposes be deemed to be valid and effectual.

(3) All property of whatever kind vested in the State Children's Council or the Destitute Board or any member or officer of either of those bodies for the purposes of any of the Acts repealed by this Act is hereby transferred to the board.

17. The board may manage, and demise for any term not exceeding three years, the lands of or to which any inmate is seised or entitled, and may make allowances and arrangements with all or any of the tenants or occupiers for the time being of the said lands, and accept surrenders of leases and tenancies, as fully and effectually as such inmate if of the full age of twenty-one years could do.

Power of board with respect to estates of children or other inmates.
210, 1881, s. 37.

18. The board may demand, sue for, collect, and receive, all the rents and profits which shall be due to any such inmate, and may give effectual receipts and discharges for such rents and profits or so much thereof as shall be received, and in case of non-payment of the same or any part thereof, in the name of the chairman of the board or in the name and on behalf of such inmate, may enter into and upon all or any of the lands in respect of which any rents shall be unpaid, and may distrain for the said rents and profits, and the costs and expenses of and incidental to the non-payment thereof; and the distress then and there found may dispose of in due course of law, and may take and use all lawful proceedings and means for recovering and receiving the said rents and profits, and for evicting and ejecting defaulting tenants and occupiers from all or any of the said lands, and determining the tenancy or occupation thereof, and for obtaining, recovering, and retaining possession of all or any of the lands held or occupied by such defaulters.

Collection by board of moneys due to inmates.
Ibid., s. 38.

19. The board may, in its corporate name, or in the name and on behalf of any such inmate, commence and prosecute at law and in equity all actions, suits, claims, demands, and proceedings, touching any land, estate, interest, or rights of any such inmate, or of his tenants therein or thereto, or touching any matter or thing whatsoever in which any such inmate or his real or personal estate or effects may be in any way interested, affected, or concerned.

Board may bring actions.
Ibid., s. 39.

20. The board may appoint and remove at their pleasure any attorney or agent in respect of all or any of the matters aforesaid, upon such terms and for such remuneration as the said board shall think fit, and may allow to such attorney or agent all costs, charges, and expenses lawfully incurred by him in executing the powers and trusts reposed in the board by this Act.

Board may appoint agents.
Ibid., s. 40.

21. In sections 17 to 20 inclusive the term "inmate" includes a person who is an inmate of any asylum.

Application of sections 17 to 20.

DIVISION II.

DIVISION II.—THE RELIEF OF NECESSITOUS PERSONS BY THE BOARD.

Duty of board to determine proper objects of relief.

210, 1881,
s. 29.
Of. U.K.
20 Geo. 5
c. 17, s. 15.

22. (1) The board may, subject to any directions given by the Minister, afford relief, whether in money or by the supply of commodities to such destitute or necessitous persons as the board think fit, and subject to the regulations may admit any such person into any asylum.

(2) The board shall cause a record to be kept showing the age, date of reception, parentage, nationality, sex, period of detention, and religion so far as known of all persons admitted into an asylum under this Division and of all dispositions of and dealings with those persons.

Liability of husbands and fathers for relief given to wives and children.

210, 1881,
s. 30.
Of. U.K.
20 Geo. 5
c. 17, s. 18.

23. All relief given by the board under this Division to or on account of any wife, or any child, shall be deemed to be given to the husband of the wife or the father of the child as the case may be; but if the husband of any wife is dead, out of the State, in custody of the law, or is lunatic or idiot, any relief given to or on account of the wife shall be deemed to be given to her personally, and if the father of any child is dead, out of the State, in custody of the law, or is lunatic or idiot, any relief given to or on account of any child shall be deemed to be given to the mother thereof.

Recovery of cost of past relief from relatives.

210, 1881,
s. 32.
Of. U.K.
20 Geo. 5
c. 17, s. 20.

24. (1) In any case in which relief has been afforded to any person, or to the wife and child of any person, and such person, or the father, grandfather, mother, grandmother, husband, child, children, or grandchildren of such person is at any time within six years thereafter able to repay the amount or cost of such relief or part thereof, a court of summary jurisdiction may, upon the complaint of an officer of the board, inquire into the matter in a summary way.

(2) If the court is of opinion that such person, or the father, or other near relative as aforesaid is able to repay the whole or part of the amount or cost of such relief, it may order such person or father, or other near relative as aforesaid, to pay such officer such sum of money either in one sum or by instalments as in its judgment such person, father, or other relative as aforesaid can reasonably afford and ought to contribute towards the past relief of such person.

Onus of proof.

210, 1881,
s. 33.

25. Upon any trial of any complaint made by or with the authority of the board for the recovery from any near relatives of any sum of money the onus of proving that the

s. 22. For the obligation of persons afforded relief by the board to do work in return, if so directed by the board, see section 8 of the Unemployment Relief Council Act, 1930.

person complained of is not a near relative, or that such near relative is not of sufficient means, or that any inmate of an asylum is of sufficient means, shall lie upon the defendant, who shall be competent and compellable to give evidence touching the matter of such complaint.

26. Any order made under this Division may be enforced in the manner set forth in Division IV. of Part III. of this Act.

Enforcement
of orders.

DIVISION III.—SPECIAL PROVISIONS RELATING TO THE RELIEF OF CHILDREN.

DIVISION III.

27. In this Division, unless inconsistent with the context or subject-matter, "child" means any person under the age of fourteen years, whether born in lawful wedlock or not.

Interpretation.
Of. Vic.
3001, 1919,
s. 2.

28. (1) In any case where—

- (a) the mother or any female relative of any child has the immediate custody and control of the child; and
- (b) the child is without sufficient means of support; and
- (c) the mother or female relative aforesaid is unable to provide, and is unable by any available legal proceedings to obtain sufficient means of support for the child,

Application by
female relative
in respect of
maintenance
of child with-
out sufficient
means of
support.

Ibid., ss. 3,
17 (1) and
(2).
Of. U.K.
20 Geo. 5
c. 17, s. 81.

Subsec. (1)
substituted by
1933, 1930,
s. 3.

the mother or female relative aforesaid may, in the prescribed form, make an application in writing to the board that a weekly sum be paid to her for or towards the maintenance of the child.

(2) Every application under this Division shall be in accordance with the regulations.

(3) Every applicant shall, by declaration to be made under the Statutory Declarations Act, 1915, and indorsed on the application, declare that the contents of the application are true and correct in every particular.

29. The board shall, on receipt of the said application, make or cause to be made such investigations as appear to it desirable in order to ascertain—

Investigation
by board.
Vic. 3001,
1919, s. 4.

- i. the circumstances and character of the applicant;

s. 28. The Statutory Declarations Act, 1915, has been repealed and superseded by the Oaths Act, 1936.

- ii. the ability of the applicant to maintain the child the subject of the application without assistance as provided under this Division; and
- iii. the truth of the statements in the application.

Provisions as
to investiga-
tion by board.

30. (1) The board shall notify the applicant of the time when and place where she is required to attend to support her application.

(2) For the purposes of any investigation by the board under this Division the following provisions shall have effect:—

- (a) Where the board is satisfied that by reason of physical disability or other sufficient cause the applicant is unable to attend, the board may dispense with the attendance of the applicant:
- (b) The board may call and examine such witnesses as it thinks fit:
- (c) In investigating any application the board shall not be bound by any rules of evidence, but shall investigate the matter and make its recommendation according to equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms:
- (d) If an applicant makes application in respect of more than one child, the board may investigate all the applications together:
- (e) With regard to summoning and compelling the attendance of witnesses and the examination of and production of documents by witnesses, the provisions of the Justices Act, 1921, shall apply as if the board investigating the application were a court of summary jurisdiction:
- (f) The powers conferred upon the board by this Division may be exercised by a quorum thereof, and any summons, subpoena, warrant, or other document issued by the board under this section shall be sufficiently authenticated if signed by the chairman.

Report and
recommendation
of board.
Vic. 3001,
1919, s. 6.

Amended by
1983, 1930,
s. 4.

31. (1) On the completion of its investigation the board shall forward to the Minister a report upon the results of its investigations and a recommendation as to whether in its opinion assistance under this Division should or should not be granted to the applicant in respect of the child, and (if

she has applied in respect of more than one child) shall state with respect to how many (if any) children such assistance should in his opinion be granted.

(2) The board shall not recommend that assistance be granted unless it is satisfied that the applicant is deserving of assistance, and unless the evidence (if any) of the applicant is corroborated on all material points by documentary information or oral evidence.

32. (1) Upon receipt of the report and recommendation of the board the Minister, if he thinks fit, may cause further inquiries to be made into the matter.

Submission of
report, &c., to
Minister.
Vic. 3001,
1919, s. 7.

(2) The Minister, after considering--

(a) the report and recommendation of the board:

(b) the results of the further inquiries (if any) made as aforesaid,

may, with such modifications and conditions (if any) as he thinks fit, grant the application, or may refuse the same.

33. At the request of the Minister the board may at any time rehear any such application previously refused by the Minister and shall forward a report on the result of the rehearing for the consideration of the Minister. In the case of a rehearing the board shall have as nearly as may be the same powers and duties as in the case of the original hearing.

Rehearing by
board at
request of
Minister.
Ibid., s. 8.

34. (1) The sum payable under this Division to any person for or towards the maintenance of any child shall be payable out of moneys provided by Parliament for the purpose, and shall not be more than fifteen shillings a week unless in the opinion of the Minister exceptional circumstances warrant the payment of a larger sum.

Limitation of
amount
payable.
Ibid., s. 10.
Amended by
1983, 1930,
s. 4.

(2) Any sum paid to any person pursuant to this Division shall be payable as from the date of the receipt of the application by the board and shall cease to be paid on the child's attaining the age of fourteen years: Provided that the Minister may, where in his opinion the special circumstances of the case make it advisable, direct, in writing, that such sum shall, after the child reaches the age of fourteen years, continue to be paid for such period, not exceeding two years, as is fixed by the Minister on the recommendation of the board.

PART II.
DIVISION III.Payments to
mothers.Inserted by
2380, 1937,
s. 3.

34a. If the person to whom a sum is payable under this Division towards the maintenance of any child is the mother of any such child whose usual place of abode for one year immediately preceding the making of the application under this Part has been within the State, there shall also be paid to her for her own maintenance the sum of not more than one pound per week throughout the period during which she is paid any such sum towards the maintenance of any child and thereafter, unless the Minister on the recommendation of the board directs that owing to a change in the financial position of the mother payments shall cease or that some smaller sum shall be paid. Instead of paying to any such mother any amount provided to be paid by this section, the Minister on the recommendation of the board may cause to be supplied to her goods to the value of the amount which would otherwise be payable.

Power to dis-
continue and
vary payments.Vic. 3001,
1919, ss. 11
and 12.Amended by
1983, 1930,
s. 4.

35. (1) The payment of any sum to any person pursuant to this Division may, on the direction in writing of the Minister, be discontinued, and, subject to this Division, any sum so paid may, on the like direction, be increased or reduced at any time, if the Minister is satisfied that the circumstances of any case warrant such discontinuance, increase, or reduction.

(2) Whenever it is proved to the satisfaction of the Minister that any person to whom any sum is being paid pursuant to this Division for or towards the maintenance of any child is guilty of conduct rendering her unfit, in the opinion of the Minister, to have the custody of the child, or that the said person is not properly maintaining the child, the Minister may, by indorsement signed by him upon the application for assistance, direct that the payment shall forthwith cease.

Provision in
case of illness
or death of
mother.Vic. 3001,
1919, s. 13
Of. U.K.
20 Geo. 5
c. 17, s. 52.Amended by
1983, 1930,
s. 4.

36. (1) When any person to whom payments are made for or towards the maintenance of a child pursuant to this Division becomes incapable, whether from illness or any other cause not within her control, of properly caring for and maintaining such child, the chairman—

(a) may direct that during such incapacity some other fit person shall have the care and maintenance of the child; and

(b) shall make such arrangements as he thinks proper as to the person who may during such incapacity receive the payments in respect of the maintenance of such child.

(2) Whenever the chairman is satisfied that any person to whom any sum is being paid pursuant to this Division for or towards the maintenance of any child is dead the chairman may by indorsement signed by him upon the application for assistance certify to the fact and the date of death.

(3) Upon the signing of such indorsed certificate—

(a) the payment in respect of such child shall forthwith cease; and

(b) the child shall become *ipso facto* a State child and shall be deemed to have been placed under the control of the board pursuant to this Act.

(4) The indorsed certificate aforesaid shall for all purposes be deemed to be an order placing such child in the custody and under the control of the board.

37. (1) The provisions of this Act, and any regulations under this Act with respect to visiting State children boarded out under this Act and the inspection of places where such State children are or reside shall, with such alterations, modifications, and substitutions as are necessary, extend and apply to children for or towards whose maintenance any sums are paid pursuant to this Division and to persons having the care and maintenance of such children, and to places where any such children are or reside.

Power to visit children and inspect places of residence, etc.

Cf. Vic. 3001, 1919, s. 14 (2) and (3).

(2) With regard to children for or towards whose maintenance sums are paid pursuant to this Division and persons to whom such sums are paid, the board shall have, subject to this Division, such of the powers and authorities conferred upon it by or under this Act, with regard to State children boarded out under this Act and to persons with whom such children are boarded out as are necessary to insure that such sums are properly expended, and that the objects of this Division are being carried out.

38. (1) Every father of a child for or towards the maintenance of which child any sum is paid pursuant to this Division shall be liable to pay to the board or some person authorised by it in writing under the hand of the chairman a periodical sum of such amount not exceeding the amount being paid as such father is able to contribute; but the total liability of the father under this Division shall not exceed the aggregate of the sums paid for or towards the maintenance of the child pursuant to this Division, together with any costs and expenses of recovering the same.

Liability of father in respect of sums paid hereunder.

Cf. Vic. 3001, 1919, s. 15.

PART II.
DIVISION III.

(2) Any sum payable under this section may be recovered before any court of summary jurisdiction, and any order for payment under this section may be enforced in the manner set forth in Division IV. of Part III. of this Act.

Regulations.
Cf. Vic.
3001, 1919,
s. 22.

39. The Governor may make regulations under this Division for or with respect to—

- i. the form of, the manner of making, and the particulars to be contained in, applications under this Division, and the particulars to be contained in declarations relating thereto; and
- ii. generally, all matters which by this Division are authorised or required to be prescribed, or which are necessary or convenient to be prescribed for carrying this Division into effect.

PART III.

PART III.

MAINTENANCE OBLIGATIONS.

DIVISION I. DIVISION I.—THE MAINTENANCE OF NECESSITOUS PERSONS BY THEIR RELATIVES.

Duty of
relatives to
maintain desti-
tute persons.
210, 1881,
s. 5.
Cf. U.K.
20 Geo. 5
c. 17, s. 14.

40. (1) The father, grandfather, mother, grandmother, son, daughter, grandson and granddaughter of every poor and destitute person who is not able to support himself, shall, at his and their own costs and charges, according to his and their several abilities, relieve and maintain every such destitute person, and in default of so doing shall be subject to the provisions hereinafter contained.

Inserted by
2360, 1937,
s. 3.

(1a) Any such relative who is a married woman shall be liable to relieve or maintain or contribute to the relief and maintenance of the destitute person.

(2) This section does not apply to the relief or maintenance of any child.

Issue of
summons on
application of
destitute
person.
210, 1881,
s. 7.

41. Upon complaint made by or on behalf of any destitute person, any justice may issue a summons requiring the relative or relatives therein named to appear before a court of summary jurisdiction, at a time and place to be named in

the summons, to show cause why he or they should not relieve and maintain, or contribute to the relief and maintenance, of the destitute person.

42. (1) At the time and place appointed for the hearing of the complaint, the court shall inquire as to the person or persons who by this Act are bound to maintain his or their destitute relatives, and as to his or their means and ability; and the court may, if it think fit, adjourn the hearing of the said complaint, and appoint a time and some other place for the adjourned hearing, and may summon any other persons alleged to be near relatives to appear at the time appointed for the adjourned hearing; and at the original or any adjourned hearing if it is satisfied that the persons summoned or any of them are near relatives of the destitute person and are able to pay for or contribute towards his maintenance may order payment to be made by such near relatives or some one or more of them of such moderate rate or sum as the court thinks ought to be allowed for the maintenance of the destitute person.

Proceedings
on hearing
of complaint.
210, 1881,
s. 8.

(2) In making any such order the court shall fix the periods at which, the place where, and person to whom the amount allowed is payable, and in case two or more persons are ordered to contribute to the support of the destitute person the court shall fix the amount or proportions payable by each.

43. (1) When any husband unlawfully deserts his wife, or leaves her without adequate means of support, any justice may, upon complaint made by or on behalf of such wife, issue a summons to such husband, to show cause why he should not support his wife, and such justice, may, in his discretion, issue his warrant for the apprehension of such husband in the first instance.

Issue of
summons to
husband on
application
of wife.
210, 1881,
ss. 9 and 10.
Cf. U.K.
20 Geo. 5
c. 17, s. 19.

(2) Upon the day appointed for the hearing, any court of summary jurisdiction may hear and determine the matter

Amended by
2360, 1937,
s. 4.

s. 43. BRISTOW v. BRISTOW (1892) 25 S.A.L.R. 43; 13 Austn. Digest 833. The court is limited to an inquiry as to whether the wife is deserted or left without adequate means of support and has no jurisdiction to inquire into the matrimonial relations of the parties.

TREGLOWN v. TREGLOWN, 4th January, 1894, S.A. *Advertiser* (newspr.); 13 Austn. Digest 833. The court has no power to inquire as to the matrimonial relations of the parties.

HOLMES v. HOLMES (1925) S.A.S.R. 242; 13 Austn. Digest 829, 847, 850, 853. Where a complaint by a wife against her husband for leaving her without adequate means of support is dismissed and a subsequent complaint is laid, the evidence, order, and the reasons for the order on the earlier trial are admissible in the second trial. Where a husband makes a genuine offer of a home to his wife, he cannot be convicted either of unlawfully deserting her or leaving her without adequate means of support, and it is not competent for a court acting under section 43 to inquire whether the act of living apart is justified or not. Where a

PART III.
DIVISION 1.

of such complaint in a summary way; and if it is satisfied that the wife is in fact without adequate means of support, and that the husband is able to maintain her, or to contribute to her maintenance, the court shall make an order in writing, directing him to pay either weekly, fortnightly, or monthly, at its discretion, and to such person and in such manner for her use as the court may think fit, such sum or allowance for the past or future maintenance of the wife as it considers proper.

(3) Where any children of the wife are in fact under her custody and control, the court may in fixing the amount payable to her under this section include such amount as is reasonably necessary for the support of such children.

(4) The provisions of this section shall not limit or affect the operation of any other provision of this Act.

Maintenance
of husband
by wife.
Cf. 300,
1883-4, s. 20.

Inserted by
2360, 1937,
s. 5.

43a. (1) When any wife leaves her husband without adequate means of support, any justice may, upon complaint made by or on behalf of such husband, issue a summons to such wife, to show cause why she should not support her husband.

s. 43. husband and wife are living apart under a separation deed, the wife has the right
(contd.) to show that the provision for her support is inadequate.

MEZZINE v. MEZZINE (1927) S.A.S.R. 167; 13 Austn. Digest 849. Although an agreement by a wife not to sue her husband for maintenance does not take away the jurisdiction of the court to make an order for maintenance, if she applies for it, the agreement is not void, but may be taken into consideration by the court when determining whether an order should be made.

PINCHBECK v. PINCHBECK (1931) S.A.S.R. 508; 13 Austn. Digest 820. Held generally that on the second hearing of a complaint in which the decision depends greatly upon the credibility of witnesses it is highly inadvisable that the evidence of available important witnesses called on the first hearing should be read, even with the consent of the parties. The witnesses should be called and evidence given orally.

ROBERTS v. ROBERTS (1934) S.A.S.R. 117. Section 43 is mandatory and where the complainant has proved the matters mentioned in the section, the court is bound to make an order. The default or neglect contemplated by section 43 is an act of omission and not necessarily of volition on the part of the husband. If the wife is, in fact, without means of support, and having left her husband is willing to return to him, all that is necessary in order to turn "being" without support into "being left" without support is the proof that the husband either knew or should have known of that fact. Where a wife had left her husband of her own accord, and subsequently becoming without means of support, wrote to her husband *bona fide* offering to return to him, but the letter, through the act of the husband, did not reach him, held that his omission to provide for the wife's maintenance was a default or neglect which justified the issue of a summons under subsection (1). On the hearing of a complaint the court is not debarred from inquiring into the reason why the wife is living apart from her husband.

ASHBY v. ASHBY (1935) S.A.S.R. 119. "Support" means support of a particular person; "means of support" means money or property convertible into money which may be applied for such subsistence; and "adequate means of support" means such money or convertible property as being applied to such subsistence suffices for the purpose. Section 43 is not directed to securing to a wife such a proportion of her husband's means as she might be awarded if a decree had been granted in a divorce court. Persons liable to provide adequate means of support are not to be ordered to provide the means necessary to keep the maintained person out of the bankruptcy court having regard to all that person's obligations. *Seem*, that courts of summary jurisdiction cannot hold persons to be without adequate means of support merely because they are without much of the comfort and luxury to which they may have been accustomed.

(2) Upon the day appointed for the hearing, any court of summary jurisdiction may hear and determine the matter of the complaint in a summary way; and if it is satisfied that the husband is in fact without adequate means of support and that the wife is able to maintain her husband, or to contribute to his maintenance, the court shall make an order in writing directing her to pay either weekly, fortnightly, or monthly, at its discretion, and to such person and in such manner for his use as the court may think fit, such sum or allowance for the past or future maintenance of the husband as it considers proper.

(3) The provisions of this section shall not limit or affect the operation of any other provision of this Act.

(4) The provisions of subsection (2) of section 44, *mutatis mutandis*, shall apply to any order made pursuant to this section or pursuant to section 20 of the Married Women's Property Act, 1883-4.

44. (1) On the complaint of any person liable upon or entitled to the benefit of any order made under this Division, the court on the hearing of such complaint may, while such order continues in force, make further inquiry as to the ability to pay of the person liable upon the order or as to the means of the person entitled to the benefit of the order, and may make an order increasing, reducing, or entirely remitting the amount so ordered to be paid.

Variation of
amount
payable
under order.
210, 1881,
s. 11.

(2) Where, upon the complaint of any person liable upon any order made under this Division, it appears to the court that such person has made to his wife a *bona fide* offer to maintain her adequately in his home, the court may, in its discretion, discharge the said order.

s. 44. (1) *MOLLOY v. MOLLOY* (1927) S.A.S.R. 403; 13 Austn. Digest 956; affirming *MOLLOY v. MOLLOY* (1926) S.A.S.R. 285; 13 Austn. Digest 950. Held under section 11 of the Destitute Persons Act, 1881, that where an order was made for the maintenance of a destitute wife by her husband, the fact that the husband was subsequently ready and willing to maintain the wife with himself in a suitable house did not afford sufficient ground under the said section for remitting the order when the husband was able to comply with the order. Held also, that on an application under the said section 11, by the person entitled to the benefit of an order, for further inquiry as to the ability to make increased payments of the person ordered to pay under the order, the inquiry could not be limited to such ability, but should include an inquiry into the necessities and means of support of the applicant. Held also that when an order has been made under the said Act, section 44 of this Act does not apply to an application for variation; such an application must be made under the said section 11 (but see section 3 (1) enacted since this decision).

s. 44. (2) *HUTTON v. HUTTON* (1928) S.A.S.R. 512; 13 Austn. Digest 953. Where an offer to provide a home is proved to have been made and this offer might reasonably be inferred to be *bona fide*, the onus of disproving *bona fides* is on the wife.

PART III.
DIVISION I.

Penalty for leaving destitute person without support.

819, 1903,
s. 10.

45. (1) Any near relative within the meaning of section 40 of this Act, of a destitute person who leaves such destitute person without adequate means of support shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding ten pounds, or to imprisonment for any period not exceeding three months.

387, 1886,
s. 20.

(2) Whenever any husband unlawfully deserts his wife, or leaves her without or fails to provide her with adequate means of support, and goes to reside, either temporarily or permanently outside the State, such husband shall be guilty of a misdemeanour, punishable by imprisonment with hard labour, for any term not exceeding twelve months.

(3) The remedies provided in this section are in addition to and not in substitution for the other remedies provided by this Act.

DIVISION II.

DIVISION II.—THE MAINTENANCE OF CHILDREN BY THEIR RELATIVES.

Order of liability of near relatives for maintenance of any child.

641, 1895,
s. 80.
750, 1900,
s. 2.
Cf. U.K.
20 Geo. 5
c. 17, s. 14.
Cf. U.K.
23 Geo. 5
c. 12, s. 86.

46. The near relatives of any child, whether a State child or not, shall be liable to pay for or contribute towards the cost of maintenance of such child according to their several abilities, and in the following order, namely—

I. In the case of a legitimate child—father, mother, step-father, stepmother, grandparents:

II. In the case of an illegitimate child—father, mother's husband, mother.

Issue of summons for maintenance.

641, 1895,
s. 81.

47. (1) Upon complaint made in the prescribed form that any persons are near relatives of any child, and are able to pay for or contribute towards the maintenance or past maintenance of such child, any justice may summon such persons or any of them to appear before a court of summary jurisdiction, at a time and place to be named in such summons, to show cause why they or he should not pay for or contribute towards the past or future maintenance of such child.

s. 46. GRAY v. HOOPER, 27th April, 1897, S.A. *Advertiser* (newspr.); 13 Austn. Digest 1013. The husband of the mother of an illegitimate child is not a near relative of the child after the death of the mother.

ALDERMAN v. KEMP (1928) S.A.S.R. 4; 13 Austn. Digest 841. Where the parents of the child have been divorced, a court of summary jurisdiction has no jurisdiction to make an order for the maintenance of the child against either parent, such jurisdiction being vested in the Supreme Court only. But see rule 67 in the second schedule to the Matrimonial Causes Act, 1929, which has been since enacted.

s. 47. COLQUHOUN v. BELL (1935) S.A.S.R. 346. Held that there is no jurisdiction under this Act if the defendant is outside South Australia at the relevant time, the Inter-State Destitute Persons Relief Act, 1910, being intended by Parliament as the appropriate provision in the circumstances.

(2) Every complaint under this section in respect of a State child shall be made by or on behalf of the board.

(3) A justice may, instead of issuing a summons issue a warrant under his hand for the apprehension of any person against whom a complaint has been made under this section, and for his detention until the hearing of the complaint, unless such person shall enter into a recognizance with one or more sureties, in such sums as the justice directs, conditioned for his appearance at the hearing of the complaint.

48. (1) At the time and place appointed for the hearing of the complaint the court may adjourn the hearing, and may summon any other persons alleged to be near relatives to appear at the time appointed for the adjourned hearing; and may, at the original or any adjourned hearing, if it is satisfied that the persons summoned, or any of them, are near relatives of the child, and are able to pay for or contribute towards the past or future maintenance of such child, order payment to be made by such near relatives, or some one or more of them, to the board, or to the secretary or some other officer of the board—

Order for
payment of
maintenance.
641, 1895,
s. 83.
832, 1903,
s. 3.
996, 1909,
s. 8.

(a) of such sum for past maintenance of the child as may seem sufficient; and such sum may be made payable by instalments; and

(b) of such sum for future maintenance not exceeding as against any one person one pound per week, and for such period as may seem sufficient:

If an order is made against two or more near relatives, the sums or proportions payable by each shall be fixed by the court.

(2) Notwithstanding any provision in any other Act to the contrary an order for the payment of money for past maintenance under this section shall not be limited to payment of money for maintenance in respect of the period of six months prior to the making of the complaint, but may also relate to the payment of money for maintenance in respect of any period prior to such period of six months.

49. Upon the hearing of any complaint—

(a) made by or on behalf of the board in respect of the maintenance of a legitimate child; or

(b) made pursuant to section 95,

Evidentiary
effect of
allegations
in complaint.
641, 1895,
s. 85.

PART III.
DIVISION II.

all or any of the following allegations in the complaint, namely:—

- (i.) that the person complained against is a near relative liable to maintain the child:
- (ii.) that the person complained against is able to pay, or contribute towards, the maintenance or past maintenance of the child:
- (iii.) that any sum has been expended upon, or is due or owing for or in respect of, the maintenance of the child:
- (iv.) that the child is a legitimate child:
- (v.) that the child is a State child:

shall be *prima facie* evidence of the matter alleged.

Punishment of father or mother failing to provide for child.
996, 1909, s. 27.

50. If the father or mother of any child, whether legitimate or illegitimate, or any person who has been adjudged to be the father of an illegitimate child, fails or neglects to provide reasonable and proper maintenance for such child, he or she shall be guilty of an offence against this Act, notwithstanding that at the time of such failure or neglect such father, mother, or person was out of the State, and shall be liable to a penalty not exceeding fifty pounds, or to be imprisoned for any term not exceeding six months.

Desertion by near relative an offence.
819, 1903, s. 10.

51. Any near relative (other than the father or mother of the child) of any child who leaves such child without adequate means of support shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding ten pounds, or to imprisonment for any period not exceeding three months.

Special Provisions relating to Affiliation Cases.

Court may adjudge defendant to be father of illegitimate child.
641, 1895, s. 86.
750, 1900, s. 2.
996, 1909, s. 29.

52. Upon the hearing of an affiliation case, if it is alleged in the complaint that the defendant is the father of the child, the court may adjudge him to be the father thereof: Provided that the court shall not so adjudge him if it is satisfied that, at the time the child was begotten, the mother was a common prostitute.

s. 52. GILBEY v. STANTON (1880) 14 S.A.L.R. 64. Held that a determination as to paternity on a complaint is not *res judicata* but may be a relevant fact on a second complaint.

FAHY v. HALL (1892) 25 S.A.L.R. 56; 13 Austn. Digest 892. Upon a complaint under Part I. of The Destitute Persons Act, 1881, for an order for the support of an illegitimate child by the father, the mother being dead, held that the mother's evidence was not essential.

CARTHY v. COCK (1914) S.A.L.R. 1; 13 Austn. Digest 928. Nature of evidence necessary to rebut the presumption of legitimacy where the mother is a married woman discussed. Where a complaint was laid against the defendant for the

PART III.
DIVISION II.Proceedings
before or after
birth.

702, 1898,

s. 5.

750, 1900,

s. 12.

Cf. U.K.

85 & 86 Vict.

c. 65, s. 3.

53. (1) A complaint may be made in an affiliation case either before or after the birth of the child.

(2) Any such complaint, if made before the birth of the child, may be in the form No. 6 in the second schedule hereto, and any order thereon may be in the form No. 7 in the said schedule.

(3) A justice may, instead of issuing a summons issue a warrant under his hand for the apprehension of any person against whom a complaint has been made under this section, and for his detention until the hearing of the complaint, unless such person shall enter into a recognizance with one or more sureties, in such sums as the justice directs, conditioned for his appearance at the hearing of the complaint.

54. (1) The father of an illegitimate child shall be liable to pay confinement expenses not exceeding ten pounds in respect of such child.

Order for
confinement
expenses.

702, 1898,

ss. 2, 4.

Cf. U.K.

85 & 86 Vict.

c. 65, s. 4

(part).

(2) An order for confinement expenses may be made—

(a) on complaint therefor; or

s. 52. maintenance of an illegitimate child, the mother being a married woman, and
(contd.) evidence was given by a physician that it was almost certain that the husband of the mother was impotent, but admitted that there was an element of doubt in such cases, and there was other corroborated evidence as to the defendant's paternity, held that there was sufficient evidence to justify a finding that the defendant was the father of the child.

KEARNEY V. RAW (1918) S.A.L.R. 270; 13 Austn. Digest 934. The dismissal of a summons for the support of an illegitimate child is not a bar to further proceedings against the father for the same cause of complaint, even though the court may have found expressly that the defendant is not the father of the child, and even though there may be a right of appeal against the decision. If no fresh evidence is adduced or there are no grounds for regarding the first decision as unfair the first decision should be followed; otherwise it should be re-considered in the light of the additional circumstances laid before the court. Held on the facts that there was not a declining of jurisdiction by the court.

CATFORD V. KEARNEY (1920) S.A.L.R. 294; 8 Austn. Digest 175; 13 Austn. Digest 879. An order is not invalid if the residence of the defendant is not described as being in South Australia.

ATKINS V. BYRNE (1921) S.A.S.R. 199; 8 Austn. Digest 297. As to evidence necessary to rebut the presumption of legitimacy where the mother is a married woman. Where the evidence showed that the putative father, the appellant, eloped with the mother, a married woman, and lived with her for several years, that at the approximate date of conception the mother, her husband, and appellant, were living in the same town, and the two former had spoken and had opportunity of meeting; the appellant gave evidence, which was contradicted, that while he was away the husband had visited the mother, held that the appellant had not proved any opportunity for sexual intercourse between the husband and wife at the time of conception, and that the evidence was sufficient in the circumstances to rebut the primary presumption of legitimacy. Held also, that even if the statement of the appellant were true there was no proof of any opportunity for sexual intercourse sufficient to raise the secondary presumption that such intercourse had taken place. Query whether, in an affiliation case a declaration by a wife to strangers that she had not seen her husband at a time relevant to the issue, is evidence as part of the *res gestae*.

NICOLLE V. PADDICK (1927) S.A.S.R. 595; 13 Austn. Digest 940. Mere promiscuity of sexual intercourse without evidence that such intercourse takes place as a means of gain does not justify a finding that a woman is a common prostitute.

s. 54. CATFORD V. KEARNEY (1920) S.A.L.R. 294; 12 Austn. Digest 230. Held that section 52 of the Justices Act, 1921, precludes a claim for the expenses of a confinement

PART III.
DIVISION II.

(b) without any complaint therefor in any proceedings against the father for the relief or maintenance of the child.

(3) Such order may be made separately or may be included in any other order against the father.

Proof of pregnancy.
750, 1900,
s. 10.
Of. U.K.
8 & 9 Vict.
c. 10, s. 4.

55. No order shall be made in any affiliation case before the birth of the child unless, in addition to the evidence necessary to establish paternity, it has been proved by the evidence of some legally qualified medical practitioner that the alleged mother is pregnant.

Order for confinement expenses before birth.
750, 1900,
s. 11.

56. (1) Every order for confinement expenses made before the birth of a child shall direct that all moneys so ordered to be paid shall be paid to the board.

(2) The board shall retain such moneys until the birth of the child, when it shall apply them towards confinement expenses. If the child is not born within nine months from the date of such order, the money shall be returned to the alleged father.

Persons allowed to be present in court.
996, 1909,
s. 12.

57. No person shall be allowed to be present in the court-room during the hearing of any affiliation case except—

- (a) the complainant and the defendant, and their witnesses; and
- (b) counsel or other persons representing the respective parties, and the practitioners of the Supreme Court; and
- (c) the officers of the court and members of the police force; and
- (d) any person who has the express permission of the court to be present.

Compellability of defendant as witness in affiliation cases.
Ibid., s. 13
(part).

58. (1) On the hearing of any affiliation case, the defendant shall be compellable to give evidence, and may be summoned as a witness for that purpose.

(2) The defendant shall not be excused from giving evidence on the ground that the answer to any question or such evidence might prove or tend to prove him guilty of

s. 54.
(contd.) which took place more than six months before the date of the complaint. As to the liability for past maintenance see subsection (2) of section 48 of this Act.

STEADMAN V. COLQUHOUN (1930) S.A.S.R. 79. The liability to pay confinement expenses is absolute without reference to the means of the defendant.

the matter alleged against him: Provided that such question or evidence is, in the opinion of the court hearing the complaint relevant to the matter of such complaint.

59. (1) If on the hearing of any complaint in respect of the maintenance of any illegitimate child, any male person over the age, or apparently over the age of eighteen years, admits or says that he had sexual intercourse with the mother of the illegitimate child at any time which is such that, in the opinion of the court, the said male person may possibly be the father of the said illegitimate child, the court may, upon such hearing and without complaint made for the purpose, make an order against any such male person for contribution towards the maintenance of the said illegitimate child and also, if the court thinks fit, towards the confinement expenses in respect of the said illegitimate child; but no order shall be made as aforesaid unless the said male person is given an opportunity to be heard by the court in respect of the making of the order. An order or orders may be made under this subsection against any number of male persons as aforesaid.

Liability of persons admitting sexual intercourse with mother of illegitimate child.

Substituted by 1780, 1930, s. 5.

(2) If on the said hearing it is proved to the satisfaction of the court that the defendant had sexual intercourse with the said mother at such a time as aforesaid, the court may (without limiting the powers of the court to make any other order which it is empowered to make by this or any other section of this Act) make an order against the defendant for contribution towards the maintenance of the said illegitimate child and also, if the court thinks fit, towards the confinement expenses in respect of the said illegitimate child. The provisions of section 60 shall apply to the hearing with respect to the said defendant.

(3) Every order made pursuant to this section shall, for the purposes of the enforcement thereof, be deemed to be a maintenance order made under section 48 against a near relative.

(4) In every case where an application is made to the court for the making of an order under this section and the said application is refused by the court, a memorandum of such refusal shall then be made by the court.

PART III.
DIVISION II.

Power to lay
complaint for
support of
illegitimate
child against
one or more
persons.

Inserted by
1780, 1930,
s. 5.

59a. (1) A complaint may be made under this Act by or on behalf of the board or by any officer of the board against one or more male persons over the age of eighteen years at the time of the making of the complaint alleging that the said male person or persons have had sexual intercourse with the mother of an illegitimate child at a time or times which are such that the said male person or persons may possibly be the father of the illegitimate child.

(2) Upon complaint as aforesaid, any justice may summon the said male person or persons or any of them to appear before a court of summary jurisdiction, at a time and place to be named in the summons, to show cause why he or they should not contribute towards or pay for the past or future maintenance of the illegitimate child and the confinement expenses in respect thereof.

(3) A justice may, instead of issuing a summons, issue a warrant under his hand for the apprehension of any person against whom a complaint has been made under this section and for his detention until the hearing of the complaint, unless that person shall enter into a recognizance with one or more sureties, in such sums as the justice directs, conditioned for his appearance at the hearing of the complaint.

(4) At the hearing of the complaint, if the court is satisfied that any of the said male persons had sexual intercourse with the mother of the said illegitimate child at a time which is such that the said male person may possibly be the father of the illegitimate child, the court may make an order against all or any of such male persons in respect of whom the court is satisfied as aforesaid, for contribution towards the maintenance of the illegitimate child and also, if the court thinks fit, towards the confinement expenses in respect thereof. The provisions of section 60 shall apply to the hearing with respect to every such male person.

(5) Every order made pursuant to this section shall, for the purposes of the enforcement thereof, be deemed to be a maintenance order made under section 48 against a near relative.

s. 59a. *BYRNE v. MENZIES* (1931) S.A.S.R. 264; 13 Austn. Digest 881. Held that section 59a is not limited to a case where the intercourse and birth occurred after the enactment of the section. Held, also, for the purposes of the application of section 52 of the Justices Act, 1921, that the real matter of a complaint under section 59a of this Act is neither the act of intercourse nor the birth, nor both together, but that, in effect, the complaint is a claim for contribution towards the maintenance of the child. Effect and construction of section 59a discussed. Section 59a is designed to make a person who answers a certain description, namely, that he may be the father of a child, liable.

(6) In any proceedings pursuant to this section, the allegation in the complaint that any specified person was at the time of the making of the complaint over the age of eighteen years shall be deemed proved in the absence of proof to the contrary.

60. (1) It shall not be necessary to require any corroboration of the evidence of the mother in any affiliation case unless and until the defendant has, on his oath, denied the allegations contained in the complaint: Provided that if the defendant does on his oath deny the allegations, then no order shall be made against him unless the evidence of the mother is corroborated in some material particular.

Corroboration.
996, 1909,
s. 29.
Cf. U.K.
8 & 9 Vict.
c. 10, s. 6.
Cf. U.K.
35 & 36 Vict.
c. 65, s. 4.

s. 60. (1) **WARREN V. HOWSON** (1870) 4 S.A.L.R. 6; 13 Austn. Digest 901. Held that the evidence of paternity required under section 14 of the Destitute Persons Relief Act, 1866-7, in corroboration of the evidence of the mother, should be of circumstances which happened about the time of the intimacy which led to the birth of the child.

MITCHELMOORE V. JACKSON (1882) 16 S.A.L.R. 89; 13 Austn. Digest 900. Held under section 14 of The Destitute Persons Act, 1881, that evidence by the mother of the complainant (with whom she lived and upon whom she was apparently dependent) in corroboration of the complainant's evidence did not satisfy the requirements of section 14 for corroboration by "other and independent testimony."

CARTHY V. COCK (1914) S.A.L.R. 1; 13 Austn. Digest 928. Where the mother was a married woman and evidence was given that the defendant, prior to the mother's confinement, had sent her money and had offered to pay money to her husband, held that the sending of money and the promises to pay constituted corroboration.

MCKENZIE V. ORDISH (1922) S.A.S.R. 21; 13 Austn. Digest 913, 917. General statement of the principles of the law relating to corroboration. Held, that admissions by the defendant to the complainant's mother that he had "walked out" with the complainant, and that he had not replied to a letter charging him with paternity and other evidence showing a degree of familiarity between the parties, did not amount to corroboration. Observations that a resemblance between the child and the putative father cannot be relied upon as corroboration.

SLY V. JOHNSTON (1924) S.A.S.R. 24; 13 Austn. Digest 903. To constitute corroboration there must be more than independent evidence of mere opportunity for sexual intercourse, but the circumstances surrounding the opportunity itself may be such as to justify the inference that advantage was taken of the opportunity.

HANCOCK V. PHILCOX (1925) S.A.S.R. 413; 13 Austn. Digest 927. Held that evidence of opportunity for sexual intercourse coupled with the admission of the defendant that he gave a false name, received a letter suggesting that the mother was pregnant, sent the mother a telegram and gave her money, constituted sufficient evidence of corroboration.

PITMAN V. BYRNE (1926) S.A.S.R. 207; 13 Austn. Digest 929; affirming **PITMAN, V. BYRNE** (1926) S.A.S.R. 16. Special leave to appeal to High Court refused (1926) 39 C.L.R. 602 (note). General statement of the principles of the law relating to corroboration. Held that false evidence by the defendant denying that a certain conversation took place amounted to corroboration.

MARS V. MCMAHON (1929) S.A.S.R. 179; 13 Austn. Digest 924. Where the defendant did not deny the paternity of the child upon being questioned by an officer of the Children's Welfare Department, and, in answer to a statement of the officer to the effect that he understood the defendant did not deny having intercourse with the mother, replied that he supposed that the mother must pick on some one and that he knew others had also had intercourse with her, held that sufficient corroboration existed. Where the mother's evidence contained inconsistencies, held that the Supreme Court was not justified in differing from the opinion of the special magistrate that the mother's evidence was reliable.

HOCKEY V. ROSSITER (1929) S.A.S.R. 240; 13 Austn. Digest 919. Held that evidence, apart from the defendant's admissions in the witness box, as to the defendant's

PART III.
DIVISION II.

(2) When the defendant is being cross-examined on his giving evidence in denial of the allegations, the cross-examination shall be confined to the facts, or the alleged facts of the case then before the court.

Power of
board to
accept settle-
ment in full.
996, 1909,
s. 31.

61. (1) In all proceedings under this Act against any person liable to contribute towards the confinement expenses of the mother or the maintenance of her illegitimate child the board may accept from such person a sum of money in settlement of all such liability.

(2) On payment of such money no further proceedings whatsoever shall be taken by the board or the said mother or any person whomsoever in respect of such expenses or liability.

(3) Whenever the board accepts a sum of money in settlement of liability under this section, that sum shall be retained by the board and applied at the discretion of the board for the maintenance of the illegitimate child in respect of which the money was paid.

s. 60. (1) *(contd.)* conduct on being charged by the complainant and her father with being responsible for her condition, amounted to corroboration. Where the evidence led to the inference that the defendant admitted that he had intercourse with the mother at some time, held, in the absence of evidence of intercourse of others with the mother during the period conception could have taken place, that the admission of intercourse might be taken as referring to that period.

STANDFIELD V. BYRNE (1929) S.A.S.R. 352; 13 Austn. Digest 902; special leave to appeal to the High Court refused (1930) 45 C.L.R. 604 (note). The requirement of corroboration does not import the necessity for independent testimony which establishes the fact of intercourse at a time when the child might have been conceived. Proof of a guilty affection extending over or into the actual period of conception may justify an inference of intercourse without any definite proof of opportunity during that period. Observations that it is desirable, if not essential, that the corroboration of the mother's evidence should extend to cover the date of the birth of the child.

FULLERTON V. McDONALD (1932) S.A.S.R. 1; 13 Austn. Digest 908. Where evidence was given showing that the parties were on terms of familiarity and that they were together alone at the time when conception was alleged to have taken place, held that the evidence was sufficient to amount to corroboration.

STRUCK V. ALDERMAN (1932) S.A.S.R. 71. Where evidence as to statements made by the defendant in a conversation are put forward as corroboration, the whole of the conversation must be given.

WADE V. ALDERMAN (1934) S.A.S.R. 108. *Seemle*, the mere admission by the defendant of intercourse after the date fixed for conception is not corroboration.

HAYTER V. HOWIE (1937) S.A.S.R. 59; reversing HOWIE v. HAYTER (1936) S.A.S.R. 443. Where the putative father admitted having unsuccessfully attempted sexual intercourse with the mother on the night prior to the night on which, according to the mother's evidence (denied on oath by the father) he had intercourse with her which resulted in the birth of the child, held that the mother's evidence was sufficiently corroborated in a material particular.

s. 60. (2) HANCOCK V. PHILCOX (1925) S.A.S.R. 413; 13 Austn. Digest 897. Observations that after the mother gives evidence and the defendant is called to deny paternity, cross-examination of the defendant should be limited to the incidents disclosed in the mother's evidence then before the court.

STRUCK V. ALDERMAN (1932) S.A.S.R. 71; 13 Austn. Digest 897. In the course of a trial the special magistrate, after the mother's evidence had been completed, ruled that the defendant must deny the evidence of paternity before the complainant need tender further evidence. The defendant then denied the paternity and the evidence for the complainant was then completed. Held that the procedure adopted was correct.

Variation of Orders under this Division.

62. (1) Any justice, on the complaint of a near relative liable upon an order under this Division, may summon all or any of the persons alleged in the complaint to be near relatives of the child named in the order to appear before a court at a time and place to be named in the summons, and shall give notice thereof to the board.

Variation of order as to amount and persons liable therein.

641, 1895,
s. 92.

(2) At the time and place so appointed, or at any adjourned hearing, a court of summary jurisdiction may make further inquiry as to the means and ability of the complainant, and as to the relationship to such child of the persons summoned, and as to their several means and abilities to maintain or contribute to the maintenance of such child, and may make such order as appears just, increasing, reducing, or varying the periodical sum to be thenceforth paid by the complainant, or suspending for a specified time or annulling the previous order, or directing that the persons so summoned, or some or one of them, shall thenceforth pay for or contribute towards the maintenance of the child, or may make such other order not inconsistent with the provisions of this Act as appears just.

63. On complaint by any person liable upon or entitled to the benefit of any order under this Division for the periodical payment of any sum of money, the court on the hearing of such complaint may, while such order continues in force, make further inquiry as to the means and ability to pay of the person against whom such order was made, and may make an order increasing, reducing, or entirely remitting the periodical sum so ordered to be paid.

Variation of orders as to amount.

813, 1903,
s. 2.

64. Any justice may, on the complaint of an officer of the board, summon any person liable upon an order under this Division to appear before a court of summary jurisdiction at a time and place to be named in the summons, and at the time and place so appointed the court may make further inquiry as to the means and ability to pay of the person liable upon the order, and may make such order as may be just, increasing, reducing, or entirely remitting the periodical sum to be thenceforth paid by such person liable upon such maintenance order, or may make such other order, not inconsistent with the provisions of this Act, as may be just.

Variation of order on application of board.

750, 1900,
s. 7.

PART III.
DIVISION II.

Persons
entitled to
make
complaints.
702, 1898,
s. 8.

65. No complaints under this Division against the father or alleged father of an illegitimate child shall be made except—

- (a) by or on behalf of the mother of the child in respect of which the complaint is made;
- (b) by or on behalf of the child itself; or
- (c) by some officer of the board.

DIVISION III.

DIVISION III.—THE SUMMARY PROTECTION OF MARRIED WOMEN.

Summary
relief to
married
women.

664, 1896,
s. 2.
Cf. U.K.
58 & 59 Vict.
c. 39, s. 4.
Cf. U.K.
2 Edw. 7
c. 28, s. 5.
Cf. U.K.
15 & 16
Geo. 5 c. 51
(1), (2).

66. (1) Any married woman—

- (a) whose husband during the preceding six months has been guilty of—
 - (i.) cruelty to her or any of her children; or
 - (ii.) persistent indecent behaviour before her children; or
 - (iii.) adultery; or
 - (iv.) desertion; or

s. 65. *PHILLIPS v. PHILCOX* (1923) S.A.S.R. 550; 13 Austn. Digest 886. Held that a complaint purporting to be made on behalf of an illegitimate child by an officer of the Children's Welfare Board was duly made on behalf of the child although no authority from the child was proved and no proof was given that the complainant was an officer of the board.

s. 66. (1) *BARBU v. BARBU* (1920) S.A.L.R. 244; 13 Austn. Digest 868. The principles applied by the Supreme Court in suits for judicial separation, should be applied by the court in an application under section 66 for an order relieving a married woman from co-habitation on the ground of cruelty. Three alleged acts of cruelty, of which the evidence as to two was uncorroborated, held, in the circumstances, to be insufficient to justify an order relieving the wife from the obligation to co-habit with her husband. Observations as to the desirability of corroboration.

ELKAN v. ELKAN (1921) S.A.S.R. 236; 13 Austn. Digest 851. A married woman is not debarred from applying for protection on the grounds of wilful neglect by her husband to maintain her by reason of the fact that she is living apart from him in pursuance of a separation agreement which he has repudiated.

WALLIS v. WALLIS (1922) S.A.S.R. 252; 8 Austn. Digest 242. Where a husband was charged with cruelty to his wife, held that a letter written 12 months previously charging the wife with gross immorality was properly admitted in evidence.

MEANEY v. MEANEY (1923) S.A.S.R. 339; 13 Austn. Digest 865. The jurisdiction to relieve a married woman from co-habitation should be exercised according to the principles laid down for the exercise of the corresponding jurisdiction of the Supreme Court. Instances discussed where one party to a marriage may, by reason of the conduct (short of a matrimonial offence) of the other party to the marriage put an end to co-habitation without it amounting to desertion.

MATTHEWS v. MATTHEWS (1924) S.A.S.R. 280; 13 Austn. Digest 866. The following propositions formulated:—(1) Division III. does not contemplate an order being made where the parties are voluntarily co-habiting and no sufficient cause is shown for separating them. (2) An order for maintenance, or for custody of children ought not to be made except where the husband has deserted his wife, or she has left him for reasonable cause or she asks for relief from co-habitation and proves sufficient cause for receiving it. (3) An order giving relief from co-habitation ought not to be made except for adultery, desertion for two years or upwards, or cruelty to or wilful neglect to provide reasonable maintenance for, the wife or any of her children, which has caused injury or danger, or the reasonable apprehension of injury or danger, to the physical or mental health. (But see subsection (3) since enacted). (4) If the parties are not co-habiting together and the cause of the separation is the husband's desertion, an order for

(v.) wilful neglect to provide reasonable maintenance for her or any of her children;
or

(b) whose husband is a person who is, by reason of habitual intemperate drinking of intoxicating liquor, at times dangerous to himself or others, or incapable of managing himself or his affairs, may apply for summary protection under this Division, and the same may be ordered accordingly.

(2) When a complaint has been made under this section, a justice may, in his discretion, issue his warrant for the apprehension of the husband in the first instance.

(3) The court may order summary protection under this section on the grounds of desertion notwithstanding that the desertion has not continued for two years or upwards.

67. All courts of summary jurisdiction which include a special magistrate and two justices of the peace shall have jurisdiction under this Division, but no order shall be made

Constitution
of court.
664, 1896,
s. 4.

s. 66. (1) relief from co-habitation should not, in general, be granted, as it is unnecessary, and the policy of the law is to draw husband and wife together. (5) The same circumstances which constitute adequate grounds for giving relief from co-habitation where the parties are living together, also constitute reasonable cause for the wife leaving her husband when they are living apart.

RILEY v. RILEY (1926) S.A.S.R. 120; 13 Austn. Digest 867. Held, under the Married Women's Protection Act, 1896, that there was power to make an order relieving a wife from co-habitation where the desertion was for less than two years but the husband had been guilty of cruel, harsh, and unreasonable conduct, was of drunken habits, and had persisted in unjustifiable charges of adultery against his wife. Since this decision subsection (3) of section 66 has been enacted.

MORGAN v. MORGAN (1927) S.A.S.R. 140; 13 Austn. Digest 868. Held under the Married Women's Protection Act, 1896, that desertion for less than two years would justify an order for maintenance in a proper case but not for relief from co-habitation. Held, also, upon evidence that a wife left home after being threatened by her intoxicated husband, she being in fear of him, and that he subsequently did not contribute to her support (except one small sum) and after eight months refused to take her back or support her, that desertion should have been found. Subsection (3) of section 66 has been enacted since this decision.

GOHRA v. GOHRA (1928) S.A.S.R. 166; 13 Austn. Digest 869. Where on a complaint by a married woman charging cruelty and neglect to maintain two specific acts of violence were proved and there was general evidence of acts of violence at unspecified dates, held that an order relieving the wife from co-habitation was justified. Held also that evidence of violence towards the wife to enforce sexual intercourse during her menstrual periods and of actual sexual intercourse then enforced on her was admissible.

BAILEY v. BAILEY (1930) S.A.S.R. 57; 13 Austn. Digest 844. Where a complaint under section 66 is laid and withdrawn and a second complaint is subsequently laid, the first complaint and withdrawal are no bar if there is new cause sufficient to entitle the wife to relief. If the allegations in the second complaint are proved, the existence of any bar to her being given the relief to which the facts so proved would *prima facie* entitle her must be established by the husband.

AXON v. AXON 11 A.L.J. 342. The onus of proof of establishing upon the balance of probabilities that she is the wife of the defendant rests upon the complainant.

s. 67. SCHMIDT v. SCHMIDT (1912) S.A.L.R. 101; 13 Austn. Digest 819. Where a summons is served at the last known place of abode of the defendant, it is necessary to show that the summons came to his notice or must be presumed to have come to his notice.

R. v. HASLAM AND OTHERS (1923) S.A.S.R. 444; 13 Austn. Digest 867. Where owing to want of unanimity in the court no order is made, a fresh summons may be issued on the original complaint.

PART III.
DIVISION III.

under this Division unless a special magistrate and two justices join in the hearing of the application and the making of the order.

Provisions
of orders.

664, 1896,
s. 5.
Cf. U.K.
58 & 59 Vict.
c. 39, s. 5.

68. Any order for protection under this Division may—

- I. relieve the applicant from any obligation to cohabit with her husband:
- II. grant to the applicant the legal custody of her children:
- III. grant to the husband of the applicant such rights of access to the children of the applicant and her husband as the court deems proper:
- IV. direct the husband to pay to the applicant personally, or for her use, to any officer of the court, or third person on her behalf, such weekly or other periodical sum as the court, having regard to the means both of the husband and the wife, consider reasonable for the past or future maintenance of herself and also of all children (if any) whose custody is granted to her, such sum to be secured in such manner (if any) as may be directed by the court.

Extent of
orders.

664, 1896,
s. 6.

69. Any one or more of the matters mentioned in sections 66 and 68 may be dealt with in or by the same complaint or order, but costs may be ordered against any informant in respect of any matter of complaint charged in the complaint and not established at the hearing.

- S. 68. *BARBU V. BARBU* (1920) S.A.L.R. 244; 13 Austn. Digest 872. On appeal from an order, the appeal is an appeal on both facts and law.
- MEANEY V. MEANEY* (1923) S.A.S.R. 339; 13 Austn. Digest 865, 870. Where it was found that the husband had deserted his wife and had made unfounded charges of adultery against her in which he did not believe, held that an order relieving her from co-habitation should not be interfered with. The jurisdiction to relieve a married woman from co-habitation should be exercised according to the principles laid down for the exercise of the corresponding jurisdiction of the Supreme Court.
- HARRIS V. HARRIS* (1924) S.A.S.R. 126; 13 Austn. Digest 861, 872. An order need not distinguish between amounts payable in respect of a wife and children. Observations as to the application of principles applied by the Supreme Court in matrimonial causes to making of orders for maintenance. On an appeal where an order for maintenance is varied in favour of the husband, the court has jurisdiction to order the husband to pay the wife's costs of the appeal and a discretion as to whether the order shall be made or not; where in such a case the wife is shown not to have any means other than the maintenance allowed, costs should be allowed to her.
- MATTHEWS V. MATTHEWS* (1924) S.A.S.R. 280; 13 Austn. Digest 826, 866. Where a husband and wife lived at the same house, slept in the same room and occasionally had marital intercourse held that the facts showed voluntary co-habitation and that an order for maintenance should not have been made.
- JOSS V. JOSS* (1924) S.A.S.R. 461; 13 Austn. Digest 866. There is no power to make an order for relief from co-habitation on the mere consent of the husband. An order should be made only upon satisfactory evidence.

PART III.
DIVISION III.

70. No order shall be made under this Division on the application of a married woman, if the adultery complained of has been condoned and not revived, or if it is proved that the applicant is of drunken habits or has committed adultery: Provided that the husband has not condoned, or connived at, or, by his cruelty, wilful neglect or misconduct, conduced to such adultery or drunken habits.

No order in certain cases.
664, 1896, s. 7.
Cf. U.K. 58 & 59 Vict. c. 39, s. 6.

71. (1) No order under this Division shall affect the order of any court of superior jurisdiction.

Effect of orders.
664, 1896, ss. 8, 9, 10.

(2) No order under this Division shall dissolve any marriage.

(3) Every order for relief from the obligation to cohabit whilst in force shall have the effect in all respects of a decree of judicial separation.

72. On proof, on any application under this Division, that the husband has omitted to supply reasonable maintenance wilful neglect shall be presumed, unless the husband proves the contrary.

Proof of wilful neglect.
Ibid., s. 11.

73. (1) Any court of summary jurisdiction constituted as hereinbefore mentioned may, on the due application of a married woman or of her husband, and upon cause being shown upon fresh evidence to the satisfaction of such court, at any time alter, vary or discharge any such order, and may, upon any such application increase or diminish the amount of any payment ordered.

Variation and discharge of order.
Ibid., s. 12.
Cf. U.K. 58 & 59 Vict. c. 39, s. 7.

(2) If any married woman upon whose application an order has been made under this Division voluntarily resumes

664, 1896, s. 13.

s. 70. HART V. HART (1922) S.A.S.R. 208; 13 Austn. Digest 871. Nature and effect of condonation discussed. Where a husband was found guilty of cruelty to and wilful neglect of his wife and subsequently on two occasions the husband and wife occupied the same bedroom, held that those acts did not establish condonation.

s. 73. MATTHEWS V. MATTHEWS (1924) S.A.S.R. 280. Subsection (2) is general in its application and applies to every order granting protection under Division III. of Part III.

TURNER V. TURNER (1926) S.A.S.R. 398; 13 Austn. Digest 874; reversing in part TURNER V. TURNER (1925) S.A.S.R. 367. Section 52 of the Justices Act, 1921 (which limits the time for a complaint to six months from the time the matter of complaint arose) does not apply to proceedings under subsection (1) or (2). Observations on the construction of subsections (1) and (2).

ELBOROUGH V. ELBOROUGH (1931) S.A.S.R. 95; 13 Austn. Digest 955. Where on the hearing of an application for reduction in the amount of a maintenance order it was shown that the husband possessed property bringing in no income and was unable to obtain work, held in these circumstances that only such an allowance as would suffice for the necessities of the wife should be made. Held also that the wife was entitled to an allowance even though it might necessitate the sale of the husband's property.

McLACHLAN V. McLACHLAN (1935) S.A.S.R. 253. Notwithstanding a return to cohabitation an order remains in force until discharged.

PART III.
DIVISION III.

cohabitation with her husband, or commits adultery, such order shall, upon application and proof, be ordered to be discharged.

Immediate
order for
relief.

664, 1896,
s. 14.
Cf. U.K.
58 & 59 Vict.
c. 39, s. 8.

74. In case of the conviction of a husband in any court for any offence involving cruelty to his wife or children, an application for protection under this Division may, by leave of the court, be heard immediately after such conviction without any summons.

Penalty for
disobedience
of order.

664, 1896,
s. 16.

75. (1) If any husband molests or interferes with or attempts to molest or interfere with his wife in her manner of living contrary to any order for relief from cohabitation, or molests or interferes with or attempts to molest or interfere with any child contrary to any order for custody, he shall be guilty of an offence against this Act, punishable by a fine not exceeding twenty pounds or by imprisonment for any term not exceeding six months.

(2) Any court of summary jurisdiction may exercise jurisdiction under this section, notwithstanding that it is not constituted as provided by section 67.

Cf. U.K.
58 & 59 Vict.
c. 39, s. 9.

(3) The payment of any sum of money ordered to be paid under this Division may be enforced under the provisions of Division IV. of this Part of this Act.

(4) Section 90, which relates to the finding of sureties or security for compliance with a maintenance order, shall apply as regards all the matters or things ordered by any order made under this Division.

Forms.

664, 1896,
s. 18.

76. The forms in the third schedule may be used in accordance with the notes thereto and shall be valid and sufficient for the purposes of this Division.

DIVISION IV.

DIVISION IV.—GENERAL PROVISIONS RELATING TO MAINTENANCE AND THE ENFORCEMENT OF MAINTENANCE ORDERS.

Attachment of
property of
persons
against whom
order is
sought.

641, 1895,
s. 87.
Cf. U.K.
4 & 5 Geo. 5
c. 6, s. 2.

Amended by
1983, 1930,
s. 6.

77. Upon complaint made under sections 24, 41, 43, 47, 53, 66, or 91 of this Act notice may be given to any banker or other person having, or supposed to have, the care, custody, or control of any money or property of, or belonging or payable to, any person complained against, not to pay or part with the possession of such money or property until the complaint has been heard and determined, and such money and property shall thereby become and be attached in the hands

of the person having the care, custody, or control thereof, who shall be compellable to give evidence on the hearing of the complaint as to all matters relating to or concerning the money or property.

78. (1) The court hearing any complaint, upon the making of which notice under the next preceding section was given, may, if it makes a maintenance order or (as the case may be) an order under section 91, by the same or a separate order direct that the money or property attached, or such portion thereof as it orders, be paid or handed over to the board, or to the person to whom the maintenance money is ordered to be paid.

Order for
delivery of
attached
property.
641, 1895,
s. 88.

(2) The person having the care, custody, or control thereof shall pay or hand over the same accordingly, and shall be thereby discharged from all liability to the owner thereof, or any person claiming under him in respect of the money or property so paid or handed over, and, except as to such portion of the money or property attached as the court may, within one month from the service of the notice of attachment, order to be so paid or handed over, the attachment shall be determined.

79. (1) Any person who has received any notice under section 77 may, before the hearing of the complaint, after giving notice in writing of such application to the person by whom notice is given under section 77, apply to a court of summary jurisdiction for an order setting aside the said notice under section 77 with respect to the whole or any part of the property or money the subject-matter thereof.

Attachment
may be
pleaded.
641, 1895,
s. 89.
Amended by
2360, 1937,
s. 6.

(2) Any such person may plead any such notice in bar to any action, suit, or other proceeding which may be instituted against him for the recovery of any such money or property by the owner or any person claiming under him.

80. Any person who, after receipt of a notice under section 77—

Liability of
persons
contravening
order.
641, 1895,
s. 90.

(a) pays or hands over any such money or property otherwise than in accordance with the order made by the court; or

(b) neglects or refuses to comply with the order made, shall be personally liable to pay to the board or the payee mentioned in the maintenance order the amount of money or the value of the property ordered to be paid or handed over, and such amount or value may be recovered before a court in a summary way.

PART III.
DIVISION IV.

Collection by
police of
moneys due
to board.

641, 1895,
s. 93.
996, 1908,
s. 8.

Caveats.

641, 1895,
s. 94.

Warrant to
enforce pay-
ments under
orders.

Substituted
by 1983,
1930, s. 7.

Registration
of warrant and
effect thereof.

641, 1895,
s. 96.

Sale under
warrant.

Ibid., s. 97.

81. Subject to the provisions of a maintenance order, any member of the police force shall, when so directed in writing by the board under its seal, countersigned by the Commissioner of Police, demand, collect, and receive from any person liable to pay the same all sums of money due to the board under any maintenance order, and the receipt in writing of any such member of the said force for moneys paid to him shall be a sufficient discharge therefor.

82. (1) If any person against whom a maintenance order has been made is the registered proprietor of any land, estate, or interest in land subject to The Real Property Act, 1886, the board may lodge with the Registrar-General a caveat under the seal of the board against any dealings with such land, estate, or interest.

(2) Particulars of the order shall be set out in the caveat, and the Registrar-General shall forthwith register such caveat, and it shall not be lawful for the Registrar-General, without the consent of the board, to remove or discharge such caveat—

(a) unless and until he is satisfied that all moneys due under such order have been fully paid and satisfied; or

(b) unless he is ordered by the Supreme Court, or a Judge thereof, to remove such caveat.

83. If any money payable under a maintenance order is in arrear for one month, a court of summary jurisdiction may, upon the application of the board or any person to whom money is payable under the maintenance order, issue a warrant authorising the board or the said person to receive the whole or any part of the rents, profits, and income of the real and personal estate of the person against whom the order was made, or to take or sell the estate and interest of the said person in the said real or personal estate, or in such part thereof as the court may direct.

84. Every such warrant may be registered in the same manner as a writ of *feri facias*, and shall, from the time of registration, bind the estate or interest of the person liable under the order for maintenance in his real estate and chattel real property.

85. Any sale under such warrant may be by public auction or private contract for cash or on credit, or partly for cash and partly on credit, and subject or not to such special or other conditions as the board deems expedient.

PART III.
DIVISION IV.Assurances to
purchaser.641, 1895,
s. 98.
996, 1909,
s. 8.

86. (1) The board, or person authorised by the warrant to sell, may execute to the purchaser all such conveyances, assignments, memoranda of transfer, or other assurances of the property sold as the person against whom the order was made might have executed but for this Act, and the property so conveyed or assured shall vest in the purchaser accordingly.

(2) The Registrar-General shall forthwith register every such memorandum of transfer, and cause all certificates of title to be issued or cancelled, and entries to be made and acts to be done, as may be necessary for giving effect to the sale.

87. (1) No notice or demand whatsoever shall be requisite before issuing any such warrant as is mentioned in section 83, or before exercising any of the powers thereby conferred, but the court of summary jurisdiction may before issuing any such warrant require such notice (whether by post, advertisement, or otherwise) to be given to the person against whom the maintenance order is made as to the court shall seem just; and for the purpose of giving any such notice the court may from time to time adjourn the hearing of the application for the issue of the warrant. At any such hearing the person against whom the maintenance order is made may be heard by the court.

Issue of
warrant with-
out previous
demand.641, 1895,
s. 99.
996, 1909,
s. 8.Amended by
1983, 1930,
s. 8.

(2) The warrant shall, so far as regards any purchaser or person dealing with the board or the person authorised by such warrant, be conclusive evidence that the power to sell is vested in the board or in the person therein named.

88. The payment to the board or to the person named in any such warrant shall be a good discharge to any tenant, purchaser, or other person for all moneys paid by him pursuant to such warrant.

Effect of pay-
ment under
warrant.641, 1895,
s. 100.
996, 1909,
s. 8.

89. The rents, profits, and income, and the proceeds of any sale, received under any such warrant and the estate or interest in any real or personal estate taken under any such warrant shall be applied firstly in payment of the costs of collection or sale; secondly, in payment of the costs of obtaining such warrant; thirdly, in paying any money due under the original order; and the balance shall be applied in or towards future maintenance, or in such other manner as a court of summary jurisdiction may direct.

Application
of moneys
received under
warrant.641, 1895,
s. 101.Amended by
2360, 1937,
s. 7.

PART III.
DIVISION IV.

Power of
court to
require
security for
compliance
with order.

641. 1895,
s. 91.

Penalty for
failure to com-
ply with
orders.

750, 1900,
s. 16.
Cf. U.K.
35 & 36 Vict.
c. 65, s. 4
(part).
Cf. U.K.
25 & 26
Geo. 5 c. 46.
s. 8.

90. The court making any maintenance order may, by the same or a separate order, and any court, on complaint that any person liable upon any such order has made default thereunder, or intends to evade compliance therewith, may, by a subsequent order, require the person liable for the maintenance to find such good and sufficient sureties or security as it thinks fit, that he will comply with the order made against him, and the justices may, in default of such sureties or security being found, commit such person to gaol for any period not exceeding six months, unless the order for security is sooner complied with: Provided that it shall be lawful for the court to determine upon the sufficiency of any proposed sureties or security, and in what manner the security shall be given, and any justice, upon being satisfied that the security has been duly made and perfected, may order the discharge of such person from gaol.

91. (1) A court of summary jurisdiction may, at any time, inquire into any disobedience of, or neglect to comply with, any maintenance order, and for that purpose may summon and examine all proper parties and witnesses, and in order to enforce compliance or punish the non-compliance with such order, may commit to gaol, with or without hard labour, for any period not exceeding twelve months, unless the order is sooner complied with, the person found guilty of such disobedience, neglect, or non-compliance, or may impose upon such person a fine not exceeding fifty pounds.

s. 90. In the matter of CHARLES OLIVER and the DESTITUTE PERSONS RELIEF ACT, 1866-7 (1868) 2 S.A.L.R. 200; 13 Austn. Digest 996. As to the form of an order.

s. 91. *McQUIRE v. WHITFIELD* (1932) S.A.S.R. 432; 13 Austn. Digest 995. Interpretation of "disobedience of" and "neglect to comply with." Held that section 91 is a penal section and does not deal with cases of mere non-payment of money under maintenance orders. Held, also, that a complaint under subsection (1) that a person had disobeyed a maintenance order inasmuch as he had neglected to pay certain of the payments thereunder, did not charge two offences, but one only. Held that section 52 of the Justices Act, 1921, applies to proceedings for an offence under section 91, that it is unnecessary that any of the instalments fall due within the six months preceding the complaint, but that the neglect constituting the offence must have occurred during that period. Observations that the liability under a maintenance order is a continuing liability; that instalments falling due more than six months previously remain recoverable; that it must be assumed that until the person ordered to pay obtains a reduction or remission of payments, he is, until the contrary appears, still able to pay as ordered.

HITCHCOX v. HITCHCOX (1934) S.A.S.R. 307. The reference in section 34 of the Matrimonial Causes Act, 1929, to Division IV. of this Act is a reference to Division IV. of Part III. of this Act. On a decree for dissolution of marriage an order, consented to by the husband, was made for the permanent maintenance by him of the wife during her lifetime; the payments fell into arrears and proceedings were taken by the wife pursuant to section 34 of the Matrimonial Causes Act, 1929, and section 91 of this Act, for non-compliance with the order; a fresh complaint had been laid on the above ground and an arrangement made whereby the husband had agreed to pay certain amounts off the arrears and certain payments for maintenance; at the time of complaint the arrangement had been terminated and there were considerable arrears. Held, that, on account of the arrangement made, the husband had not been guilty of disobedience to the order, but as his arrangement had been terminated, further proceedings could be brought under section 91 for non-compliance with the order.

(2) Neither the serving of a period of imprisonment nor the payment of a fine under this section shall affect the liability of the defendant to pay any sum of money ordered to be paid by the maintenance order.

92. Upon a complaint made under the next preceding section of this Act in respect of any alleged disobedience of or neglect to comply with any maintenance order, a justice may, instead of issuing a summons, issue a warrant under his hand for the apprehension of the person against whom the complaint is made, and for the detention of that person until the hearing of the complaint, unless he enters into a recognizance, with one or more sureties, in such sum as the justice directs, conditioned for his appearance at the hearing of the complaint.

Warrant in
first instance.
750, 1900.
s. 6.

93. Every person who disobeys or neglects to comply with any maintenance order made against him under this Act and goes to reside beyond the State, either permanently or temporarily, shall be guilty of a misdemeanour, punishable by imprisonment, with or without hard labour, for any period not exceeding twelve months.

Disobedience
of order and
quitting State.
641, 1895.
s. 126.

93a. (1) If any order (which is hereinafter referred to in this section as "the maintenance order") is before or after the commencement of the Maintenance Act, 1937, made under section 43, section 43a, or Division III. of this Part, or the corresponding provision of any Act repealed by this Act, or is made for the support of a husband by a wife pursuant to section 20 of the Married Women's Property Act, 1883-4, and—

Provision on
order for
divorce, &c.

Inserted by
2360, 1937,
s. 8.

- (a) an order absolute is made by the Supreme Court whereby the marriage between the husband and wife referred to in the maintenance order is finally dissolved or decreed a nullity; or
- (b) in the course of any proceedings in the Supreme Court for the divorce of the husband and wife referred to in the maintenance order or for the declaration of the nullity of their marriage, any order is made or refused with respect to maintenance; or
- (c) an order is made by the Supreme Court for the judicial separation of the husband and wife referred to in the maintenance order and in the course of the proceedings or in the order any order is made for maintenance,

the following consequences shall follow.

(2) If any such order is made or if any such order for maintenance as is referred to in paragraph (b) of subsection (1) is refused by the Supreme Court after the passing of the Maintenance Act, 1937, a court of summary jurisdiction shall, upon the complaint of any party to the maintenance order or the board, discharge the maintenance order, and the maintenance order shall be deemed to have been discharged from the time the order is made or refused by the Supreme Court.

(3) If in any proceedings such as mentioned in subsection (1) an order for maintenance was made by the Supreme Court before the passing of the Maintenance Act, 1937, a court of summary jurisdiction shall, upon the complaint of any party to the maintenance order or the board, discharge the maintenance order, and the maintenance order shall be deemed to have been discharged from such time as is fixed by the court of summary jurisdiction.

(4) If any such order (other than an order for maintenance) was made or if any such order for maintenance as is referred to in paragraph (b) of subsection (1) was refused by the Supreme Court before the passing of the Maintenance Act, 1937, a court of summary jurisdiction may, upon the complaint of any party to the maintenance order or the board, discharge the maintenance order, and the maintenance order, if discharged, shall be deemed to have been discharged from such time as is fixed by the court of summary jurisdiction.

(5) A court of summary jurisdiction may exercise jurisdiction under this section although it is not constituted as mentioned in section 67.

Desertion of
child under
certain cir-
cumstances a
misde-
meanour.
641, 1895,
s. 127.

94. Every near relative liable to maintain any child who leaves such child without or fails to provide such child with adequate means of support, and goes to reside either temporarily or permanently, outside the State, shall be guilty of a misdemeanour, punishable by imprisonment for any period not exceeding twelve months.

Warrant for
arrest of
deserter.
Ibid., s. 128.

95. Upon complaint on oath by or any officer of the board, that he has reasonable grounds for believing that any person is about to commit a misdemeanour within the meaning of section 93 or section 94 of this Act any justice, if satisfied that there are reasonable grounds for believing that such misdemeanour has been or is about to be committed, may issue his warrant for the apprehension of the person complained against.

PART III.
DIVISION IV.Summary
proceedings
against
deserters.641, 1895,
s. 129.

96. Upon the hearing of a complaint made under the next preceding section a court of summary jurisdiction may hear and determine the matter in a summary way, and, if satisfied that the defendant was about to commit the offence mentioned in the complaint may order such defendant to find good and sufficient surety or security to the satisfaction of the court that he will comply with the maintenance order, or that he will not leave the child without, or will provide the child with adequate means of support. The court, in default of such surety or security being found, may commit the defendant to gaol for any period not exceeding six months, if such order be not sooner complied with: Provided that any justice may determine upon the sufficiency of any proposed surety or security, and in what manner and to whom the same shall be made; and, upon being satisfied that the same has been made and perfected, may order the discharge of the defendant from gaol or custody.

97. (1) On the hearing of any complaint in which the defendant is charged with non-compliance with any maintenance order, the defendant shall be compellable to give evidence, and may be summoned as a witness for that purpose.

Compellability
of defendant
as witness at
hearing of
complaint for
non-
compliance.996, 1909,
s. 13.

(2) The defendant shall not be excused from giving evidence, on the ground that the answer to any question, or such evidence, might prove or tend to prove him guilty of the matter alleged or charged against him: Provided that such question or evidence is, in the opinion of the court or other tribunal hearing the complaint, relevant to the matter of that complaint.

98. (1) Whenever in any proceedings under this Act it is material to ascertain the earnings of any person the court may in its absolute discretion accept a statutory declaration made as hereinafter in this section mentioned as *prima facie* evidence of those earnings.

Proof of
earnings of
defendant.Amended by
2360, 1937,
s. 9.

(2) A statutory declaration under this section shall be made—

- (a) by any employer of the person whose earnings are in question; or
- (b) by some person employed by such employer as manager, secretary, accountant, or in any such other position as in the opinion of the court would enable him to testify to the earnings of the person whose earnings are in question; or

PART III.
DIVISION IV.Inserted by
2360, 1937,
s. 9.

- (c) by a member of the police force of this or any State in the Commonwealth or of the Commonwealth who declares as to information as to such earnings given to him by the employer of the person whose earnings are in question or by some person employed by such employer as manager, secretary, or accountant.

Proof of payment or non-payment under maintenance order.

Cf. U.K.
22 & 23
Geo. 5 c. 46,
s. 34 (3).

99. Whenever in any proceedings under this Division it is material to inquire whether any, or how much, money has been paid or is owing to the board or any officer thereof by any person liable under a maintenance order to make any such payment to the board or an officer thereof, any officer of the board may on oath state his information and belief as to whether any, and how much, money has been paid, or is owing, as aforesaid, and the court shall accept such statement as *prima facie* evidence of the facts stated.

PART IV.

PART IV.

STATE CHILDREN.

DIVISION I. DIVISION I.—THE COMMITMENT, DETENTION, AND RELEASE OF STATE CHILDREN.

Places for hearing complaints against children.

996, 1909,
s. 3.
Cf. U.K.
8 Edw. 7
c. 67, s. 111.
Cf. U.K.
22 & 23
Geo. 5 c. 46,
Part I.
Cf. U.K.
23 Geo. 5
c. 12, s. 45.

100. Every information or complaint—

- (a) laid against any child in respect of any alleged offence whether such offence is indictable or is punishable on summary conviction or otherwise; or
- (b) alleging that any child is a destitute, neglected, or uncontrollable, or incorrigible child,

and which is to be heard within ten miles of any part of the City of Adelaide or of the City of Port Adelaide, shall be heard only in such room or place as is from time to time appointed or approved of by the Chief Secretary for the purpose of hearing such informations and complaints.

PART IV.
DIVISION I.

101. Any constable may, without a warrant, apprehend any child appearing or suspected to be a destitute or neglected child, and take such child before a court of summary jurisdiction.

Constables may arrest destitute or neglected children.
641, 1895, s. 32.
Of. U.K.
8 Edw. 7 c. 67, s. 58 (8).
Of. U.K.
22 & 23 Geo. 5 c. 46, s. 9.

102. The court, upon complaint being made in the prescribed form, and upon being satisfied that any child charged with being a destitute child or a neglected child is in fact a destitute child or a neglected child, may—

Court may order destitute or neglected children to be sent to an institution.
641, 1895, s. 33.
996, 1909, s. 21 (part).
Of. U.K.
20 Geo. 5 c. 17, s. 52.

(a) order such child to be forthwith sent to an institution, to be there detained or otherwise dealt with under this Act until such child attains the age of eighteen years; or

(b) by an order in writing place such child in the custody and under the control of the board until such child attains the age of eighteen years.

103. If any child is brought before a court of summary jurisdiction charged either by his parents or by an officer of the board with being an uncontrollable or incorrigible child, the court, upon being satisfied that the charge is well founded, may—

Uncontrollable or incorrigible child, how dealt with.
641, 1895, s. 34.
750, 1900, s. 4.
996, 1909, s. 21 (part).
Of. U.K.
8 Edw. 7 c. 67 s. 58 (4).
Of. U.K.
22 & 23 Geo. 5 c. 46, ss. 9, 10.
Of. U.K.
23 Geo. 5 c. 12, s. 64.
Amended by 1983, 1930, s. 9.

(a) order the child to be sent to an institution, to be there detained or otherwise dealt with under this Act until he attains the age of eighteen years or for such lesser period as the court may order:

(b) by an order in writing place the child in the custody and under the control of the board until he attains the age of eighteen years or for such lesser period as the court may order:

(c) release the child on probation, in which case he shall be subject to the supervision of the board until he attains the age of eighteen years or for such lesser period as the court may order, and shall

Of. U.K.
8 Edw. 7 c. 67, s. 60.

s. 103. *SKIER V. BYRNE* (1929) S.A.S.R. 378; 11 Austn. Digest 131. The principle of law under which the court does not interfere with a child's choice of residence, when over a certain age, does not apply to proceedings under section 103. A child is "uncontrollable" when not adequately controllable by those entitled to exercise control. Disobedience or want of amenability to control in an isolated or particular instance, or in circumstances in which obedience should not be expected, do not ordinarily render a child "uncontrollable."

periodically report himself to the board at such place and times and in such manner as the board may direct:

- (d) order the child to be sent to a probationary school to be there detained for a period of not more than three months:

Provided that, if the charge is made by an officer of the board, no order under this section shall be made without notice of the charge to the parent, unless the address of the parent is unknown to the officer.

Summons or warrant for arrest of children in certain circumstances.

Inserted by 1983, 1930, s. 10.

103a. (1) In any case where any complaint is made in respect of any child pursuant to section 102 or section 103, any justice may summon the child to appear before a court of summary jurisdiction, at a time and place to be named in the summons, so that the matter alleged against him may be heard and determined.

(2) A justice may, instead of issuing a summons, issue a warrant under his hand for the arrest of the child and for his detention until the hearing of the complaint.

(3) Any such child so arrested shall, as soon as conveniently may be, be brought before a court of summary jurisdiction, so that the matter alleged against him may be heard and determined.

(4) Any child brought before a court of summary jurisdiction, and charged pursuant to section 102 or section 103, may be dealt with by the court as provided by the said sections, notwithstanding that the child has not been summoned as aforesaid or that a warrant has not been issued as aforesaid for the arrest of the child.

If probationer fail to report himself, the board may cause him to be arrested.
641, 1895, s. 35.

104. (1) If any child released on probation, pursuant to section 103, fails to report himself to the board as directed, or if the board is not satisfied with his conduct while on probation, the board may, without any warrant, cause him to be arrested and brought before a court of summary jurisdiction.

(2) The court may exercise, with regard to such child, any of the powers which the court by which such child was released on probation might have exercised.

PART IV.
DIVISION 1.

105. If, on the hearing of any information or complaint, any child is convicted of any offence, or is found to be a destitute, neglected, uncontrollable, or incorrigible child, and the court hearing the information or complaint is of opinion that such child is guilty of such offence, or is destitute, neglected, uncontrollable, or incorrigible, wholly or partly in consequence of some fault of or lack of proper care or control on the part of the guardian of such child, the court may, on the hearing or any adjournment thereof, and without complaint made for that purpose, in its discretion punish such guardian by a fine not exceeding twenty pounds, or by imprisonment for any term not exceeding three months: Provided that no guardian shall be punished under this section unless notice of the hearing or adjournment has been given to him in manner provided by section 106, and, if present, he has had an opportunity of showing cause why he should not be punished.

Guardian of child to be liable in certain cases for its offence.
996, 1909, s. 20.
Cf. U.K. 8 Edw. 7 c. 67, ss. 98, 99.

106. (1) Whenever any complaint is made charging a child with being a neglected child on the ground that he is under unfit guardianship, the guardian of such child shall be notified in writing by the complainant of the time when and place where such complaint is to be heard.

Notice to guardian of certain proceedings.
996, 1909, s. 16.
Cf. U.K. 23 Geo. 5 c. 12, s. 34.

(2) Such notice shall be deemed sufficiently given if served personally on such guardian, or posted addressed to him at his last known place of abode or business, a reasonable time prior to the date of the hearing of such complaint.

(3) The guardian, if present, shall, if he so desires, be heard in the matter.

107. Any court of summary jurisdiction before whom a child is brought may, if it has reason to suspect that the mental condition of the child is such as to affect the criminal responsibility of the child, cause the child to be examined by a properly qualified person, and may accept as evidence the written or verbal report (whether an oath or otherwise) of such person as to the child's mental condition.

Examinations as to mental condition of children.

108. In all proceedings relating to destitute, neglected, or uncontrollable or incorrigible children, the court may receive and take into consideration any written or verbal report from any member of the police force or officer of the board then present: Provided that the contents of such report shall be made known to the person charged, who shall be permitted to cross-examine such member or officer thereon.

Secondary evidence receivable in certain cases.
996, 1909, s. 14.
Cf. U.K. 23 Geo. 5 c. 12, s. 35.

PART IV.
DIVISION I.

Child under
control may
be placed in
an institution.

996, 1909,
s. 28.

Entry into
house or
premises for
the purpose
of arrest of
children.

Ibid., s. 24.

Amended by
2360, 1937,
s. 10.

Convicted
children to be
sent to
reformatory
schools, except
in special
cases.

641, 1895,
s. 40.

Destitute or
neglected chil-
dren not to be
sent to
reformatory
schools except
in special
cases.

641, 1895,
s. 41.

Convicted chil-
dren may be
sent to
reformatory
school, &c.

Ibid., s. 36.
996, 1909,
s. 21 (part).
1389, 1918,
s. 3.
Of. U.K.
8 Edw. 7
c. 67, ss. 58
(2) (3), 107.
Of. U.K.
22 & 23
Geo. 5 c. 46,
s. 28.

109. The board may, with the approval of the Chief Secretary, order, in writing, that any child placed in the custody and under the control of the board shall be placed in an institution, and upon such order being made such child shall, immediately and for the unexpired term of such custody and control, be deemed to be a State child in the same manner and to the same extent as if such child had been originally committed to an institution by a court.

110. (1) Any member of the police force, any officer of the board specially authorised in writing by the chairman, or any member of the board, may enter into or upon any house, building, or other premises for the purpose of arresting, and may, there or elsewhere, arrest any child who is reasonably supposed to be guilty of any offence, or who is destitute, neglected, or uncontrollable or incorrigible.

(2) Any such child so arrested shall, as soon as conveniently may be, be brought before a court of summary jurisdiction, so that the matter alleged against him may be heard and determined.

111. Convicted children only shall be ordered to be sent to reformatory schools: Provided that if any neglected child, destitute child, or uncontrollable child, in the opinion of the court and under the special circumstances of the case, ought to be sent to a reformatory school, such court may order such child to be committed to a reformatory school accordingly.

112. Destitute children, neglected children, and uncontrollable children only shall be ordered to be sent to institutions other than reformatory schools: Provided that under special circumstances, and with the approval of the Governor, an inmate of any other institution may be transferred for misconduct to a reformatory school; and in like manner any inmate of a reformatory school may, for good conduct, be transferred to any other institution.

113. (1) If any child is found guilty of any crime or offence (other than homicide) punishable by imprisonment, the court by which such child is so found guilty shall not sentence such child to imprisonment, but may—

(a) order such child to be sent to a reformatory school and to be there detained or to be otherwise dealt with under this Act until he attains the age of eighteen years, or for such lesser period as the court in its discretion deems proper; or

- (b) by an order in writing place such child in the custody and under the control of the board until he attains the age of eighteen years; or
- (c) order the parent to give security for the good behaviour of such child until the child attains the age of eighteen years, or for such lesser period as the court in its discretion deems proper; and, upon being satisfied that such security has been given, may dismiss the charge and give a certificate of dismissal accordingly: Provided that no such order shall be made against any parent unless such parent has been summoned to attend or is present before the court, and has had an opportunity of being heard; or
- (d) adjourn the case on a near relative undertaking to punish the child in such reasonable or moderate manner as the court approves; and on being satisfied that such punishment has been duly inflicted may dismiss the charge and give a certificate of dismissal accordingly.

(2) In any case where a child is liable to be sentenced to imprisonment by a court of summary jurisdiction by reason of the non-payment of a fine or monetary penalty or non-compliance with an order for the payment of money, such child shall not be sentenced to imprisonment, but may be ordered to be detained in an institution or to be placed in the custody and under the control of the board until he attains the age of eighteen years, or for such lesser period as the court in its discretion deems proper.

996, 1909,
s. 11 (1).

114. If any child at the time of being committed to an institution or placed in the custody and under the control of the board is upwards of sixteen years of age, such child may be ordered to be detained in an institution, or otherwise dealt with under this Act, for the period of two years, notwithstanding that such period would extend beyond the time of such child attaining the age of eighteen years.

If child over sixteen years of age at time of committal he may be detained for two years.

641, 1895,
s. 38.

115. Except as in this Act otherwise provided, no State child shall be detained in any institution or be under the control of the board after attaining the age of eighteen years.

Children over 18 years of age to cease to be under board's control.
Ibid., s. 39.
Cf. U.K.
23 Geo. 5
c. 12, ss. 71,
74.

PART IV.
DIVISION I.

Mandate for
detention.

641, 1895,
s. 42.
Cf. U.K.
23 Geo. 5
c. 12, ss. 70,
72.

116. (1) Whenever a child is ordered to be sent to an institution the court making the order shall issue a mandate for the taking of such child to such institution, and for his detention during the period of detention specified in the mandate, subject to this Act.

(2) Every such mandate shall be executed and obeyed by all persons to whom it is directed and delivered, and shall be forwarded with the child to the superintendent or matron of the institution, and shall be a sufficient warrant for the taking and detention of the child named therein according to the tenor thereof, and no other warrant for such taking and detention shall be necessary.

Order may be
set aside.
641, 1895,
s. 118.

117. If an order is made under this Act in respect of a child in the absence of his parent or guardian, to whom reasonable notice of the complaint had not been given, such order may, for good cause shown, be set aside by the court by which it was made upon the application of such parent or guardian within three months after the making of the order.

Age and
religion of
child to be
stated in
mandate.
Ibid., s. 43.
Cf. U.K.
8 Edw. 7
c. 67, ss. 23,
66.
Cf. U.K.
23 Geo. 5
c. 12, ss. 70,
75.

118. (1) Every mandate by a court committing a child to an institution and every order placing a child in the custody and under the control of the board shall contain a statement of the age and religion, so far as known, of such child, and the cause for which, and institution in which, the child is to be detained.

750, 1900,
s. 5.

(2) If there is no statement by the court in the mandate as to the age or religion of the child named therein, the chairman may indorse on the mandate a statement of the age or religion of such child, so far as known to him.

In absence of
positive evi-
dence as to
age, age to be
determined
on view.
641, 1895,
s. 44.
Cf. U.K.
8 Edw. 7
c. 67, s. 123
(1).

119. If there is an absence or insufficiency of positive evidence or information as to the age of any child, the court may on view determine the age of such child, and shall insert in the mandate or order the age so determined.

Statement of
age and
religion to be
prima facie
evidence.
641, 1895,
s. 45.

120. The statement in any mandate that the child therein named is of a certain age and religion shall, for the purpose of this Act, be taken to be true, unless within six months from the date of the mandate the board is satisfied to the contrary, and indorses on the mandate the correct age or religion.

PART IV.
DIVISION I.Certificate of chairman, &c., indorsed on mandate or order to be *prima facie* evidence.641, 1895,
s. 46.

121. A certificate indorsed upon or annexed to any mandate, and signed by the chairman or the superintendent or matron of any institution, stating that the child named in such mandate was duly received into such institution, and was at the signing thereof detained in an institution or had been otherwise dealt with under this Act, shall in all proceedings whatsoever be *prima facie* evidence of the facts stated in such certificate, and of the identity of the child therein named.

122. Any inmate of an institution, whether a private institution or not, may, for any reason which appears to the board sufficient, by order of the board and subject to the provisions of this Act be removed to and detained in any other institution.

Removal of inmates from one institution to another by order of the board.

Ibid., s. 47.
Of. U.K.
8 Edw. 7
c. 67 s. 69
(2).

123. (1) Any State child who—

(a) absconds from any institution, or from his foster-parent; or

State children absconding, etc., may be apprehended without a warrant and punished.

641, 1895,
s. 48.
Of. U.K.
8 Edw. 7
c. 67, ss. 67
(4), 72.
Of. U.K.
22 & 23
Geo. 5 c. 46,
s. 39.

(b) whilst liable to detention refuses or neglects at the end or determination of the term of his apprenticeship or placing out forthwith to return to the institution in which he was last detained, or to such other institution as the board may order; or

(c) neglects or fails to obey any order of the board to return to or surrender himself at any institution,

shall be guilty of an offence and may be apprehended without a warrant by any member of the police force, or by an officer of or person appointed by the board, and conveyed to such institution as the board may direct.

(2) Any State child guilty of an offence under this section shall be liable, on summary conviction, to imprisonment in a reformatory school.

819, 1903,
s. 11.

124. Any State child so offending as mentioned in the next preceding section shall, if the board so directs, for every such offence be detained under the control of the board, or of the governing body of the institution, as the case may be, for one month beyond the period of detention limited by the mandate for his or her detention, anything in this Act to the contrary notwithstanding.

Punishment of absconding children.

641, 1895,
s. 49.

PART IV.
DIVISION I.

Governor may
release State
child.

641, 1895,
s. 50.
Cf. U.K.
8 Edw. 7
c. 67, s. 69
(1).

Governor may
extend period
of detention
till female
child attains
her majority.
641, 1895,
s. 51.

125. (1) The Governor may order the release of any State child from any institution, or from the control of the board.

(2) Upon production to the board, or to the chairman thereof, of such order, the child shall be forthwith released accordingly.

126. (1) The Governor, upon the recommendation of the board, may order that the period of supervision by the board or of detention of any female State child specified in any mandate shall be extended until such child attains the age of twenty-one years or for any shorter period, and such child shall be supervised or detained accordingly.

(2) The board shall notify the parents of the child or any one of them known to the board, or, as the case may be, the guardian of the child that it has recommended the extension aforesaid and shall inform the person so notified of his or her right to make representation to the Chief Secretary on the question whether the period of supervision or detention shall or shall not be extended.

(3) Such person may at any time within one month after the posting of such notice make representations to the Chief Secretary as aforesaid.

(4) If the Chief Secretary after considering the representations (if any) made within the month aforesaid is of opinion that it is in the interests of the child that the period of supervision or detention should be extended, the Governor may extend the same accordingly, but not otherwise: Provided that if the child has no parents or guardian such extension shall not be made unless a medical practitioner certifies that it is in the interest of the child.

Inserted by
2360, 1937,
s. 11 (a).

(4a) The powers conferred upon the Governor by the preceding subsections of this section may be exercised from time to time in respect of the same child and, except in the case of the first order in respect of any child, may be exercised notwithstanding that the child has attained the age of eighteen years.

(5) When any female person under the supervision of the board or detained in any institution is certified by two legally qualified medical practitioners to be mentally defective the Governor may on the recommendation of the board order the period of supervision or detention of such person to be extended for any period, notwithstanding that such person shall have attained the age of twenty-one years before the expiration of such period.

PART IV.
DIVISION I.Inserted by
2360, 1937,
s. 11 (b).

The powers conferred upon the Governor by this subsection may be exercised from time to time in respect of the same female person and notwithstanding that she has attained the age of twenty-one years, but the period of supervision or detention which may be ordered at any one time shall not exceed three years.

DIVISION II.—APPRENTICING AND PLACING OUT OF STATE
CHILDREN.

DIVISION II.

127. The board may, by indenture of apprenticeship, bind any State child apprentice to any suitable person, to be taught such useful trade or calling as the board approves; and such binding shall be as effectual as if the child were of full age at the date of the indenture, and had voluntarily executed the same; but the period of any such apprenticeship shall not exceed five years, nor extend beyond the day of the child attaining the age of twenty-one years.

Board may
apprentice
children.641, 1895,
s. 52.
Cf. U.K.
8 Edw. 7
c. 67, s. 70.
Cf. U.K.
20 Geo. 5
c. 17, s. 59.

128. (1) The board may place out any State child for such period, subject to this Act, as the board thinks fit—

Board may
place out
children.641, 1895,
s. 53.
995, 1909.
s. 4.
Cf. U.K.
8 Edw. 7
c. 67, s. 67.

(a) to reside and board with any relative of such child,
or with a suitable person approved by the board;
or

(b) with any suitable person willing to receive such child
for adoption or service, and who, in the opinion
of the board, is able to provide for and is suitable
to be entrusted with the care of such child; or

(c) to live and be maintained in any home or place suitable for the upbringing of the child.

Para. (c)
inserted by
1983, 1930,
s. 11.

(2) Nothing in this section shall authorise the placing out of any child for any time extending beyond the period of detention of such child.

129. (1) Except in cases where a special exemption has been granted by the board for good cause shown, the foster-parent of every State child over the age of six years placed out shall cause such child to be sent regularly to school as required by the Education Act, 1915.

Children
between seven
and fourteen
not to be
placed out
unless pro-
vision is made
for education.
641, 1895,
ss. 54, 55.

(2) Any foster-parent committing or permitting any offence against this section shall be liable to a penalty of ten pounds.

PART IV.
DIVISION II.

Child under fourteen not to be apprenticed or placed out for service.
641, 1895,
s. 56.

Indentures of apprenticeship and agreements to provide for maintenance, education, &c.
Ibid., s. 58.

Wages may be paid to board.
Ibid., s. 60.

Interest on deposits.
819, 1903,
s. 8.

Moneys banked may be expended for the child's benefit.
641, 1895,
s. 61.

Board may recover wages.
641, 1895,
s. 62.

Indentures of apprenticeship and licences may be assigned with consent of board.
Ibid., s. 63.
Of. U.K.
20 Geo. 5
c. 17 s. 62.

130. No State child shall be apprenticed or placed out for service under the age of fourteen years.

131. All indentures of apprenticeship and agreements for the placing out of State children under this Act shall contain provisions to the satisfaction of the board for the proper keeping, maintaining, clothing, and (where necessary) educating such child, and for the due payment of such wages (if any) as may be payable thereunder.

132. The board may in any indenture or agreement provide that all, or such portion as may be specified, of any wages to become due to the child shall be paid by the foster-parent to the board, to be deposited in the Treasury in the name of the board on account of such child, and every such payment shall be deemed to be a payment to such child.

133. All moneys deposited in the Treasury pursuant to the next preceding section shall bear interest at the rate of four pounds ten shillings per annum for every one hundred pounds, to be calculated upon such money and the balance thereof, and any accrued interest thereon, the first day of each month.

134. (1) All or any part of the money so deposited, and any interest thereon, may be expended by the board for the benefit of the child when and in such manner as the board may from time to time deem advisable.

(2) All moneys so deposited, and not paid or expended as aforesaid, shall be payable to the child upon his or her attaining the age of twenty-one years; but if not claimed by the child, or any person lawfully claiming through or under him or her, before the expiration of seven years after he or she has, or would, if living, have attained the age of twenty-one years, may be appropriated by the board for the purposes of this Act, and shall not thereafter be recoverable by any person.

135. The wages or earnings due by any person to any State child whether payable to such child or not, may be sued for and recovered by and in the name of the board for the benefit of such child.

136. (1) The foster-parent of any State child may, by an assignment bearing the consent of the board, but not otherwise, assign the indenture of apprenticeship or licence respecting such child to any fit and proper person.

(2) Every such assignment shall be executed in duplicate by the assignor and assignee, and one part of the assignment so executed shall be forthwith forwarded to the board by the assignor, and thereafter the indenture or licence shall, for the purposes of this Act, be read and construed as if the assignee had originally been party thereto in the place of the assignor.

137. (1) On the death of the foster-parent of any State child, the widow, widower, executor, or administrator of such foster-parent may, at any time within three months after such death, apply in writing to the board for an order directing such child to be bound or placed out for the residue of the term to some fit and proper person nominated in and consenting to such application.

On death of foster-parent, widow, &c., may nominate new foster-parent.

641, 1895, s. 64.

(2) The board may make an order accordingly, and thereupon a new indenture or licence shall be executed by the person so nominated for the unexpired term of the original indenture or licence, and upon the like terms and conditions, or upon such other terms and conditions, subject to this Act, as the board may deem advisable.

138. If the foster-parent of any State child becomes insolvent, or becomes unable to maintain and employ such child, or is about to remove from the State, the board may, on application by or on behalf of the foster-parent or child, make an order releasing and discharging the foster-parent and the child, respectively, from the indenture of apprenticeship or agreement, and from every covenant and agreement therein contained or thereby implied; and, by the same or any other order, may direct the child to return to an institution to be therein named.

On insolvency, etc., of foster-parent indentures and licences may be cancelled by board.

Ibid., s. 65.

139. (1) No foster-parent shall change his or her place of residence without in every case giving to the board such notice as may be prescribed.

Change of residence to be notified by foster-parent.

Ibid., s. 66.

(2) Every foster-parent offending against this section shall be liable to a penalty of not exceeding ten pounds for every such offence.

140. (1) If a State child apprenticed or placed out absconds, becomes ill, meets with an accident, or dies, the foster-parent of such child shall immediately give such notice and do all such further acts and things as may be prescribed.

Notice to be given if child absconds, becomes ill, or dies.

Ibid., s. 67.

(2) Every foster-parent offending against this section shall be liable to a penalty of not exceeding ten pounds.

PART IV.
DIVISION II.

Penalty for transferring or dismissing State child without consent of board.

641, 1895, s. 68.
996, 1909, s. 4.
Of. U.K.
20 Geo. 5
c. 17, s. 62
(2)

141. Every foster-parent who, without the consent in writing of the board under its seal in every instance first had and obtained—

- (a) assigns or transfers any indenture of apprenticeship or licence; or
- (b) transfers or makes over to any other person any State child apprenticed or placed out with such foster-parent; or
- (c) in any way discharges or dismisses such child so apprenticed or placed out,

shall be liable to a penalty not exceeding ten pounds, and every such attempted assignment, transfer, or discharge shall be null and void.

Penalty for ill-treating State children.

641, 1895, s. 69.

142. (1) Every foster-parent who—

- (a) illtreats, injures, or neglects any State child placed out with or apprenticed to him; or
- (b) does not well and truly observe and perform and keep all the terms, covenants, conditions, and agreements, on the part of such foster-parent contained or implied in the indenture of apprenticeship or agreement, as the case may be, in respect of such child,

and every person who assaults, illtreats, or injures any State child, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds, with or without imprisonment for any term not exceeding six months.

(2) The court of summary jurisdiction hearing any complaint under this section may also discharge the child from the apprenticeship or licence, and order him to be returned to an institution.

(3) No complaint shall be laid under this section except by the board or some officer thereof.

Complaint against a State child to be dealt with in summary way.

641, 1895, s. 70.

143. Upon any complaint made by the foster-parent of any State child that such child has been guilty of any misdemeanour, wrongdoing, or misbehaviour, a court of summary jurisdiction may do all or any of the following things, namely:—

- i. At the same time, and without formal complaint against the foster-parent, inquire into his or her conduct towards and treatment of such child:

- II. Adjourn the hearing of the complaint, and direct a complaint to be laid against the foster-parent:
- III. Cancel the indenture of apprenticeship or licence relating to such child, and order the return of the child to an institution:
- IV. Order the child to be punished in any manner prescribed.

144. When a court of summary jurisdiction orders the discharge of any State child apprenticed or placed out, or cancels the indentures of apprenticeship or agreement relating to any State child, under the provisions of this Act, the court shall forthwith give notice of such order or cancellation to the board, and order the return of the child to an institution.

Notice to be given to board of discharge from apprenticeship or agreement.
641, 1895, s. 71.

145. The board may at any time, by order, require any State child apprenticed or placed out forthwith to return to the institution of which such child was an inmate previous to being apprenticed or placed out, or to surrender himself at any other institution to be named in the order; and the board may, by the same or a separate order, and without incurring any liability for breach of contract or otherwise, cancel or revoke the indenture of apprenticeship or agreement relating to any State child, and require the foster-parent forthwith to deliver such child at an institution or to some person to be named in the order.

Board may order return of State children apprenticed or placed out.
Ibid., s. 72.

146. (1) Any foster-parent who neglects or fails to obey any order made under the next preceding section shall be liable to a penalty not exceeding ten pounds.

Enforcement of order for return of child.

Ibid., ss. 73, 74.

(2) Any constable or officer of the board may, without any warrant, apprehend such child and bring him to the institution named in the order, and for such purpose may enter upon or into any lands or houses belonging to or occupied by the foster-parent whereon or wherein the child may be or may be supposed to be.

147. (1) The board shall, except as hereinafter provided, cause all State children apprenticed or placed out by the board to be visited once at least in every four months by some person to be appointed by the board, in order to ascertain whether the stipulations of the indentures of apprenticeship or agreements respecting such children have been fulfilled, and whether the treatment, education, and care of such children are satisfactory.

Apprenticed and placed-out children to be visited at least once in four months.

641, 1895, s. 75.
Cf. U.K.
20 Geo. 5
c. 17, s. 66.

PART IV.
DIVISION II.

(2) Every foster-parent shall, at the request of any such visitor—

- (a) personally produce the child apprenticed or placed out to or with him or her, or show cause to the satisfaction of the visitor for the non-production or absence of such child; and
- (b) permit such visitor to inspect the outfit of such child and the sleeping and other accommodation and food provided for such child.

(3) Every foster-parent failing to produce or to show sufficient cause for the non-production of any such child, or to comply with any of the other provisions hereof, shall be liable to a penalty not exceeding ten pounds.

Exemptions
from visitation
in special
cases.
641, 1895,
s. 76.

148. The board may in special cases exempt wholly or partially any State child from being visited as provided by the next preceding section, but a return of all such exemptions, with the reasons therefor, shall be forwarded every three months to the Chief Secretary.

Board to have
general super-
vision of all
State children.
Ibid., s. 77.
996, 1909,
s. 4.

149. (1) The board shall also have general supervision over all State children detained in any private institution or placed out for adoption or otherwise, or apprenticed, and may cause such children to be visited at such reasonable times as the board may think fit and by such persons as the board may, by writing sealed with the seal of the board, appoint to be visitors.

(2) The visitors so appointed shall have and perform the same powers and duties in respect of such children as are conferred or imposed upon them by this Act, in relation to other State children; and all persons having the care or control of any child so to be visited shall, at the request of the visitor—

- (a) produce such child and his outfit; and
- (b) permit the visitor to examine the same, and the sleeping and other accommodation and food provided for such child,

in like manner and subject to the like penalties for non-compliance as if such child were a State child apprenticed or placed out by the board.

PART IV.
DIVISION II.Payment for
maintenance
of State
children.Substituted
by 1983,
1930, s. 12.

150. (1) The board may pay to any person in charge of any State child or to the foster-parent of any State child for the care and maintenance of the child until he or she attains the age of fourteen years, such sum, not exceeding fifteen shillings a week, as may be prescribed: Provided that in special cases—

(i.) the board may pay the said sum for such period after the State child attains the age of fourteen years as to the board appears necessary;

(ii.) the Minister may authorise the payment of a greater sum.

(2) For the purposes of this section the governing authority or person in charge of any home or place at which the board has placed out any State child shall be deemed to be a person in charge of the State child.

151. The board may pay to the governing authority or person in charge of any private reformatory school or institution, for the maintenance therein of any State child, such sum not exceeding twenty shillings a week, as the Minister may approve.

Board may
pay for
maintenance
of child in
private
reformatory.
641, 1895,
s. 79.

PART V.

PART V.

INSTITUTIONS—THEIR ESTABLISHMENT, INSPECTION, AND ABOLITION.

152. The Governor may, by proclamation, establish and place under the control of the board, or abolish—

Governor may
establish
institutions.
641, 1895,
s. 20.

(a) homes, depots, probationary schools, reformatory schools, and other institutions for the reception, detention, education, employment, training, and reformation of State children; and

(b) asylums, institutions or places for the reception and relief of destitute persons.

PART V.

Private schools may be proclaimed as reformatory schools.

645, 1891, s. 21.
Cf. U.K. 8 Edw. 7 c. 67, s. 45.
Cf. U.K. 23 Geo. 5 c. 12, s. 79.

Private institution may be proclaimed for detention of State children.

641, 1895, s. 22.
Cf. U.K. 23 Geo. 5 c. 12, s. 79.

Proclamation to set out names of governing body and other particulars.

641, 1895, s. 23.

Change in governing authority to be notified and gazetted.

641, 1895, s. 24.

Private reformatory schools may be proclaimed as for particular religious denominations.

Ibid., s. 25.
Cf. U.K. 23 Geo. 5 c. 12, s. 81.

Private reformatory schools may be abolished.

641, 1895, s. 26.
Cf. U.K. 8 Edw. 7 c. 67, s. 47.

153. The Governor, on the recommendation of the board, may proclaim any private reformatory school as a reformatory school, and thereafter such school, until abolished as by this Act provided, shall be under the control and supervision of the board.

154. The Governor, on the recommendation of the board, may proclaim any private institution as an institution for the reception, detention, maintenance, education, employment, and training of State children; and thereafter such institution, until abolished as by this Act provided, shall be under the supervision of the board.

155. Every such proclamation shall set forth the name and description of the reformatory school or institution, as the case may be, the names of the superintendent, and of the managers, directors, or other persons (hereinafter called the "governing authority") having the management or control thereof, and all such other particulars as the Governor thinks fit.

156. Upon any change being made in the persons constituting any such governing authority the same shall be immediately notified to the board, and notice thereof published, by the institution, in the *Government Gazette*.

157. If any private reformatory school or private institution is established and maintained for the children of any particular religious denomination or denominations exclusively, the Governor may, by proclamation, limit the same as a reformatory school or institution for such children only, and in such case no child shall be committed to such school who is not of the denomination, or of one of the denominations, mentioned in the proclamation.

158. The Governor may, on the report of the board, if dissatisfied with the condition or management of any private reformatory school, or private institution, by proclamation abolish it as a reformatory school or institution as from a date to be named in the proclamation, and thereupon from and after such date such school or institution shall cease to be a reformatory school or institution within the meaning of this Act: Provided that no such proclamation shall issue until two months have elapsed from the date of the transmission to the superintendent or matron of such school or institution of a copy of the report of the board.

159. Upon any private reformatory school or institution being so abolished, the board may order all State children being inmates thereof, and all State children apprenticed or placed out by the governing authority thereof, to be sent to and detained in any other institution, or otherwise dealt with under this Act.

Upon abolition of private reformatory inmates may be sent to other institutions.
641, 1895, s. 27.
Cf. U.K. 8 Edw. 7 c. 67 s. 50.

160. No person shall be appointed or continue to be the superintendent or matron, or have chief control or management of any private reformatory school, or private institution proclaimed under this Act, unless approved of by the board, or if disapproved of by the board.

Superintendent or matron of private reformatory to be approved by board.
641, 1895, s. 28.

161. All members of the Executive Council and members of the Legislature and justices of the peace shall be entitled to visit every institution and the inmates thereof.

Ex officio visitors to institutions.
Ibid., s. 29.

162. (1) Every person by this Act authorised to visit an institution may inscribe and sign in a book, to be for that purpose kept in each institution, any observations which he may think fit to make concerning such institution, and the superintendent, matron, teachers, officers, servants, or inmates thereof, or any of them; and every such book shall be carefully preserved by the superintendent or matron.

Visitors' book to be kept.
641, 1895, s. 30.

(2) Any person wilfully defacing, altering, or obliterating, wholly or partially, any remark or observation made in any such book, or destroying, defacing, or concealing any such book, or any part thereof, shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

PART VI.

PART VI.

THE LICENSING AND SUPERVISION OF LYING-IN HOMES AND FOSTER-MOTHERS.

163. No person shall, for gain or reward, keep any building or apartment as a lying-in home unless such premises are licensed by the board for that purpose.

Lying-in-homes kept for gain to be licensed.
641, 1895, s. 102.
Cf. U.K. 17 & 18 Geo. 5 c. 38, s. 1.

PART VI.

Continuance
of existing
licences.

164. Every lying-in home licence granted under any Act repealed by this Act and in force immediately prior to the commencement of this Act shall continue in force until the date of expiry according to the tenor thereof, and during that period shall be deemed to have been granted under this Act.

Licensing of
lying-in
homes.

641, 1895,
s. 103,
and schedule
C.

165. The board may, on payment of a fee of five shillings, grant an annual licence in respect of any buildings or apartments kept or used, or intended to be kept or used, as a lying-in home, and may at its discretion revoke any licence so granted.

Penalty on
keeping un-
licensed lying-
in homes.

641, 1895,
s. 104.

166. (1) Every person who, for reward or gain, keeps any building or apartment as a lying-in home, unless such building or apartment is licensed by the board for that purpose, shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding one hundred pounds for the first offence, and for any subsequent offence shall be liable to be imprisoned for any period not exceeding two years.

Evidence of
keeping lying-
in home.

750, 1900,
s. 8.

(2) Proof that any building or apartment was let, hired, or engaged by any person for the accommodation of a female during her confinement or lying-in, shall be *prima facie* evidence that such building or apartment is kept as a lying-in home within the meaning of this section; and it shall not be necessary in any case to prove the letting, hiring, or engagement on more than one occasion of any such building or apartment for any such purpose as aforesaid.

Foster-
mothers to be
licensed.

641, 1895,
s. 105.
996, 1909,
s. 9.
Of. U.K.
26 Geo. 5 & 1
Edw. 8 c. 49,
s. 206.

167. No person shall be or act as foster-mother, for gain or reward, to any child under the age of seven years without being licensed by the board for that purpose: Provided that this section shall not apply in the case of children living with their parents.

Board may
license foster-
mothers.

641, 1895,
s. 106.
996, 1909,
s. 9, and
schedule C.

168. The board may, on payment of a fee of one shilling for each licence, grant an annual licence to any fit and proper person to be a foster-mother to children under the age of seven years, and may by any such licence fix the number of children authorised to be kept by the foster-mother therein named, and may at its discretion revoke any such licence.

Foster-parent
may with
consent of
board, adopt
foundling.

996, 1909,
s. 19.

169. The board, on the application of any foster-parent, having the custody of a foundling child, may permit such foster-parent to adopt and have the custody of such child, subject to such conditions as the board may think proper.

170. (1) Every person other than—

- (a) an inmate of an asylum; or
- (b) a near relative of the child,

who, not being licensed as a foster-mother by the board, receives into his or her care, charge, or custody any child under the age of seven years, to adopt, rear, nurse, or otherwise maintain for gain or reward such child apart from his or her parent, and

(2) the mother or father of any such child who—

- (a) procures such child to be placed under the care, charge, or custody of any such person; or
- (b) permits any such person to have the care, charge, or custody of any such child for any such purpose as aforesaid,

shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding twenty pounds.

(3) No complaint shall be made under this section except by the board or some officer thereof.

(4) Upon the hearing of any complaint made under this section the allegation in the complaint—

- (a) that any child has been received to be adopted, reared, nursed or otherwise maintained for gain or reward; or
- (b) that any child has been procured to be placed under care, charge, or custody, as aforesaid; or
- (c) that any person has been permitted to have the care, charge, or custody of any child, as aforesaid,

shall be *prima facie* evidence of such child having been so received or procured, or that such person has been so permitted, as the case may be.

171. Any licensed foster-mother who acts as foster-mother to any greater number of children than the number fixed in her licence shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding twenty pounds.

Penalty on
unlicensed
foster-
mothers.

641, 1895,
s. 107,
996, 1909,
s. 9.

Of. U.K.
22 & 23
Geo. 5 c. 46.

s. 65.
Of. U.K.
26 Geo. 5 & 1
Edw. 8 c. 49,
s. 206.

996, 1909,
s. 17.

Penalty on
licensed foster
mother taking
charge of
more than
number of
children
allowed by
licence.

641, 1895,
s. 108.

Of. U.K.
26 Geo. 5 & 1
Edw. 8 c. 49,
s. 211.

s. 170. REYNOLDS v. ATKINSON, 19th January, 1893, S.A. *Advertiser* (newspr.); 13 Austn. Digest 1014. Held that section 101 of The Destitute Persons Act, 1881, applied to a person who adopted a child. Since this decision the Adoption of Children Act, 1925-1936, has been enacted.

PART VI.

Lying-in
homes to be
open to
inspection.
641, 1895,
s. 109.
Of. U.K.
17 & 18
Geo. 5 c. 38,
s. 5.

Penalty for
obstructing
inspection.
641, 1895,
s. 110.

172. Every lying-in home, whether licensed or not, and the home or place of residence of every licensed foster-mother, shall, at all times be open to inspection by the chairman or any member or officer of the board.

173. Every person who resists or obstructs, or assists in resisting or obstructing any such inspection, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

Register to be
kept by
licensee of
lying-in
home.
Ibid., s. 112.

174. Every licensee of a lying-in home shall—

- (a) keep a register—
 - (i.) containing the names, usual residences, and dates of confinement of every woman confined in such home; and
 - (ii.) giving particulars of the disposal of every child born there; and
 - (iii.) stating the name of the medical practitioner, midwife, or accoucheur by whom every such woman was attended during her confinement or lying-in; and
- (b) produce to and allow the chairman or any officer or other person appointed by him to inspect the register when demanded; and
- (c) give to the chairman or any such officer or person any information that he may require touching or concerning or relating to any confinement in such licensed premises, or to any child born there.

Register to be
kept by foster-
mother.
641, 1895,
s. 113.

175. (1) Every licensed foster-mother shall keep a register containing the following particulars in respect of every child received by her, so far as such particulars are capable of being ascertained by her, that is to say:—

- (i.) The name, age, and place of birth of the child:
- (ii.) The names, addresses, and description of the parents:
- (iii.) The name, address, description of any persons other than the parents from or to whom the child was received or delivered over:
- (iv.) The date of receipt and delivery over:
- (v.) Particulars of any accident to or illness of the child, and the name of the medical practitioner (if any) by whom the child was attended.

(2) Such register shall at all times be open to inspection by the board or any officer thereof, and the foster-mother shall every six months forward a copy thereof to the board, and shall at all times, when required so to do, give to the board, or any officer thereof, all such information or particulars within her knowledge relating to any child then or at any time previously in her charge or custody, or concerning any near relative or guardian of such child, as the board or any officer thereof shall require.

176. (1) Every licensee of a lying-in home, and every licensed foster-mother, shall keep the registers and records required by sections 174 and 175 respectively; and also shall keep all such books and records, and furnish to the board true and correct returns of all such matters and things, as are prescribed, or as the board requires.

Returns and
records.
641, 1895,
s. 111.

(2) Every licensee of a lying-in home and every licensed foster-mother who fails to comply with any requirement of subsection (1) hereof shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

PART VII.

PART VII.

PROCEDURE, PENALTIES, AND GENERAL MATTERS.

177. At the hearing of any complaint, information, or indictment against any child, the court before which such hearing takes place may order that all persons not directly interested in the case shall be excluded from the court or place of hearing.

Power to
exclude
persons from
court.
641, 1895,
s. 114.
Of. U.K.
8 Edw. 7
c. 67, s. 114.
Of. U.K.
22 & 23
Geo. 5 c. 46,
s. 6;
23 Geo. 3
c. 12, s. 47.

178. (1) Any proceedings under the provisions of this Act may be taken by any officer of the board who is authorised by the board to take proceedings, and all such proceedings may be conducted by the said officer or by any other officer of the board.

Power of
board to take
proceedings.
Subsec. (1)
substituted by
1983, 1930,
s. 13 (a).

s. 178. (1) *ALDERMAN V. KEMP* (1928) S.A.S.R. 4; 13 Austn. Digest 1011. Held, under subsection (1) of section 178 as then enacted, that a complaint under this Act must identify the person desiring to take proceedings on whose behalf the officer makes the complaint, and that proof must be given of who this person is, except where proceedings are instituted for the protection and benefit of persons too young or infirm to be capable of desiring the proceedings for their protection and benefit. Since this decision, subsection (1) has been repealed and a new provision as above substituted by section 13 of the Maintenance Act Amendment Act, 1930.

(2) A document purporting to be under the seal of the board stating that the person therein named is an officer of the board, and is authorised by the board to take proceedings and conduct cases under this Act shall be *prima facie* evidence of the facts so stated.

Subsec. (3)
struck out
by 1983,
1930, s. 13
(b).

* * * * *

Right of
Crown Solicitor
and
officer of
board to
appear in
trials of
children.
641, 1895,
s. 115.
Cf. U.K.
20 Geo. 5
c. 17, s. 155.

179. (1) At the hearing of any complaint, information, or indictment against any child, the chairman or some officer of the board may be present, and examine and cross-examine witnesses, and be heard touching the acquittal or punishment of the child.

Subsec. (2)
inserted by
1983, 1930,
s. 14.

(2) At the hearing of any complaint or summons in respect of the making, granting, confirming, altering, varying, remitting, or enforcing of any maintenance order or provisional maintenance order the chairman or some officer of the board may appear on behalf of any person being a party to the proceedings or may appear to assist the court, and may examine and cross-examine witnesses and be heard touching the matters before the court. The Crown Solicitor may either personally or by counsel appear on behalf of any person being a party to the proceedings, or may appear to assist the court on the hearing of any such complaint or summons or on the hearing of any appeal arising from any such complaint or summons, and may examine and cross-examine witnesses, and be heard touching the matters before the court.

For the purposes of this section “maintenance order” and “provisional maintenance order” shall, without limiting the meaning thereof as defined in section 5, be deemed also to respectively include a maintenance order made pursuant to the Maintenance Orders (Facilities for Enforcement) Act, 1922, and a provisional maintenance order made under the said Act or made in a court in a reciprocating State within the meaning of the said Act and transmitted to a court of summary jurisdiction in this State as provided in the said Act.

Evidence of
husbands
and wives.

180. The wife or husband of any person (as the case may be) shall be competent and compellable to give evidence for or against that person in all matters and complaints under this Act.

181. (1) Before making an order under this Act, the court before whom any child is brought may, for the purpose of—

Child may be detained in institution pending trial.
641, 1895,
s. 117.

- (a) making inquiry respecting him; or
- (b) making inquiry respecting the mode in which he should be dealt with; or
- (c) enabling the board to be represented; or
- (d) enabling any near relative to appear,

and without prejudice to any other powers of the court, direct that the child be taken to an institution or to any other suitable place, not being a gaol, watch-house, or prison, and to be detained therein for any time not exceeding twenty-one days, or until an order is sooner made—

- (i.) for his discharge; or
- (ii.) for his being sent to an institution; or
- (iii.) for his being otherwise dealt with under this Act.

(2) The board or the officer of the board to whom such order is addressed is hereby empowered and required to detain such child accordingly. If such child escapes, he may be apprehended without warrant and brought back to the place of detention.

(3) Any child may be committed to an institution during the period for which he has been remanded by a court or during the period of his detention on committal for trial in the Supreme Court.

996, 1909,
s. 15.

182. If an order is made under this Act in respect of a child in the absence of his parent or guardian, to whom reasonable notice of the complaint had not been given, such order may for good cause shown be set aside by the court by which it was made upon the application of such parent or guardian within three months after the making of the order.

Order may be set aside.
641, 1895,
s. 118.

183. Every inquiry into any complaint for an offence committed by an inmate of an institution or asylum against the provisions of this Act shall, unless the Chief Secretary otherwise directs, be held at the institution or asylum of which the person complained against is an inmate.

Complaints against inmates to be held at institution where offence committed.
Ibid., s. 119.

184. The governing authority of every institution shall forthwith report to the board all convictions against, and consequent punishments inflicted upon, any inmate of such

Return of complaints and convictions.
Ibid., s. 120.

institution, and the board shall cause a return to be made annually to the Chief Secretary of all convictions against and consequent punishments inflicted upon State children.

Penalty for taking, removing, harbouring, etc., State children.
641, 1895 s. 191.
996, 1909, s. 4.
Cf. U.K. 20 Geo. 5 c. 17 s. 52 (6).

185. Every person shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding ten pounds, or to imprisonment for any term not exceeding three months who—

- (a) without the authority of the board takes or removes any State child from any institution before the expiration of the period of detention of such child; or
- (b) without the authority of the board takes or removes any State child from the foster-parent to or with whom such child is apprenticed or placed out, before the expiration of the term of apprenticeship or placing out; or
- (c) directly or indirectly counsels or induces any State child—
 - (1) to abscond or escape from any institution before such child has been regularly discharged; or
 - (2) to break his or her apprenticeship indentures before the expiration of such apprenticeship; or
 - (3) to abscond from his or her foster-parents before the expiration of such placing out; or
- (d) aids or abets any State child in absconding or escaping from any institution or his or her foster-parent as aforesaid; or
- (e) prevents any State child from returning to any institution or to his or her foster-parents; or
- (f) knowing any State child to have been taken or removed as aforesaid, or to have absconded or escaped as aforesaid, harbours or conceals, or assists in harbouring or concealing, such child.

Cf. U.K. 8 Edw. 7 c. 67, s. 72 (6).

186. Every person shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding ten pounds who—

Penalty for communicating with children in institutions.
641, 1895,
s. 122.

- (a) without the authority or permission of the board, or of the governing authority of the institution, as the case may be, holds any communication with any inmate; or
- (b) having entered any institution or any messuage, lands, or premises belonging thereto or used in connection therewith, does not depart therefrom when required to do so by the superintendent, matron, or any officer or servant of such institution; or
- (c) after being forbidden by the board or governing authority as the case may be, so to do, holds any communication, directly or indirectly, or personally, or by letter, or in any other manner howsoever, with any State child.

187. Any person who—

Penalty on false pretences and damaging board's property.
Cf. U.K.
20 Geo. 5
c. 17, s. 150.

- (a) obtains or attempts to obtain from the board or any officer administering the funds thereof any pecuniary or other relief or assistance, or any goods or chattels or other property by way of gift or loan by means of any false pretences; or
- (b) being an inmate of any institution or asylum wilfully wastes, spoils or damages any wearing apparel, tools, implements, or utensils or other property belonging to such institution or asylum,

Cf. U.K.
20 Geo. 5
c. 17, s. 153.

shall be guilty of an offence against this Act and shall be liable to imprisonment with hard labour for any term not exceeding six calendar months.

188. (1) Where any person who has the charge, care, or custody, whether for gain or reward or not, of any child under the age of seven years is not a near relative of such child, the home or place of residence and every part thereof of such person shall be open to entry and inspection at all times between the hours of six o'clock in the morning and nine o'clock at night by any officer of the board appointed in writing by the board to inspect the same.

Homes of persons (other than near relatives) having care of children under seven years.
996, 1909,
s. 26.

(2) Any person refusing to allow such entry or inspection, or hindering or resisting any such officer in his making or attempting to make such entry or inspection, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

(3) This section shall not apply to any benevolent institution.

Inspection of
homes of
illegitimate
children under
seven years.
996, 1909,
s. 18.

189. (1) The home or place of residence, and every part thereof, of any illegitimate child (not being an illegitimate child in respect of whom an order of adoption has been made pursuant to the Adoption of Children Act, 1925) under the age of seven years shall at all times be open to entry and inspection by any member or officer of the board: Provided that where the board is satisfied that an illegitimate child is being properly cared for in its home or residence, such home or residence shall not be open to entry and inspection under this section.

(2) Any person who refuses to allow such entry or inspection to be made, or hinders or resists any such member or officer in the making of, or attempting to make, such entry or inspection, or who refuses or neglects to produce such child to any such member or officer for inspection by him, upon such production being demanded by such member or officer, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

(3) This section shall not apply to any benevolent institution.

Furnishing of
confidential
information.

Inserted by
1983, 1930,
s. 15.

189a. (1) The chairman may require any person whom he believes to be in a position to do so, to furnish to him a confidential report as to the circumstances or the financial transactions of—

(a) any person who has applied for relief or the payment of any money by the board under this Act, whether on his own behalf or on behalf of any other person:

(b) any person who is in receipt of any such relief or payment:

(c) the near relative of any person who has applied for relief or payment as aforesaid or on whose behalf any such application has been made or of any near relative of any person to whom or in respect of whom any relief is granted or payment is made as aforesaid:

- (d) any person who is liable in any way to make any payments to the board either pursuant to any maintenance order or by way of refund of any relief granted or payments made by the board pursuant to this Act.

(2) Any person who, on being required to do so, fails to furnish a report as aforesaid within a reasonable time, or furnishes a report containing any statement which is untrue in any material particular, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

190. Any superintendent or matron of an institution, and any teacher, officer, or servant of the board, or of the governing authority of an institution, who negligently or knowingly permits or suffers any inmate to escape from such institution, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

Penalty for
permitting
escape.
641, 1895,
s. 123.

191. If any officer or servant of the board, or of the governing authority of any institution, is guilty of any breach of any section of this Act or of any regulation intended for the protection of any child, he shall be dismissed from his office or employment, and shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds, or to be imprisoned for any period not exceeding six months.

Penalty on
officers.
Ibid., s. 124.

192. Every person authorised by writing under the seal of the board to take charge of any child ordered to be detained under this Act, for the purpose of conveying such child to or from any institution, or to or from a foster-parent, shall, for such purpose, and while engaged in such duty, have all such powers, authorities, protection, and privileges for the purpose of the execution of his duty as any police constable has by common law or statute.

Privilege of
persons in
charge of
State children.
Ibid., s. 131.

193. In every action for anything done in obedience to any mandate or order it shall be sufficient for the defendant to justify under such mandate or order only, without setting forth the previous proceedings, and the production of either duplicate of the mandate or order shall be sufficient evidence to prove the fact of making such mandate or order.

Mandate to be
a defence to
actions.
Ibid., s. 140.

PART VII.

Protection to
board and
officers.
641, 1895,
s. 141.

194. (1) No action shall be brought against the board or any governing authority of an institution or any person for anything done in pursuance of this Act, unless—

(a) such action is commenced within six months next after the act or default complained of; and

(b) notice in writing of such action, and the cause thereof, has been given to the defendant one month at least before the commencement of the action.

(2) The defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon.

(3) The plaintiff shall not recover in such action if tender of sufficient amends is made before action is brought, or if, after action brought, the defendant pays into court sufficient amends; but in such last-mentioned case the plaintiff shall recover his cost of suit up to the time of the payment into court.

Free passes
for State
children on
railways.

195. (1) Every State child may, for the purpose of—

(a) travelling between the home of his foster-parent and any institution; or

(b) travelling to or from any public school for the purpose of attending the same for instruction,

travel free upon any railway owned or managed by the South Australian Railways Commissioner upon production of a certificate under the hand of the chairman stating that such child is entitled to travel free under the provisions of this section.

(2) Any person in charge of a State child whilst travelling as mentioned in paragraph (a) above, may travel free on any such railway as aforesaid, upon production of a certificate under the hand of the chairman, stating that that person is entitled to travel free under the provisions of this section.

Children
employed in a
circus.
641, 1895,
s. 144.

196. (1) Any child under the age of thirteen years who is employed or engaged in any circus, or acrobatic entertainment, or exhibition by which his life, health, or safety is likely to be lost, prejudiced, or endangered, shall be deemed a neglected child within the meaning of this Act.

Subsec. (2)
repealed by
2279, 1936,
s. 3.

* * * * *

197. All orders made by the board in pursuance of this Act shall be in duplicate, sealed with the corporate seal, and either duplicate of such order, purporting to be sealed with such seal, shall for all purposes and in all courts be *prima facie* evidence of the facts therein stated, and that such order was duly made.

Orders of board to bear seal of board, and to be received as evidence.

641, 1895, s. 132.
Cf. U.K. 22 & 23 Geo. 5 c. 46, s. 40.

198. The *Government Gazette* containing a proclamation of the establishment or control of any institution under this Act, or of the governing authority thereof, or notifying the appointment of the chairman or a member of the board or the appointment of any person as an officer under this Act, or of the appointment of any person as a member of the governing authority of any institution, shall be conclusive evidence of the facts therein stated.

Gazette evidence.

641, 1895, s. 133.

* * * * *

S. 199 repealed by 2252, 1935, s. 4.

200. (1) Every complaint, conviction, mandate, order, or warrant under this Act shall be deemed valid and sufficient if the same is in any of the forms in the schedules hereto which may be applicable, with such modifications as the circumstances may require; or in which the offence or act or default is set forth in the words of this Act.

Forms of proceedings.

641, 1895, s. 135.

(2) No conviction, mandate, order, or warrant under this Act shall be held void by reason of any defect therein.

201. No order, or copy or minute thereof, made pursuant to this Act, need be served on any defendant for the purposes of this Act.

Orders need not be served. 819, 1903, s. 5.

202. (1) The several forms in the schedules hereto, or forms to the like effect, may be used, with such variations as the circumstances require, and shall be sufficient for the several purposes to which they are applicable respectively.

Forms.

641, 1895, s. 146.

(2) When no form is prescribed, a form reasonably adapted to the circumstances of the case may be used, and shall be sufficient for its purpose.

203. (1) In addition to any other power by any other section of this Act conferred on the Governor to make regulations as to any matter, the Governor may make all such regulations as may be necessary or convenient for carrying

Regulations.

Ibid., s. 147.

Maintenance Act, 1926-1937.

into effect the provisions and objects of this Act, including (but without limiting the generality of this section) regulations for the purpose of regulating—

- (a) the duties, powers, authorities, and privileges of all persons employed in the administration of this Act:
- (b) the meetings and proceedings of the board:
- (c) the management, control, and supervision of institutions, asylums, and lying-in-homes:
- (d) the custody, maintenance, grading, education, employment, apprenticing, and placing out of State children:
- (e) the admission of ministers of religion to institutions and asylums:
- (f) the visitation of State children at institutions, or apprenticed, or placed out:
- (g) the channel of communication and correspondence with State children:
- (h) the punishment of State children:
- (i) wages and rewards to State children:
- (j) the management and control of property vested in the board:
- (k) records to be kept at institutions and asylums and by licensees:
- (l) the making of applications for relief under this Act:
- (m) the admission of persons into asylums, and the employment of persons so admitted:
- (n) the conduct of persons admitted into asylums:
- (o) the form and contents of agreements, appointments, apprenticeship articles, authorities, complaints, informations, licences, mandates, notices, orders, summonses, and all other instruments and documents, and the mode of executing, serving, or delivering the same:
- (p) the fees to be paid:
- (q) the imposing of penalties:
- (r) the income and expenditure of the board:
- (s) the time and manner in which any act, deed, matter, or thing required by this Act to be done, and as to which the time or procedure is not provided, is to be done or performed:

(t) all other matters and things arising under and consistent with this Act not expressly provided for.

204. All proceedings in respect of offences against this Act (not being misdemeanours) shall be disposed of summarily.

Summary proceedings for offences.
641, 1895,
s. 134.

205. No warrant shall be issued under this Act by a justice unless the complaint against the person for whose apprehension the warrant is issued is substantiated to the satisfaction of the justice on oath made before him.

Issue of warrants.

206. All moneys received for penalties imposed for offences against this Act shall be paid to the Treasurer, for the public uses of the State and in support of the Government thereof.

Appropriation of penalties.
Ibid., s. 142.

207. In any information or complaint for any offence committed upon or in respect of any property, money, goods, chattels, or effects, under the management or control of the board, or of any of the officers thereof, it shall be sufficient to state or allege that the property, money, goods, chattels, or effects belong to the board, and that any offence has been done or committed with intent to injure or defraud (as the case may be), the board, without any further or other name, addition, or description whatever.

Procedure on informations and complaints.

208. Any reference in any other Act to the State Children's Council or the Destitute Board shall be deemed to be a reference to the board, and any reference to either the chairman or the secretary of either of the first-mentioned bodies shall be deemed to be a reference to the chairman of the board; and any reference to a member of either of the said bodies shall be deemed to be a reference to a member of the board.

References in other Acts.

Maintenance Act, 1926-1937.

THE SCHEDULES.

Section 3.

THE FIRST SCHEDULE.

ACTS REPEALED.

Reference to Acts.	Short Title of Act.
No. 210 of 1881.	The Destitute Persons Act, 1881
No. 387 of 1886.	The Destitute Persons Act Amendment Act, 1886
No. 641 of 1895.	The State Children Act, 1895
No. 664 of 1896.	The Married Women's Protection Act, 1896
No. 702 of 1898.	The Affiliation Law Amendment Act, 1898
No. 750 of 1900.	The State Children Amendment Act, 1900
No. 819 of 1903.	The State Children Further Amendment Act, 1903
No. 832 of 1903.	The Destitute Persons and State Children Acts Amendment Act, 1903
No. 996 of 1909.	The State Children Amendment Act, 1909
No. 1339 of 1918	State Children Further Amendment Act, 1918

Sections 47,
90.

THE SECOND SCHEDULE.

No. 1.

Maintenance Act, 1926.

COMPLAINT AGAINST NEAR RELATIVE OF A CHILD.

The complaint of _____ of _____ [add where necessary an officer of the Children's Welfare and Public Relief Board duly appointed to make the complaint hereinafter set out] taken this _____ day of _____ 19____, before me, the undersigned, a Justice of the Peace for the said State, who states [set out the complaint in such of the forms following as may be applicable], namely,

- (1) That F of _____ and S of _____ are near relatives within the meaning of the Maintenance Act, 1926, of C, a male child of the age of _____ years, and are able to contribute towards [or pay for] the maintenance and past maintenance of the said child:
- (2) That C, a male child of the age of _____ years, is an illegitimate child born of the body of _____ of _____ on the _____ day of _____ 19____, and that P is the father thereof, and is able to pay for [or contribute towards] the maintenance and past maintenance of the said child, and the confinement expenses of the mother:
- (3) That C, a male child of the age of _____ years, is a State child within the meaning of the Maintenance Act, 1926, and that the sum of £ _____ is owing to the Children's Welfare and Public Relief Board for the past maintenance of the said child:
- (4) That P has disobeyed or neglected to comply with an order made against him under the Maintenance Act, 1926, on the _____ day of _____ 19____, in respect of the maintenance of C, a male child of the age of _____ years:
- (5) That P intends to evade compliance with an order made against him under this Act on the _____ day of _____ 19____, in respect of the maintenance of C, a male child of the age of _____ years:

Taken before me the day and year }
first above written at }
in the said State. }
Justice of the Peace.

[Signature of Complainant.]

No. 2.

Section 47.

Maintenance Act, 1926.

MAINTENANCE ORDER IN RESPECT OF CHILD.

Upon complaint made by _____ of _____ (or K, an officer of the Children's Welfare and Public Relief Board), wherein it is alleged that C, a male child of the age of _____ years, is an illegitimate child; that P is the father thereof; that the said C is a State child within the meaning of the Maintenance Act, 1926; that there is owing to the Children's Welfare and Public Relief Board the sum of _____ for the past maintenance of the said child; and that the said P is able to pay for (or contribute towards) the maintenance and past maintenance of the said child; and the said complaint coming on for hearing this day before us, the undersigned, two justices of the peace for the State of South Australia, and sitting at _____, and having heard the evidence of A, the mother of the said child, and being satisfied that the several allegations aforesaid have been duly proved, we do adjudge the said P to be the father of the said C.

And we do order as follows, that is to say [*use such of the forms following as may be applicable*]:—

That the said P do pay to _____ the sum of _____ for the past maintenance of the said child on or before the _____ day of _____ 19 _____ next [*or if by instalments set out number, amounts, and dates of payment*]:

That the said P do pay to _____ the sum of _____ shillings on the _____ day of every week hereafter until the said child attains the age of _____ years, or until further order:

That the said P do pay the sum of _____ for confinement expenses of _____:

That the said P do pay to the said _____ the sum of _____ for his costs incurred in this behalf:

That all the said sums be paid to _____ at _____:

That the said P do forthwith find good and sufficient security by recognizance himself in the sum of _____ pounds and two sureties in the sum of _____ pounds each, or one surety in the sum of _____ pounds, for the due compliance of him, the said P, with this order: And in default of such security being found I (or we) do adjudge the said P to be imprisoned in _____ for the space of [*with or without hard labour, as the case may be*]:

That [*the person upon whom notice of attachment of moneys or property has been served*] do forthwith pay (or deliver over) to _____, at _____, the sum of _____ [*or describe the property to be delivered over*], being all (or portion) of the money (or property) attached in his hands by notice from _____ dated the _____ day of _____ 19 _____.

Dated at _____ this _____ day of _____, 19 _____, at _____ in the said State.

Justices of the Peace.

No. 3.

Section 77.

Maintenance Act, 1926.

NOTICE OF ATTACHMENT.

To

Whereas a complaint has been made under section _____ of the Maintenance Act, 1926, against A B, of _____: And whereas you have, or are supposed to have, in your care, custody, or control money or property of or belonging or payable to the said A B: Notice is hereby given you not to part with the possession of such money or property, or any part thereof, until after the said complaint has been heard and determined.

Dated the _____ day of _____, 19 _____.

_____, Complainant.

Section 62.

No. 4.

Maintenance Act, 1926.

COMPLAINT BY NEAR RELATIVE.

The complaint of _____ of _____ taken this _____ day of _____ 19____, before me, the undersigned, a justice of the peace for the State of South Australia, who states:—

1. That an order was made against him, pursuant to the Maintenance Act, 1926, on the _____ day of _____ 19____, in respect of the maintenance of C, a male child of the age of _____.

2. That F, of _____ and S, of _____, are near relatives of the said C, and are able to pay for (or contribute towards) the maintenance of the said C. Taken, &c. [as in Form No. 1].

Section 62.

No. 5.

Maintenance Act, 1926.

ORDER VARYING MAINTENANCE.

Upon complaint made by P, of _____, against F, of _____, and S, of _____, wherein it is alleged [set out substance of allegations], and the said complaint coming on for hearing this day before us, &c. [as in Form No. 2], we do order as follows; that is to say [use such of the forms following or in No. 2 or 3 as may be applicable].

That the said order against the said P be annulled as from this date (or be suspended for _____ months from this date, or be varied in the following particulars [setting them out]:

That the said P do pay the sum of _____ shillings; the said F do pay the sum of _____ shillings; and the said S do pay the sum of _____ shillings on _____ day next, and on the _____ day in every week thereafter, until the said C attains the age of _____ years, or until further order for the maintenance of the said C:

That all the said sums be paid to _____ at _____.

Dated at _____, this _____ day of _____, 19____. Justices of the Peace.

Section 53.

No. 6.

Maintenance Act, 1926.

COMPLAINT AGAINST THE FATHER OF AN UNBORN ILLEGITIMATE CHILD.

The complaint of _____ of _____, made this _____ day of _____, 19____, at _____, before me, the undersigned, a justice of the peace for the State of South Australia, who states—

1. That _____, of _____, is the father of a certain unborn illegitimate child, of which _____ is pregnant:

2. That the said _____ is able to pay for (or contribute towards) the maintenance of the said child, should it be born, and the confinement expenses of the mother.

Taken before me, at _____, the _____ day and year first above written. }
Justice of the Peace. }

[Signature of Complainant.]

No. 7.

Sections 53,
54.

Maintenance Act, 1926.

ORDER FOR MAINTENANCE AND CONFINEMENT EXPENSES IN CASE OF
AN UNBORN CHILD.

Upon complaint made by _____ (hereinafter called "the complainant") against _____, (hereinafter called "the defendant") whereby it was alleged the defendant is the father of a certain unborn illegitimate child of which _____ is pregnant, and the said complaint coming on for hearing this day before us, the undersigned, two justices of the peace for the State of South Australia; having heard the evidence of _____, a legally qualified medical practitioner, that the said _____ is pregnant, and the evidence of the said _____ and being satisfied that the allegations in the said complaint have been proved, we do adjudge the defendant to be the father of the said child: And we do order as follows, that is to say—That the defendant do pay to the Children's Welfare and Public Relief Board the sum of _____ for the confinement expenses of the said _____; that the defendant do pay to _____ on the day of the birth of the said child, and on the same day in each week thereafter, the sum of _____, until the said child attains the age of eighteen years, or until further order; that the defendant do pay to the complainant the sum of _____ for costs in this behalf.

Dated this _____ day of _____, 19____, at _____ in the said State.

Justices of the Peace.

No. 8.

Sections 102,
103.

Maintenance Act, 1926.

COMPLAINT AGAINST A CHILD.

The complaint of _____ of _____ made this _____ day of _____, 19____, at _____ before the undersigned, a justice of the peace for the State of South Australia, who states that A B, of _____, in the said State [*here set out the charge in such of the forms following as may be applicable with any modification which the circumstances may require*]:—

- (a) is a destitute child in that he has no sufficient means of subsistence, and his near relations are in indigent circumstances and unable to support him (or are dead, or are unknown, or cannot be found, or are out of the jurisdiction, or are in custody of the law):
- (b) did on the _____ day of _____ at _____ in the said State [*here set out a statement of the charge of being a neglected child following the words as near as may be of the definition of neglected child in section 4*]:
- (c) is an uncontrollable (or incorrigible) child:
- (d) is under the guardianship of a person, to wit, who is unfit to have such guardianship.

Taken before me, at _____
aforesaid, the day and year first }
above written.

Justice of the Peace.

No. 9.

Section 102.

Maintenance Act, 1926.

MANDATE FOR NEGLECTED CHILD TO BE SENT TO AN INSTITUTION.

To _____, Esquire, Commissioner of Police, and all constables in the State of South Australia, and to the superintendent (or matron) of the Industrial School at Edwardstown [*or other institution, as the case may be*] in the said State:

Whereas A B, a boy, has been brought before a court of summary jurisdiction, charged with being a neglected child within the meaning of the Maintenance Act, 1926, in that [*set out the terms of the complaint*]: And whereas we have heard the matter of the said complaint, and are satisfied that the said A B is in fact a neglected child within the meaning of the said Act: And whereas the said A B

Maintenance Act, 1926-1937.

is of the age of _____ years and _____ months, and of Protestant (or Roman Catholic or Jewish, *as the case may be*) religion: And whereas we have ordered the said A B to be sent to the Industrial School at Edwardstown [or other institution] to be there detained or otherwise dealt with under the said Act until he attains the age of eighteen years: These are to require you, to whom this mandate is directed, to take the said A B to the said institution and there to deliver him to the superintendent (or matron) thereof, together with the duplicate of this mandate, and the said superintendent (or matron) is hereby required to receive the said child into the said institution, there to be detained or otherwise dealt with under the said Act until the expiration of the term aforesaid, unless he shall in the meantime be discharged in due course of law.

Dated this _____ day of _____ 19____, at _____ in the said State.

Justices of the Peace.

Section 102.

No. 10.

Maintenance Act, 1926.

MANDATE FOR DESTITUTE CHILD TO BE SENT TO AN INSTITUTION.

To [as in Form No. 2].

Whereas A B, a boy, has been brought before a court of summary jurisdiction charged with being a destitute child within the meaning of the Maintenance Act, 1926, in that he has no sufficient means of subsistence, and that his relatives are in indigent circumstances and unable to support the said A B (or are dead, &c.): And whereas we have heard the matter of the said complaint, and are satisfied that the said A B is in fact a destitute child within the meaning of the said Act: And whereas, &c. [continue as in Form No. 11].

Dated this _____ day of _____ 19____, at _____ in the said State.

Justices of the Peace.

Section 103.

No. 11.

Maintenance Act, 1926.

MANDATE FOR UNCONTROLLABLE OR INCORRIGIBLE CHILD TO BE SENT TO AN INSTITUTION.

To [as in Form No. 11.]

Whereas A B, a boy, has been brought before a court of summary jurisdiction, and charged with being an uncontrollable (or incorrigible) child: And whereas we have heard the matter of the said complaint, and are satisfied that the same is well founded: And whereas the said A B is of the age _____ years _____ months, and is of the Protestant [or as the case may be] religion: And whereas we have ordered the said A B to be sent to the [name or description of institution] to be there detained and dealt with pursuant to the said Act for a period of _____ months from the day of the date hereof (or until he attains the age of eighteen years): These are to require [continue as in Form No. 11].

Dated this _____ day of _____ 19____, at _____ in the said State.

Justices of the Peace.

Section 103.

No. 12.

Maintenance Act, 1926.

ORDER FOR UNCONTROLLABLE, ETC., CHILD TO BE RELEASED ON PROBATION.

Whereas [insert recitals as in Form No. 13 down to the words "well founded"]. Now therefore we do hereby order that the said A B be released on probation, and that until he attains the age of eighteen years he shall be subject to the supervision of the Children's Welfare and Public Relief Board pursuant to the said Act; and we do further order that the said A B shall from time to time, until he attains the said age, report himself to the said Board, or to the Secretary thereof, at such places and times and in such manner as the said board or the Secretary thereof shall direct.

Dated this _____ day of _____, 19____, at _____ in the said State.

Justices of the Peace.

No. 13.

Section 118.

Maintenance Act, 1926.

MANDATE FOR CONVICTED CHILD TO BE SENT TO A REFORMATORY SCHOOL.

To [as in Form No. 11, varied to suit the circumstances].

Whereas on the day of 19 , at in the State of South Australia, before a court of summary jurisdiction, A B, a boy, was convicted of a certain offence punishable by imprisonment, to wit [*describe the offence in the words of the conviction*]: And whereas the said A B is of the age of years and months, and is of the Protestant [*or as the case may be*] religion: And whereas we have ordered the said A B to be sent to the Reformatory School at Magill, in the said State [*or other institution, as the case may be*], to be there detained or otherwise dealt with, pursuant to the Maintenance Act, 1926, for the term of from the day of the date hereof (*or until he attains the age of eighteen years, as the case may be*): These are to require [*continue as in Form No. 11*].

Dated this day of 19 , at in the said State. Justices of the Peace.

No. 14.

Section 128.

Maintenance Act, 1926.

AGREEMENT FOR BOARDING OUT STATE CHILD.

Whereas A B, of [*here state residence and occupation*] has agreed with the Children's Welfare and Public Relief Board to receive and take charge of C D, a State child, now under the care of the Board, for the term of from this date, upon receiving from the Board the sum of weekly (monthly, *or quarterly*) [*or without fee or reward*]: These are therefore to authorise the said A B, pursuant to the above-mentioned Act, to take the said C D to be by him kept, maintained, clothed, and educated during the said term.

In witness whereof the seal of the Council has been hereunto affixed this day of 19 .

(Seal of Board).

, Secretary.

I, the above-named A B, hereby agree with the said Board to receive and keep, maintain, clothe, and educate, to the satisfaction of the said Board, the said C D, for the term and upon the conditions specified in this agreement, and subject in all things to the provisions of the said Act and the regulations thereunder.

Dated this day of 19 .

Witness—

A B

No. 15.

Section 128.

Maintenance Act, 1926.

AGREEMENT FOR SERVICE OF A STATE CHILD.

Whereas A B, of [*here state residence and occupation*], has agreed with the Children's Welfare and Public Relief Board to receive for service and take charge of C D, a State child now under the care of the Board, for the term of from this date: These are therefore to authorise the said A B to receive and take charge of the said C D, to be by the said A B kept, maintained, clothed, and educated during the term of such service, pursuant to the Maintenance Act, 1926, and the regulations thereunder.

In witness, &c. [*as in Form No. 16*].

I, the above-named A B, hereby agree with the said Board to receive the said C D into service, and to keep, maintain, clothe, and educate him to the satisfaction of the Board, for the term and upon the conditions specified in this agreement, and I agree to pay for the services of the said C D the sum of per week [*here set out rates of wages, &c. If no wages are to be paid, omit agreement for payment of wages*], subject in all things to the provisions of the said Act and regulations.

Dated this day of 19 .

Witness—

A B

Section 128.

No. 16.

Maintenance Act, 1926.

AGREEMENT FOR THE ADOPTION OF A STATE CHILD.

Whereas A B, of [*here state residence and occupation*], has agreed with the Children's Welfare and Public Relief Board to adopt and take charge of C D, a State child now under the care of the board, for the term of _____ from this date: These are therefore to authorise the said A B to receive and take charge of the said C D, to be by the said A B kept, maintained, clothed, and educated, during the said term, pursuant to the above-mentioned Act and the regulations thereunder.

In witness, &c. [*as in Form No. 16*].

I, the above-mentioned A B, hereby agree with the said board to adopt the said C D, and to keep, maintain, clothe, and educate him to the satisfaction of the said Council during the term and upon the conditions specified in this agreement, subject in all things to the said Act and regulations.

Dated this _____ day of _____, 19 .

Witness— _____ A B

Sections 111
and 112.

No. 17.

Maintenance Act, 1926.

ORDER BY BOARD REMOVING STATE CHILD FROM ONE INSTITUTION TO ANOTHER.

Whereas A B is now an inmate of the [*name of institution*] at _____

And whereas the Children's Welfare and Public Relief Board has determined that the said A B shall be removed to and detained at the [*name of institution*] at _____ These are therefore to require you, C D, forthwith to take the said A B from the said [*name of institution*] to the said reformatory school [*or as the case may be*], and there to deliver him to E F, the superintendent (*or matron*) thereof, together with a duplicate of this order; and you, the said E F, are hereby required to receive the said A B into the said reformatory school [*or as the case may be*], to be there detained in accordance with the copy mandate accompanying this order.

In witness whereof the seal of the said Board has been hereunto affixed this _____ day of _____, 19 .

(Seal of Board) _____, *Secretary.*

To C D, of [*residence and occupation*] and E F, superintendent (*or matron*) of the [*name of institution to which child is to be removed*].

Section 145.

No. 18.

Maintenance Act, 1926.

ORDER BY BOARD FOR RETURN BY FOSTER-PARENT OF STATE CHILD
APPRENTICED OR PLACED OUT.

Pursuant to the provisions of the Maintenance Act, 1926, the Children's Welfare and Public Relief Board hereby orders and requires you forthwith to deliver A B, a State child apprenticed to (*or placed out with*) you, at the [*name of institution*] at _____ (*or to C D, of _____, the bearer hereof, who is authorised by the board to receive the said A B*). [*Add, if so determined*—The said board hereby cancels the indentures of apprenticeship of the said A B whereby he was apprenticed to you (*or revokes the agreement dated the _____ day of _____, 19 , whereby you were authorised to receive the said A B*)].

In witness, &c. [*as in Form No. 19*].

To G H [*name and address of parent or foster-parent*].

N.B.—Take notice that if you fail to comply with this order you will be liable to a penalty not exceeding £10.

No. 19.

Section 145.

Maintenance Act, 1926.

ORDER BY BOARD TO STATE CHILD APPRENTICED OR PLACED OUT TO RETURN
TO AN INSTITUTION.

Pursuant to the provisions of the Maintenance Act, 1926, the Children's Welfare and Public Relief Board hereby orders and requires you forthwith to return with C D, the bearer hereof, to [name of institution] at (or to forthwith surrender yourself at the [name of institution] at).

In witness, &c. [as in Form No. 16.]

To A B [name of State child].

No. 20.

Section 165.

Maintenance Act, 1926.

LICENCE FOR LYING-IN HOME.

In consideration of the sum of five shillings paid by of the premises hereunder mentioned, that is to say [describe the premises and situation], are hereby licensed to be kept and used as a place for the accommodation of females during their confinement and lying-in, subject to the provisions of the Maintenance Act, 1926, and the regulations thereunder, for the term of one year from the date hereof.

Dated this day of , 19 .

By order of the Children's Welfare and Public Relief Board,
(Seal.) Chairman.

No. 21.

Section 168.

Maintenance Act, 1926.

LICENCE FOR FOSTER-MOTHER.

In consideration of the sum of one shilling paid by of the said is hereby licensed as a foster-mother subject to the provisions of the Maintenance Act, 1926, and the regulations thereunder, for the term of one year from the date hereof.

The number of children under seven years of age to be kept by the said under this licence shall not at any time exceed .

Dated this day of , 19 .

By order of the Children's Welfare and Public Relief Board,
(Seal.) Chairman.

THE THIRD SCHEDULE.

Section 66.

No. 1.

Maintenance Act, 1926.

COMPLAINT AGAINST HUSBAND.

The complaint of states that her husband (a) has been guilty of—

I. Cruelty to informant on the day of 19 , at (d) and on the day of 19 , at (d):

II. Cruelty to (b) and (b) children of the informant, on the day of at (d) and on the day of 19 , at (d):

III. Habitual drunkenness during the period from the day of 19 , to the day of 19 :

IV. Indecent behaviour before the children of the informant during the period from the day of 19 , to the day of 19 :

V. Adultery with (c) on the day of 19 , at (d), and with (c) on the day of 19 , at (d):

VI. Desertion on the day of 19 :

VII. Wilful neglect to provide reasonable maintenance for informant on the day of :

VIII. Wilful neglect to provide reasonable maintenance for informant's children (b) and (b) on the day of 19 :

And the complainant applies for summary protection under the Act.

[Signature of Complainant.]

Maintenance Act, 1926-1937.

Laid before me at _____, this _____ day of _____ 19 ____
NOTE.— *Justice of the Peace.*

- (a) Fill in name, address, and occupation of husband.
- (b) Fill in names of children.
- (c) Fill in, if known, the names of persons with whom the adultery is charged.
- (d) Fill in places.

Strike out all references to matters of complaint which are not intended to be established.

Section 68.

No. 2.
Maintenance Act, 1926.

SUMMONS.

To _____ of _____
As complaint has been laid by your wife that you have been guilty of [*here copy the matter of complaint as set out in the complaint*], you are summoned to appear on _____ at _____ o'clock, before the court of summary jurisdiction there sitting to answer an application for protection under the Act.

Given under my hand at _____ this _____ day of _____ 19 ____
before me. *J.P.*

Section 68.

No 3.
Maintenance Act, 1926.

ORDER.

On the application of (a) for protection under this Act, the court finds that her husband (b) has been guilty of—

- Cruelty to her on the (d) day of _____ :
- Cruelty to her children on the (d) day of _____ :
- Habitual drunkenness during the period from the _____ day of _____ to the _____ day of _____ :
- Indecent behaviour before her children during the period from the _____ day of _____ to the _____ day of _____ :
- Adultery on the (d) day of _____ :
- Desertion on the _____ day of _____ :
- Wilful neglect to provide reasonable maintenance for her on the _____ day of _____ :
- Wilful neglect to provide reasonable maintenance for her children (c) on the _____ day of _____ :

The court doth [*here set out order in one or more of following paragraphs, as the case may require*]

- I. Relieve the informant from any obligation to cohabit with the said [*here set out Christian and surname of husband*]:
- II. Grant to informant the legal custody of her children (c):
- III. Grant to the said [*Christian and surname of husband*] the following rights of access to the children of the informant and the said _____, namely [*here set out times and places, as far as possible, when access is allowed.*]
- IV. Direct the said [*Christian and surname of husband*] to pay to [*here set out informant or name of other person to whom money is to be paid*] the sum of [*here set out amount*] per [*here set out week or other period*], such sum to be paid to the said [*name of person to whom money is to be paid*] on [*here set out day on which money is to be paid, if so ordered*] for the maintenance of the said informant [*and, if custody of children granted, add "and of her children whose custody is granted to her."*]

Dated at _____ this _____ day of _____ 19 ____
NOTE.— *Special Magistrate.*

- (a) Fill in name and address of complainant.
- (b) Fill in name, address, and occupation of husband.
- (c) Fill in names of children.
- (d) Fill in dates and places.

The Stamp Duties Act, 1925-1952, including all amendments passed to the end of 1952 and notes of judicial decisions, is reprinted in the Annual Volume, 1952, at page 245.

STAMP DUTIES ACT, 1923-1937.

BEING

STAMP DUTIES ACT, 1923, No. 1569 OF 1923 [ASSENTED TO
21ST NOVEMBER, 1923.]

AS AMENDED BY

STAMP DUTIES ACT, 1927, No. 1822 OF 1927 [ASSENTED TO
21ST DECEMBER, 1927.]

STAMP DUTIES AMENDMENT ACT, 1928, No. 1860 of 1928
[ASSENTED TO 17TH OCTOBER, 1928.]

LOTTERY AND GAMING ACT AMENDMENT ACT, 1928, No. 1877 OF
1928 [ASSENTED TO 1ST NOVEMBER, 1928.]

STATUTE LAW REVISION ACT, 1935, No. 2246 OF 1935
[ASSENTED TO 19TH DECEMBER, 1935.]

STAMP DUTIES ACT AMENDMENT ACT, 1936, No. 2312 OF 1936
[ASSENTED TO 19TH NOVEMBER, 1936.]

AND

STAMP DUTIES ACT AMENDMENT ACT, 1937, No. 2359 OF 1937
[ASSENTED TO 19TH NOVEMBER, 1937.]

An Act to consolidate certain Acts relating to stamp
duties.

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows:

PART I.

PART I.

PRELIMINARY PROVISIONS.

1. This Act may be cited as the "Stamp Duties Act, 1923-
1937." Short title.

2. The provisions of this Act are arranged as follows: Arrangement
of Act.

PART I.—Preliminary Provisions:

PART II.—General Provisions with respect to Stamp
Duties:

PART III.—Special Provisions with respect to certain
Stamp Duties:

Stamp Duties Act, 1927: This Act was proclaimed to commence on 24th December, 1927:
Gazette 22nd December, 1927, p. 1609.

PART IV.—Special Provisions with respect to Amusements Duty:

PART V.—Miscellaneous Provisions.

Acts consolidated and repealed.

3. This Act is a consolidation of the Acts mentioned in the first schedule, and the said Acts are hereby repealed.

Interpretation.
372, 1886.
s. 2.

4. In this Act, unless it is otherwise provided or there is something in the context repugnant thereto—

“Commissioner” means any person appointed Commissioner of Stamps under this Act:

Cf. U.K.
54 & 55 Vict.
c. 38, s. 27.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 122.

“die” includes any plate, type, tool, or implement whatever used under the direction of the Commissioner for denoting any duty, or the fact that any duty or penalty has been paid, or the fact that any instrument is duly stamped or is not chargeable with any duty, and also includes any part of any such plate, type, tool, or implement:

“duty” includes every duty chargeable under this Act:

“executed” and “execution,” with reference to instruments not under seal, mean signed and signature:

“forge” includes counterfeit:

“instrument” includes every written document:

“material” means any sort of material upon which words or figures can be expressed:

“money” includes all sums expressed in British, foreign, or colonial currency:

“stamp” means as well a stamp impressed by means of a die as an adhesive stamp:

“stamped” means impressed with a stamp by means of a die or having an adhesive stamp affixed:

“stock” means any share in the stocks or funds of any foreign or colonial State or Government, or in the capital stock or funded debt of any company, corporation, or society in South Australia, or of any foreign or colonial company, corporation, or society:

“write,” “written,” and “writing” include every mode in which words or figures can be expressed upon material.

5. (1) Subject to the exemptions contained in the second schedule, there shall be charged, for the use of His Majesty, the several stamp duties specified in the said schedule upon and for the several instruments therein set forth, and also such other duties as are specified in the said schedule.

Stamp duties to be charged.
789, 1902,
s. 5 (part).
Cf. U.K.
54 & 55 Vict.
c. 39, s. 1.

(2) The duty chargeable upon any such instrument shall be a debt due to His Majesty from every party who executes such instrument, and shall be recoverable in the name of the Commissioner on behalf of His Majesty from any such party or parties in any court of competent jurisdiction.

Stamp duty to be recoverable as a debt.
1216, 1915,
s. 15.

(3) It shall not be necessary to stamp any instrument executed before the sixth day of December, eighteen hundred and eighty-six.

372, 1886,
s. 16.

6. (1) The Governor may appoint a Commissioner of Stamps, a Deputy Commissioner of Stamps, and any other necessary officers for carrying this Act into effect.

Power to appoint officers.
372, 1886,
s. 4.
789, 1902,
s. 38 (part).

(2) Such Commissioner, such Deputy Commissioner, and every such other officer shall give such security for the due discharge of his duties under this Act as the Governor may direct.

(3) The said Commissioner may sue and be sued by the name of the "Commissioner of Stamps."

(4) The said Deputy Commissioner shall have and exercise all the powers and duties of the said Commissioner.

7. (1) The Governor may appoint any person a distributor of stamps.

Distribution of stamps.
372, 1886,
s. 5.
Cf. U.K.
54 & 55 Vict.
c. 38, ss. 3,
8.

(2) Any such distributor may be remunerated by a commission upon the value of stamps purchased for disposal by him, or by salary, or by any other allowance, and upon the sale of stamps to any such distributor such discount may be allowed as may be authorised by regulations made under this Act.

8. The Treasurer shall, for denoting the several duties chargeable under this Act, provide such stamps or dies as may be required for the purposes of this Act, and may do any other act which may be necessary for effectually collecting the said duties.

Stamps to be provided.
372, 1886,
s. 6.

s. 5. (3) SMITH AND OTHERS V. SCAMMELL (1892) 25 S.A.L.R. 95; affirming SMITH AND OTHERS V. SCAMMELL (1890-91) 24 S.A.L.R. 110. Where the signatories to a deed between several parties executed the deed, some before and others after the date mentioned in subsection (3) of section 5, held that the deed was executed after the said date.

PART II.

PART II.

GENERAL PROVISIONS WITH RESPECT TO STAMP DUTIES.

How stamp duties to be denoted.
789, 1902, s. 5 (part).

9. All duties chargeable upon any instrument shall be paid and denoted according to the provisions of this Act.

Duty, how denoted.
372, 1886, s. 24.
Cf. U.K. 54 & 55 Vict. c. 39, s. 2.

10. Except where express provision is made to the contrary, all duties shall be denoted by impressed stamps only; and where it is provided that any duty may be denoted by an adhesive stamp, such duty may be denoted by an impressed stamp or by an adhesive stamp.

Appropriate stamps to be used.
372, 1886, s. 10.
Cf. U.K. 54 & 55 Vict. c. 39, s. 10.

11. (1) Any stamp which, by any word or words on the face of it, is appropriated to any particular description of instrument, shall not be used for any instrument of another description.

(2) Any instrument falling under the particular description to which any stamp is so appropriated as aforesaid shall not be deemed duly stamped unless it is stamped with the stamp so appropriated.

789, 1902, s. 39.

(3) No instrument shall be deemed duly stamped with an adhesive stamp unless the words "Duty stamp" are printed on and form part of such stamp.

Adhesive stamps to be cancelled.
789, 1902, s. 38 (part).
U.K. 54 & 55 Vict. c. 39, s. 8.

12. (1) Any instrument, the duty upon which is required or permitted by this Act to be denoted by an adhesive stamp, shall not be deemed duly stamped with an adhesive stamp unless—

(a) the person required by this Act to cancel the adhesive stamp cancels the same by writing on or across the stamp his name or initials, or the name or initials of his firm, together with the true date of his so writing, or otherwise effectually cancels the stamp and renders the same incapable of being used for any other instrument; or

(b) it is otherwise proved that the stamp appearing on the instrument was affixed thereto at the proper time.

(2) Where two or more adhesive stamps are used to denote the duty upon an instrument, each stamp shall be cancelled in the manner aforesaid.

(3) Every person who, being required by this Act to cancel an adhesive stamp, neglects or refuses duly and effectually to do so in the manner aforesaid, shall be liable to a penalty not exceeding ten pounds.

13. (1) Every instrument written upon stamped material shall be written in such manner, and every instrument partly or wholly written before being stamped shall be so stamped, that the stamp may appear on the face of the instrument and cannot be used for or applied to any other instrument written upon the same piece of material.

How instru-
ments to be
stamped.
372, 1886,
s. 7.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 3.

(2) If more than one instrument is written upon the same piece of material, each one of such instruments shall be separately and distinctly stamped with the duty with which it is chargeable.

14. Except where express provision is made to the contrary—

Instruments
to be
separately
charged.

i. Any instrument containing or relating to several distinct matters shall be separately and distinctly charged with duty in respect of each of such matters, as if the portion of such instrument containing or relating to each such matter were a separate instrument:

372, 1886,
s. 8.
U.K. 54 & 55
Vict. c. 39,
s. 4.

ii. Any instrument made for any consideration in respect whereof it is chargeable with *ad valorem* duty, and also for any further or other valuable consideration, shall, in addition to being charged with such *ad valorem* duty, be charged with duty in respect of such last-mentioned consideration, as if it were an instrument made for such consideration only.

15. Where any instrument is chargeable with *ad valorem* duty in respect of any money in any foreign or colonial currency, such duty shall be calculated on the value of such money in British currency according to the current rate of exchange on the day of the date of such instrument.

Duty to be
calculated
on value in
British money.
372, 1886,
s. 12.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 6.

16. The duty chargeable upon any instrument shall be calculated according to the rates in force at the time when such instrument is produced to the Commissioner for the purpose of being stamped.

Duty in force
when instru-
ment pro-
duced for
stamping to
apply.
1216, 1915,
s. 10.

PART II.

Duplicates and counter-parts.
372, 1886,
s. 9.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 72.

17. The duplicate or counterpart of any instrument chargeable with duty (including the counterpart of a lease, whether executed by the lessor or not) may be impressed with a particular stamp denoting that the instrument of which it is the duplicate or counterpart has been duly stamped; but unless such duplicate or counterpart is so impressed, it shall be chargeable with duty as an original.

Duty on other instruments.
372, 1886,
s. 14.
U.K. 54 & 55
Vict. c. 39,
s. 11.

18. Where the duty with which any instrument is chargeable depends in any manner upon the duty paid upon another instrument, the payment of such last-mentioned duty may, on production of both the instruments, be denoted in such manner as the Commissioner thinks fit upon the first-mentioned instrument.

All facts to be truly set forth.
372, 1886,
s. 11.
1216, 1915
s. 4.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 5.

19. (1) All the facts and circumstances affecting the liability of any instrument to duty, or the amount of the duty with which any instrument is chargeable, shall be fully and truly set forth in the instrument.

(2) Every person who, with intent to defraud His Majesty (and the suppression of any such fact or circumstance shall be *prima facie* evidence of such intent)—

(a) executes any instrument in which all the said facts and circumstances are not fully and truly set forth; or

(b) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all the said facts and circumstances,

shall be liable to a penalty of not less than fifty pounds and not exceeding five hundred pounds.

Penalty for not duly stamping.
372, 1886,
s. 15.
789, 1902,
s. 40.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 15.

20. (1) Except where express provision is made to the contrary, any unstamped or insufficiently stamped instrument may be stamped after the execution thereof on payment of the unpaid duty and a penalty of ten pounds, and on payment also, by way of further penalty when the unpaid duty exceeds ten pounds, of interest on the unpaid duty at

s. 19. SMEATON V. THE MUTUAL LIFE ASSOCIATION OF AUSTRALASIA (1904) S.A.L.R. 147; 11 Austrn. Digest 890. Section 19 does not affect the provisions of section 24 of the Life Assurance Companies Act, 1936, and does not make it necessary to indorse on a transfer by way of security of a policy of life insurance, a statement that the transfer is for securing the repayment of money.

the rate of ten pounds per centum per annum from the day on which such instrument was first executed up to the time when such interest is equal in amount to the unpaid duty, or up to the time when such instrument is stamped under the authority of this section, whichever is the earlier time: Provided that—

- I. any instrument may be stamped without penalty within one month after the execution thereof:
- II. any unstamped instrument executed out of South Australia may be stamped without penalty at any time within two months after it is first received in South Australia:

* * * * *

Subdiv. III.
repealed by
S.L.R. Act.
1935.

(2) The payment of any such penalty and interest shall be denoted on the instrument by a particular stamp.

(3) The Commissioner may, at any time after the execution of any instrument, remit any penalty or any part thereof incurred in respect of such instrument.

21. (1) Upon the production of any instrument chargeable with duty as evidence in any civil proceedings in any part of South Australia, the officer whose duty it is to read the instrument shall call the attention of the presiding judge, special magistrate, or justices to any omission or insufficiency of the stamp thereon.

Admissibility
of unstamped
instruments
in evidence.
372, 1886,
s. 17.
Cf. U.K.
54 & 55 Vict.
c. 89, s. 14.
Cf. U.K.
23 & 24
Geo. 5 c. 19,
s. 42.

(2) If the instrument is one which may legally be stamped after the execution thereof it may, on payment to the said officer of the amount of the unpaid duty and of the penalty payable under this Act on stamping the same as aforesaid and of a further sum of one pound, be received in evidence, saving all just exceptions or other grounds.

(3) The officer receiving the said duty and penalty shall—

(a) give a receipt for the same;

(b) make an entry in a book kept for that purpose of the payment and of the amount thereof;

(c) communicate to the Commissioner the name or title of the cause or proceeding in which, and of the party from whom, he received the said duty and penalty, and the date and description of the instrument; and

(d) pay over to the Commissioner the money received by him in payment of the said duty and penalty.

(4) Upon production to the Commissioner of any instrument in respect of which any duty and penalty has been paid as aforesaid, together with the receipt of the said officer, the payment of such duty and penalty shall be denoted on such instrument accordingly.

Except as
aforesaid no
unstamped
instrument
to be received
in evidence,
372, 1886,
s. 18.
Cf. U.K.
32 & 33 Vict.
c. 49, s. 5.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 14
(4).

22. Except as provided by section 21, no instrument chargeable with duty executed in any part of South Australia or relating, wheresoever executed, to any property situated, or to any matter or thing done or to be done, in any part of South Australia, shall, except in criminal proceedings, be pleaded or given in evidence or admitted to be good, useful, or available at law or in equity unless duly stamped.

Assessment
of duty.
372, 1886,
s. 19.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 12.

23. (1) Subject to any regulations made under this Act, the Commissioner may be required by any person to express his opinion with reference to any executed instrument upon the following questions—

I. Whether it is chargeable with any duty:

II. With what amount of duty it is chargeable.

(2) If the Commissioner is of opinion that such instrument is not chargeable with any duty, such instrument may be stamped with a particular stamp denoting that it is not chargeable with any duty.

(3) If the Commissioner is of opinion that such instrument is chargeable with duty, he shall assess the duty with which it is, in his opinion, chargeable, and when the instrument is duly stamped in accordance with the assessment of the Commissioner, it may also be stamped with a particular stamp denoting that it is duly stamped.

(4) Every instrument stamped with the particular stamp denoting either that it is not chargeable with any duty or that it is duly stamped shall be admissible in evidence and shall be available for all purposes, notwithstanding any objection relating to duty.

(5) Notwithstanding anything contained in this section—

(a) any instrument upon which the duty has been assessed by the Commissioner shall not, if it is unstamped or insufficiently stamped, be stamped otherwise than in accordance with the assessment of the Commissioner:

(b) the stamping after the execution thereof of any instrument prohibited by this Act from being so stamped shall not be lawful.

24. (1) Any person who is dissatisfied with the assessment of the Commissioner may, on payment of duty in accordance therewith—

Appeal from
assessment.
372, 1886,
s. 20.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 13.

- (a) within fourteen days after the date of the Commissioner's assessment forward to the Treasurer a statement of the grounds of his objection to the assessment; or
- (b) within twenty-one days after the date of the Commissioner's assessment, appeal to the Supreme Court.

(2) If such person forwards to the Treasurer a statement of the grounds of his objection to the Commissioner's assessment, the Treasurer may confirm or modify such assessment. If such assessment is not confirmed, the amount of the duty to be ultimately retained shall be that fixed by the Treasurer, and the difference shall be refunded to the person forwarding the statement.

(3) If, upon the confirmation or modification by the Treasurer of the Commissioner's assessment, such person is still dissatisfied, he may, within twenty-one days after the Treasurer's decision is communicated to him, appeal to the Supreme Court.

(4) For the purpose of any appeal to the Supreme Court under this section, the appellant may require the Commissioner to state and sign a case setting forth the question upon which his opinion was required and the assessment made by him.

(5) The Commissioner shall thereupon state and sign a case accordingly and deliver the same to the appellant, and upon his application such case may be set down for hearing in the Supreme Court.

(6) Upon the hearing of such case (at least seven days' notice of which shall be given to the Commissioner) the Court shall determine the question submitted, and assess the duty, if any, chargeable under this Act.

(7) If it is decided by the Court that the assessment of the Commissioner is erroneous, any excess of duty which may have been paid in accordance with such erroneous assessment, together with any penalty which may have been paid in consequence thereof, shall be ordered by the Court to be

s. 24. O'HARA V. COMMISSIONER OF STAMPS (1912) S.A.L.R. 116. Where a case is stated by the Commissioner and filed by the appellant, the court has no power to amend the case without the Commissioner's consent.

repaid by the Commissioner to the appellant, together with the costs incurred by him in relation to the appeal.

(8) If the assessment of the Commissioner is confirmed by the Court, the costs incurred by the Commissioner in relation to the appeal shall be ordered by the Court to be paid by the appellant to the Commissioner.

(9) For the purposes of this section the Supreme Court may consist of one Judge only.

Abstract of instrument to be furnished.

372, 1886, s. 21.
Cf. U.K. 54 & 55 Vict. c. 39, s. 12 (2).

25. In any case where the Commissioner is required to express his opinion with reference to any instrument, the Commissioner may require to be furnished with an abstract of the instrument, and also such evidence as he deems necessary in order to show whether every fact and circumstance affecting the liability of the instrument to duty, or the amount of the duty with which the instrument is chargeable, has been fully and truly set forth, and the Commissioner may refuse to express any opinion with reference to the instrument until such abstract and evidence has been furnished accordingly.

Records open to inspection.

372, 1886, s. 22.
Cf. U.K. 54 & 55 Vict. c. 39, s. 16.

26. All public officers having in their custody any rolls, books, records, papers, documents, or proceedings, the inspection of which may tend to secure any duty, or to the proof or discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person thereunto authorised by the Commissioner to inspect all such rolls, books, records, papers, documents, and proceedings, and to take such notes and extracts as such person deems necessary without fee or reward.

No instrument to be enrolled or registered unless stamped.

372, 1886, s. 23.
Cf. U.K. 54 & 55 Vict. c. 39, s. 17.

27. No public officer whose office it is to enrol, register, or enter in or upon any rolls, books, or records any instrument chargeable with any duty, or the memorial of any instrument chargeable with any duty, shall enrol, register, or enter any such instrument or memorial, unless the instrument is duly stamped.

Power of Commissioner to make certain inquiries.

Inserted by 1822, 1927, s. 4.

27a. (1) In any case in which the amount of stamp duty chargeable on any instrument depends upon the value of any property thereby conveyed or transferred, or upon the amount of the consideration paid or given therefor, and in any other case in which it may be necessary to ascertain any facts in order to determine the amount of stamp duty chargeable upon any instrument, the Commissioner may require the instrument to be submitted for his opinion pursuant to

section 23 and may, before assessing the duty with which the instrument is chargeable, hold an inquiry for the purpose of ascertaining the true amount of such consideration, or such other facts as aforesaid.

(2) For the purpose of any such inquiry the Commissioner may require any person to make and produce to him a statutory declaration setting forth any facts relevant to the matter being inquired into, so far as they are known to such person, or may hear, receive, and examine evidence upon oath (which oath such Commissioner is hereby empowered to administer), and by summons under his hand, may require all such persons as he may think fit to appear personally before him, at a time and place to be fixed in and by such summons, and to produce to him all such books, papers, and documents as may be relevant to such inquiry.

Amended by
2359, 1937,
s. 3.

The statement of every person so examined shall be taken down in writing and signed by him in the presence of the Commissioner.

(3) Any person who, without just excuse, neglects or refuses to make any such declaration, or to comply with the tenor of any such summons, or who, having appeared before the Commissioner, refuses, without just excuse, to be examined on oath concerning the subject-matter of the inquiry, or to take such oath, or, having taken such oath, to answer such questions concerning the said subject-matter as shall be put to him, shall be guilty of an offence. Penalty—one hundred pounds.

27b. When any instrument chargeable with stamp duty, and which is unstamped or insufficiently stamped, has come into the possession of the Commissioner, he shall retain possession of such instrument until the amount of stamp duty due thereon, together with any penalty and costs imposed in respect of the making of such unstamped instrument, have been paid.

Power of
Commissioner
to retain
unstamped
instrument
till penalty
paid.

Inserted by
1822, 1927,
s. 4.

PART III.

PART III.

SPECIAL PROVISIONS WITH RESPECT TO CERTAIN STAMP DUTIES.

Affidavits and Declarations.

28. The duty upon an affidavit or declaration may be denoted by an adhesive stamp, which shall be cancelled by the person making such affidavit or declaration.

Duty on
affidavits and
declarations
may be
denoted by
adhesive
stamps.
789, 1902,
s. 6.

Agreements.

Adhesive stamp may be used for agreement not under seal.

789, 1902, s. 7.
Of. U.K. 54 & 55 Vict. c. 39, s. 22.

When agreement comprised of several letters.

789, 1902, Second Schedule, Note.

29. The duty upon an agreement not under seal may be denoted by an adhesive stamp, which shall be cancelled by one of the parties executing the agreement.

30. In any case where an agreement is constituted by two or more letters, such agreement and all such letters shall be deemed to be duly stamped if any one of such letters is duly stamped with the duty payable upon and for such agreement.

Certain contracts to be chargeable as conveyances on sale.

1216, 1915, s. 20.

Amended by 1822, 1927, s. 5 (a).

Of. U.K. 54 & 55 Vict. c. 39, s. 59.

31. (1) Any contract or agreement in writing for the sale of any estate or interest in any property whatsoever (including goods, wares, and merchandise not being goods, wares, and merchandise agreed to be sold in the ordinary course of trade by a party whose principal business is the sale of such goods, wares, and merchandise), except—

(a) property which cannot vest in the purchaser except upon registration of a conveyance; or

Para. (b) repealed by 1822, 1927, s. 5 (b).

* * * * *

(c) stock or marketable securities, or shares in the stock, funds, or capital of any corporation, company, or society,

shall be charged with the same *ad valorem* duty as if it were an actual conveyance on sale of the estate or interest contracted or agreed to be sold.

(2) Where duty has been duly paid in accordance with the provisions of subsection (1) hereof on any such contract or agreement as mentioned in that subsection, any conveyance made to the purchaser in pursuance of such contract or agreement shall not be chargeable with any duty; and the Commissioner, upon application and upon the production of such contract or agreement duly stamped, shall stamp such conveyance with a particular stamp denoting that it is duly stamped.

(3) For the purposes of this section a receipt for the payment, in pursuance of any contract or agreement, of any purchase-money shall, in the absence of any further or other instrument being or evidencing such contract or agreement, be charged with *ad valorem* duty as hereinbefore provided.

(4) If any such contract or agreement as mentioned in subsection (1) hereof is afterwards rescinded or annulled, or for any other reason is not substantially performed or carried into effect so as to operate as, or to be followed by, a conveyance, the person who paid the *ad valorem* duty upon such contract or agreement shall be deemed to be possessed, in respect of such contract or agreement, of stamped material rendered useless by being inadvertently spoiled, within the meaning of section 106, and the provisions of that section shall apply accordingly.

Annual Licences.

32. In this Act—

Definitions,
789, 1902,
s. 8,
1216, 1915,
s. 6 (1).

“firm of persons” includes any association of underwriters carrying on marine assurance or insurance business through a managing underwriter solely:

“company” includes corporation and society, whether corporate or unincorporate:

“policy” means and includes as well any policy as any instrument in the nature of a policy, an open policy, an insurance cover, or any instrument in any manner covering any assurance or insurance:

“assurance or insurance business” means and includes—

(a) the granting or issuing of any life, personal accident, fire, fidelity, guarantee, live stock, plate glass, marine or other assurance or insurance policies;

(b) the acceptance, either directly or indirectly, of any premium, renewal premium, or consideration for or in respect of the granting or issuing or keeping alive or in force of any life, personal accident, fire, fidelity, guarantee, live stock, plate glass, marine or other policy, whether issued before or after the passing of this Act;

(c) the receiving of any letter or declaration of interest attaching to any life, personal accident, fire, marine or other policy issued in South Australia or elsewhere at any time, whether before or after the passing of this Act; or

(d) the carrying out by means of assurance or insurance effected out of South Australia of any written, verbal, or implied contract or undertaking to effect assurance or insurance.

PART III.

Yearly
licences
required by
companies
and persons
carrying on
insurance
business.

789, 1902,
s. 9.
1216, 1915,
s. 6 (2).

33. (1) Every company, person, or firm of persons which carries on or desires to carry on in South Australia any life, personal accident, fire, fidelity, guarantee, live stock, plate glass, marine or other assurance or insurance business whatever, and whether the head office or principal place of business of such company, person, or firm of persons is in South Australia or elsewhere, shall take out an annual licence every year in the form in the third schedule hereto.

(2) The Commissioner is hereby authorised to issue such licence on the payment to him of the duty specified in the second schedule hereto.

789, 1902,
s. 23 (part).

(3) The duty payable in respect of any annual licence shall be denoted by impressed stamps.

Time of issue
and dura-
tion of
licences.

789, 1902,
s. 10.

34. An annual licence shall be issuable on the first day of January in every year: Provided that the first licence issued to any company, person, or firm of persons may be issued at any time during the year, but shall continue in force for the remaining part of such year only, and the duty payable in such case shall be a proportionate part of the duty chargeable on an annual licence, except where, in the opinion of the Commissioner, the licence should have been previously obtained, when the full amount of duty shall be payable thereon.

Application
for licence.
789, 1902,
s. 13.

35. (1) Any company, person, or firm of persons requiring an annual licence shall make a written application to the Commissioner, stating therein—

- (a) the nature and exact amount of all the assurance or insurance business transacted by such company, person, or firm of persons, and all the branches and agencies thereof in South Australia;
- (b) the exact amount of all gross premiums of any kind whatsoever received or in any manner credited or charged in account by such company, person, or firm of persons during the twelve months preceding the year or part thereof for which the licence is required;
- (c) the exact amount of all commissions or discounts actually paid or allowed;
- (d) the exact amount actually paid away by way of re-insurance effected in South Australia with any other such company, person, or firm of persons; and

(e) the net amount of premiums in respect of which duty is chargeable.

(2) The truth of the statements contained in any such application shall be verified by a statutory declaration made—

I. as to any company—by the public officer appointed under the Taxation Act, 1927, or by the chairman and the secretary, actuary, or other principal officer thereof:

Amended by
S.I.R. Act,
1935.

II. as to any person—by such person:

III. as to any firm of persons—by any member of such firm and the principal accountant of such firm.

(3) In case the information contained in any such application is not, in the opinion of the Commissioner, sufficiently explicit to enable him to determine what amount of duty is payable, he may require further information, which shall be verified and declared in the same manner as the statements contained in the original application.

789, 1902,
s. 14.

(4) Every person who, with intent to defraud His Majesty—

Ibid., s. 15.

(a) executes any such application or any instrument furnishing such further information, in which all the requisite facts and circumstances are not fully and truly set forth; or

(b) being employed or concerned in or about the preparation of any such application or instrument, neglects to set forth fully and truly therein all the said facts and circumstances,

shall be liable to a penalty of ten pounds.

36. If the amount of premium payable or chargeable or paid or chargeable in account in respect of any letters or declarations of interest in or attaching to any life, fire, or marine policy, or assurance or insurance cover, or any open policy, is not stated therein, the amount of premium in respect of which duty is payable shall be estimated and determined by the Commissioner.

Duty where
premium not
stated in
policy.
Ibid., s. 16.

s. 35. (2) The Taxation Act, 1927, so far as it relates to income tax, has been repealed and superseded by the Income Tax Assessment Act 1936, and so far as it relates to land tax, has been repealed and superseded by the Land Tax Act, 1936.

PART III.

Power to
summon and
examine wit-
nesses for
purpose of
determining
duty payable
on annual
licence.

789, 1902,
s. 17.

Penalty for
refusing to
attend, etc.

Ibid., s. 18.

37. (1) The Commissioner may, in order to determine the duty payable on any annual licence, summon any person, and require and compel such person to produce any books, papers, deeds, documents, or writings in his possession or control; and the Commissioner may examine any such person on oath touching or concerning any statement made in any written application.

(2) If any person so summoned—

(a) does not appear in accordance with the summons;
or

(b) appearing, refuses to be sworn, or fails or neglects to produce any such books, papers, deeds, documents, or writings,

such person shall be liable to a penalty of twenty pounds.

Questions to
be settled
by Commis-
sioner, subject
to appeal.

Ibid., s. 19.

38. If any question arises as to the liability of any company, person, or firm of persons to take out an annual licence, or as to the amount of duty payable in respect of any annual licence, the Commissioner may be required to express his opinion with reference thereto, and the decision of the Commissioner shall be final: Provided that, in the case of a decision of the Commissioner as to the amount of duty payable in respect of any annual licence, there shall be an appeal against such decision in the manner provided by section 24 for appeal against an assessment of the Commissioner, and for the purposes of such appeal all the provisions of that section shall, *mutatis mutandis*, apply to an appeal under this section.

Effect of
annual
licences.

Ibid., s. 20.

39. An annual licence shall, subject to the provisions of any Act in force for the time being relating to assurance or insurance, be deemed to authorise the lawful business of any company, person, or firm of persons named therein to be carried on in South Australia and by all branches and agencies thereof in South Australia, and for one or more kinds of the assurance or insurance business mentioned in such licence.

Registrar of
Companies not
to issue
certificate
until duty
paid.

Ibid., s. 21.

40. (1) It shall not be lawful for the Registrar of Companies to take any steps towards registering or obtaining the incorporation of any company required to take out an annual licence under this Act until the full amount of duty payable in respect of such licence has been paid.

(2) The production of the licence issued by the Commissioner shall be evidence of the payment of the full amount

of the duty payable in respect of the licence required to be taken out by the company specified in such licence.

41. (1) If any company, person, or firm of persons hereby required to take out an annual licence—

Carrying on insurance business without licence.
789, 1902, s. 22.

(a) carries on in South Australia any assurance or insurance business whatever without having taken out such annual licence; or

(b) neglects for two months after the expiration of the annual licence to take out another annual licence,

such company, person, or firm of persons shall be liable to a penalty not exceeding fifty pounds for every month or part of a month during which such annual licence is not taken out.

(2) All contracts of marine assurance or insurance effected by any company, person, or firm of persons not duly licensed under this Act shall be absolutely null and void, unless any such contract is made with any company, person, or firm of persons publicly holding out itself, himself, or themselves at any place in South Australia as being licensed under this Act.

(3) The payment by any company, person, or firm of persons of the duty in respect of any annual licence taken out by such company, person, or firm of persons shall be notified in the *Government Gazette*, and such notification shall be sufficient evidence of the company, person, or firm of persons specified in the notification being duly licensed under this Act.

Ibid., s. 23 (part).

42. If, after any duty has been paid with respect to any annual licence, it is found within three months after the payment of such duty that too much duty has been paid, the Commissioner shall, on being satisfied that such overpayment has been made, and without further or other authority than this Act, refund the amount thereof to the company, person, or firm of persons by which the overpayment was made, or to any person acting in its, his, or their behalf.

Refund of overpaid duty.
Ibid., s. 24.

Bank Notes.

43. In this Act—

“bank” means any corporation, society, partnership, or person carrying on the business of banking in South Australia:

Interpretation.
372, 1886, s. 27.

“bank note” means any bill of exchange or promissory note issued by any bank for payment of money on demand, or purporting or intended to entitle the owner or holder thereof, without indorsement, or without any further or other indorsement than may be thereon at the time of the issue thereof, to payment of money on demand, whether the same is so expressed or not, or in whatever form or by whomsoever such bill or note is drawn or made.

Duty to be paid by banks.
789, 1902, s. 25.

44. There shall be paid quarterly to the Commissioner by every bank the duty specified in that behalf in the second schedule on the average amount of bank notes issued by such bank stated to be in circulation by the quarterly returns made by such bank pursuant to the Banking Companies Act.

Payment to be made quarterly.
372, 1886, s. 29.

45. The above-mentioned duty shall become due and payable by quarterly payments on the fourth day of February, the fourth day of May, the fourth day of August, and the fourth day of November in each year, and each quarterly payment by each bank shall be computed upon the amount of notes shown to be in circulation by the returns of such bank for the last preceding quarter prepared in accordance with the provisions of the Banking Companies Act.

Bills of Exchange, Promissory Notes, Coupons, and Interest Warrants.

Interpretation.
372, 1886, s. 30.
Cf. U.K.
54 & 55 Vict.
c. 89, s. 32.

46. In this Act—

“bill of exchange” means and includes—

(a) any bill of exchange, draft, order, cheque, and letter of credit, and any document or writing (except a bank note) entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money therein mentioned;

(b) any order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money

s. 44. The Banking Companies Act has been repealed and superseded by the Banking Companies Act, 1935.

s. 45. The Banking Companies Act has been repealed and superseded by the Banking Companies Act, 1935.

s. 46. In the matter of an appeal of the FEDERAL BANK OF AUSTRALIA LIMITED from the assessment of the COMMISSIONER OF STAMPS (1889) 23 S.A.L.R. 43. Held that a certain fixed deposit receipt was not a “promissory note.”

out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen; and

- (c) any order for the payment of any sum of money at any stated period, and also any order for the payment of any sum of money by any person at any time after the date thereof sent or delivered by the person making the same to the person by whom the payment is to be made, or to any person on his behalf.

“promissory note” means and includes—

- (a) any document or writing (except a bank note) containing or importing a promise to pay any sum of money; and
- (b) any note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen.

Cf. U.K.
54 & 55 Vict.
c. 39, s. 33.

47. The duty on a bill of exchange (including draft payable on demand), promissory note, coupon, or interest warrant may be denoted by an adhesive stamp: Provided that in the case of a bill of exchange or promissory note drawn or made out of South Australia, the duty shall be denoted by an adhesive stamp only.

Duty on bills, notes, etc., how denoted.
372, 1886,
s. 31 (part),
s. 32 (1).
1244, 1916,
s. 26 (1).
789, 1902,
s. 27.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 34
(part).

48. (1) The adhesive stamp denoting the duty upon any bill of exchange, promissory note, coupon, or interest warrant shall be cancelled by the person by whom the bill of exchange, promissory note, coupon, or interest warrant is drawn, made, or issued, before he delivers it out of his hands, custody, or power.

When bills, notes, etc., to be stamped.
372, 1886,
s. 31 (part).
1244, 1916,
s. 26 (part).
Cf. U.K.
54 & 55 Vict.
c. 39, s. 34
(part).
Cf. U.K.
23 & 24
Geo. 5 c. 19,
s. 42.

(2) In the case of a draft payable on demand the stamp may be affixed and cancelled by the maker or holder thereof.

789, 1902,
s. 27 (part).

(3) If any bill of exchange for the payment of money on demand, or any coupon or interest warrant, chargeable only with the duty of two pence or less, is presented for payment unstamped or insufficiently stamped, the person to whom it is so presented may affix thereto a proper adhesive stamp, and may cancel the same as if he had been the drawer of such bill or the issuer of such coupon or interest warrant.

372, 1886,
s. 34 (2),
(3).
Amended by
S.L.R. Act,
1935.

and may, upon so doing, pay the sum mentioned in the said bill, coupon or interest warrant, and charge the duty, or part thereof, as the case may be, in account against the person by whom the bill was drawn, or the coupon or interest warrant was issued, or deduct such duty or part thereof from the said sum, and such bill, coupon, or interest warrant shall, so far as respects the duty, be deemed good and valid: Provided that nothing in this subsection shall relieve any person from any penalty he may have incurred in relation to such bill, coupon, or interest warrant.

837, 1903,
s. 3.

(4) If any bill of exchange or promissory note, other than a bill of exchange or promissory note payable on demand, has not been stamped, or has been insufficiently stamped, the holder may, within fourteen days from the date thereof, by paying the duty or the deficiency to the Commissioner, have such bill of exchange or promissory note duly stamped.

372, 1886,
s. 32 (part).
1244, 1916,
s. 26 (1)
(part).
Cf. U.K.
54 & 55 Vict.
c. 39, s. 35.

(5) Every holder of any unstamped bill of exchange, promissory note, coupon, or interest warrant drawn or issued out of South Australia shall, before he presents it for payment, or indorses, transfers, or in any manner uses, negotiates, or pays the same, cause it to be duly stamped: Provided that—

- I. if, at the time when any such bill, note, coupon, or interest warrant comes into the hands of any *bona fide* holder thereof, there is affixed thereto an adhesive stamp appearing to be duly cancelled, such stamp shall, so far as it relates to such holder, be deemed to be duly cancelled, although it does not appear to be so affixed or cancelled by the proper person:
- II. if, at the time when any such bill, note, coupon, or interest warrant comes into the hands of any *bona fide* holder thereof, there is affixed thereto an adhesive stamp not duly cancelled, it shall be competent for such holder to cancel such stamp as if he were the person by whom it was affixed, and upon his so doing such bill, note, coupon, or interest warrant shall be deemed duly stamped, and shall be as valid and available as if the stamp had been cancelled by the person by whom it was affixed,

but nothing in this subsection shall relieve any person from any penalty under this Act.

Penalty on
taking un-
stamped bill
or promissory
note.
789, 1902,
s. 26.

49. Any person who takes or receives from any other person any bill of exchange or promissory note not duly stamped, either in payment or as a security or by purchase

or otherwise, without causing the same to be duly stamped after receiving it, shall be liable to a penalty not exceeding twenty pounds.

50. A bill of exchange or promissory note purporting to be drawn or made out of South Australia shall, for the purposes of this Act, be deemed to have been so drawn or made, although it may, in fact, have been drawn or made within South Australia.

Where bill or note deemed to be drawn.
789, 1902, s. 33.
Cf. U.K. 54 & 55 Vict. c. 39, s. 36.

51. (1) Any person who issues, indorses, transfers, uses, negotiates, presents for payment, or pays any bill of exchange, promissory note, coupon, or interest warrant chargeable with duty and not duly stamped, shall be liable to a penalty not exceeding twenty pounds.

Bills or notes issued unstamped.
789, 1902, s. 34 (1).
Cf. U.K. 54 & 55 Vict. c. 39, s. 38.

(2) Any person who takes or receives from any other person any bill of exchange, promissory note, coupon, or interest warrant not duly stamped, either in payment or as a security or by purchase or otherwise, shall not be entitled to recover thereon, or to make the same available for any purpose whatever, until the same is duly stamped.

52. When a bill of exchange is drawn in a set, according to the custom of merchants, and one of the set is duly stamped, the other or others of the set shall, unless issued or in some manner negotiated apart from such duly stamped bill, be exempt from duty, and, upon proof of the loss or destruction of a duly stamped bill forming one of a set, any other bill of the set which has not been issued or in any manner negotiated apart from such loss or destroyed bill may, although unstamped, be admitted in evidence to prove the contents of such lost or destroyed bill.

Bills in sets.
372, 1886, s. 35.
Cf. U.K. 54 & 55 Vict. c. 39, s. 39.

Bills of Lading.

53. (1) A bill of lading shall not be stamped after the execution thereof.

When to be stamped.
372, 1886, s. 36.
U.K. 54 & 55 Vict. c. 39, s. 40.

(2) Any person who makes or executes any bill of lading not duly stamped shall be liable to a penalty of fifty pounds.

Contract Notes and Options.

54. (1) In this Act the term "contract note" means a note sent by a broker or agent to his principal advising him of the sale or purchase of any stock or marketable security, but does not include a note sent by a broker or agent to a person who is acting as a broker or agent for a principal and is himself a member of a stock exchange in the Commonwealth of Australia.

Provisions as to contract notes.
1216, 1915, s. 16.
Cf. U.K. 10 Edw. 7 c. 8, s. 77 (3).

(2) Where a contract note advises the sale or purchase of more than one description of stock or marketable security, the note shall be deemed to be as many contract notes as there are descriptions of stock or marketable securities sold or purchased.

(3) Where a contract note is a continuation or carrying-over note made for the purpose of continuing or carrying over any transaction for the sale or purchase of stock or marketable securities, the contract note, although it is made in respect of both a sale and a purchase, shall be charged with duty under this Act as if it related to one of those transactions only, and if different amounts are chargeable as duty in respect of those transactions, as if it related to that one of those transactions which would render the contract note chargeable with the greater amount of duty.

Adhesive stamps may be used.

1216, 1915, s. 17.
Cf. U.K. 10 Edw. 7 c. 8, s. 78 (4).

55. (1) The duty on a contract note may be denoted by an adhesive stamp.

(2) Every adhesive stamp on a contract note shall be cancelled by the person by whom the note is executed.

(3) Any person who fails to comply with the provisions of subsection (2) hereof shall be liable to a penalty not exceeding ten pounds.

Penalty for not making a stamped note.

1216, 1915, s. 18 (1), (2).
Cf. U.K. 54 & 55 Vict. c. 39, s. 109.
Cf. U.K. 10 Edw. 7 c. 8, s. 78 (1), (2).

56. (1) Any person who effects a sale or purchase of any stock or marketable security as a broker or agent shall forthwith make and execute a contract note, and transmit the same to his principal, and in default of so doing shall be liable to a penalty not exceeding twenty pounds: Provided that this section shall not apply in the case of transactions, carried out in the course of their ordinary business relations, between brokers or agents who are members of any stock exchange in the Commonwealth of Australia.

(2) If any person makes or executes any contract note chargeable with duty which is not duly stamped, he shall be liable to a penalty not exceeding twenty pounds.

Duty may be added to brokerage.

1216, 1915, s. 18 (4).
10 Edw. 7 c. 8, s. 78 (5).

57. The duty upon a contract note may be added to the charge for brokerage or agency, and shall be recoverable as part of such charge.

Unstamped notes.

1216, 1915, s. 18 (4).
Cf. U.K. 10 Edw. 7 c. 8, s. 78 (8).

58. No broker, agent, or other person shall have any legal claim to any charge for brokerage, commission, or agency with reference to the sale or purchase of any stock or marketable security mentioned or referred to in any contract note unless such note is duly stamped.

59. The provisions of this Act as to contract notes shall apply to any contract under which an option is given or taken to purchase or sell any stock or marketable security at a future time at a certain price, in the same manner as it applies to the sale or purchase of any stock or marketable security: Provided that, if under the contract a double option is given or taken, the contract shall be deemed to be a separate contract in respect of each option.

Contracts for options,
1216, 1915,
s. 19,
Cf. U.K.
10 Edw. 7
c. 8, s. 79
(1).

Conveyances and Conveyances on Sale.

60. In this Act—

“conveyance” includes—

- (a) every conveyance, assignment, transfer, or declaration of trust, and every application under The Real Property Act, 1886;
- (b) every decree or order of any court, judge, or commissioner;
- (c) every other application or request of any kind; and
- (d) every other assurance or instrument of any kind,

Definition of “conveyance.”
1216, 1915,
s. 11 (part).
Cf. U.K.
54 & 55
Vict. c. 39,
ss. 54, 62.

whereby or by virtue thereof, or by the operation whereof, whether upon registration or otherwise, or by the issue of a certificate of title in pursuance whereof, any real or personal property, or any estate or interest in any such property, is assured to or vested in any person; the term also includes a surrender to the Crown of any lease or other interest in land with a view to granting another lease or any other interest in any land to the person surrendering or to a person nominated by him:

“to convey” has a meaning co-extensive with the meaning of the term “conveyance,” as extended by this section:

1216, 1915,
s. 11 (part).

“conveyance on sale” includes—

- (a) every conveyance assignment, transfer, or application under The Real Property Act, 1886;

372, 1886,
s. 37.
789, 1902,
s. 28 (part).

s. 60. *CLAUSEN AND OTHERS v. HABERLE* (1888) 22 S.A.L.R. 131. Neither a contract for sale, which does not identify the property to which it refers, nor an executory contract, is a “conveyance on sale.”

WINTER v. BROWN (1892) 25 S.A.L.R. 11. An offer in writing to sell land which is accepted by parol is not a “conveyance on sale.”

- (b) every decree or order of any court, judge, or commissioner;
- (c) every other application or request of any kind; and
- (d) every other assurance or instrument, whereby, or by virtue whereof, any real or personal property upon the sale thereof is legally or equitably transferred to or vested in the purchaser or any other person on his behalf or by his direction: the term also includes—
- (e) every application for a foreclosure order under The Real Property Act, 1886; and
- (f) every lease for which any consideration other than the rent reserved may be paid or agreed to be paid (but only so far as such consideration is concerned).

Method of estimating value of consideration where consideration consists of shares.
1216, 1915, s. 12.
1244, 1916, s. 23.
Cf. U.K. 54 & 55 Vict. c. 39, s. 55.

S. 62 repealed by 1822, 1927, s. 6.

61. Where the consideration or part of the consideration upon which a conveyance is chargeable with *ad valorem* duty consists of shares or debentures to be issued by a company, or a contract to issue such shares or debentures, the market value of such shares or debentures shall be taken as the value of such consideration or part.

* * * * *

Consideration in case of application for foreclosure order.
789, 1902, s. 28 (part).

63. In the case of an application for a foreclosure order under The Real Property Act, 1886, the value of the land in respect of which the application is made shall be deemed the consideration for the conveyance on sale.

Consideration in case of lease.
789, 1902, s. 28 (part).

64. In the case of a lease for which any consideration other than the rent reserved may be paid or agreed to be paid, the amount of such other consideration shall be deemed the consideration for the conveyance on sale.

Where consideration consists of real or personal property.
372, 1886, s. 38.

65. Where the consideration, or any part of the consideration, for a conveyance on sale consists of any real or personal property other than money, such conveyance shall be chargeable with *ad valorem* duty in respect of the value of such real or personal property at the date of such conveyance.

Where consideration is payable in instalments.
372, 1886,
s. 39.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 52.

66. (1) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically for a definite period, so that the total amount to be paid can be previously ascertained, such conveyance shall be chargeable in respect of such consideration with *ad valorem* duty on such total amount.

(2) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically in perpetuity, or for any indefinite period not terminable with life, such conveyance shall be chargeable in respect of such consideration with *ad valorem* duty on the total amount which may, according to the terms of sale, be payable during the period of twenty years next after the day of the date of such instrument.

(3) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically during any life or lives, such conveyance shall be chargeable in respect of such consideration with *ad valorem* duty on the amount which may, according to the terms of sale, be payable during the period of twelve years next after the day of the date of such instrument.

(4) No conveyance on sale chargeable with *ad valorem* duty in respect of any periodical payments, and containing also provision for securing such periodical payments, shall be charged with any duty whatsoever in respect of such provision.

* * * * *

S. 66a
enacted by
1822, 1927,
s. 7, and
repealed by
2359, 1937,
s. 4.

66b. (1) Where in the opinion of the Commissioner the consideration in any transfer or conveyance does not represent the value of the property referred to or dealt with in such instrument, or the evidence of value is unsatisfactory, he may cause a valuation of the property to be made by some person appointed by him, and may assess the duty payable on the basis of such valuation.

Valuation where consideration doubted.
Inserted by
1822, 1927,
s. 7.

(2) The Commissioner may, having regard to the merits of the case, charge the whole or any part of the expenses of or incidental to the making of the valuation to the person liable to pay the duty, and may recover the same from him as a debt due to His Majesty.

PART III.

Where property is subject to debt.

372, 1886, s. 40.
U.K. 54 & 55
Vict. c. 39,
s. 57.

67. Where any property is conveyed to any person in consideration, wholly or in part, of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or encumbrance upon the property or not, such debt, money, or stock shall be deemed the whole, or part, as the case may be, of the consideration in respect whereof the conveyance is chargeable with *ad valorem* duty.

Duty in certain cases.

372, 1886, s. 41.
1216, 1915, s. 5.
Cf. U.K. 54 & 55
Vict. c. 39, s. 58.

68. (1) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts or parcels by different instruments, the consideration shall be apportioned in such manner as the parties think fit, so that a distinct consideration for each separate part or parcel shall be set forth in the conveyance relating thereto, and such conveyance shall be chargeable with *ad valorem* duty in respect of such distinct consideration.

(2) Where any property contracted to be purchased for one consideration for the whole, by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts or parcels by separate instruments, to the persons by or for whom the same has been purchased for distinct parts of the consideration, the conveyance of each separate part or parcel shall be chargeable with *ad valorem* duty in respect of the distinct part of the consideration specified therein.

(3) Where a person having contracted for the purchase of any property, but not having obtained a conveyance thereof, contracts to sell the same to any other person, and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance shall be chargeable with *ad valorem* duty in respect of the consideration for the sale to the original purchaser, and also in respect of the consideration for the sale by the original purchaser to the sub-purchaser, in the same manner as if such considerations were specified in separate instruments.

(4) Where a person having contracted for the purchase of any property, but not having obtained a conveyance, contracts to sell the whole or any part or parts thereof to any other person, and the property is in consequence conveyed by the original seller to different persons in parts or parcels, the conveyance of each part or parcel shall be chargeable with *ad valorem* duty in respect of the consideration for the sale to the original purchaser, and also in respect of the consideration for the sale by the original purchaser

to the sub-purchaser, in the same manner as if such considerations were specified in separate instruments. The consideration for the sale to the original purchaser in respect of each part or parcel shall, for the purposes of this subsection, be ascertained by determining the ratio which the value of the part or parcel in question bears to the value of the whole property, and shall be specified in the instrument of conveyance.

(5) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with *ad valorem* duty in respect of the consideration moving from him, and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be chargeable with *ad valorem* duty in respect of the consideration for the sale to the original purchaser.

69. Where there are several instruments of conveyance for completing the purchaser's title to the property sold, the principal instrument of conveyance only shall be chargeable with *ad valorem* duty, and the other instruments shall be respectively chargeable with such other duty as they may be liable to, but such last-mentioned duty shall not exceed the *ad valorem* duty payable in respect of the principal instrument, and the parties, with the approval of the Commissioner, may decide which of such several instruments is the principal instrument.

Where there are several instruments.
372, 1886,
s. 42.
Of. U.K.
54 & 55 Vict.
c. 39, ss. 61
(part), 106.

70. Every mortgage, lease, or other instrument executed in order, either directly or indirectly, to avoid or evade the payment of duty payable on a conveyance on sale shall be void, except after *bona fide* transfer of the same to a third person, and shall then only be valid when the same has been duly stamped as a conveyance.

Instrument executed to evade duty.
372, 1886,
s. 43.

71. (1) The value for the purposes of this Act of the property conveyed by any conveyance operating as a voluntary disposition *inter vivos* shall be declared in the conveyance.

Conveyance operating as a voluntary disposition *inter vivos*.
1216, 1915,
s. 29.
Of. U.K.
10 Edw. 7
c. 8, s. 74.

(2) Notwithstanding anything in section 23, the Commissioner may be required to express his opinion under that section on any conveyance operating as a voluntary disposition *inter vivos*, and no such conveyance shall be deemed to be duly stamped unless the Commissioner has expressed his opinion thereon in accordance with that section.

PART III.

1244, 1916,
s. 25.

(3) Any conveyance which is not chargeable with duty as a conveyance on sale or which is not such a conveyance as is referred to in subsection (4) hereof shall, for the purposes of this Act, be deemed to be a conveyance operating as a voluntary disposition *inter vivos*.

1244, 1916,
s. 25.

(4) A conveyance made for nominal consideration for the purpose of securing the repayment of an advance or loan, or made for effectuating the appointment of a new trustee or the retirement of a trustee (whether the trust is expressed or implied) and under which no beneficial interest passes in the property conveyed, or made to a beneficiary by a trustee or other person in a fiduciary capacity under any trust (whether expressed or implied), or operating as a voluntary disposition of property for charitable or religious purposes, shall not be chargeable with duty as a conveyance operating as a voluntary disposition *inter vivos*.

Leases.

Agreement for
lease to be
charged as a
lease.

789, 1902,
s. 29.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 75.

72. An agreement for a lease, or with respect to the letting of any lands, shall be chargeable with the same duty as if it were an actual lease made for the term and consideration mentioned in the agreement.

Leases, how to
be charged in
respect of
produce, etc.

789, 1902,
s. 30.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 76.

73. (1) Where the consideration or any part of the consideration for which a lease is granted or agreed to be granted consists of any produce or other goods, the value of the produce or goods shall be deemed a consideration in respect of which the lease or agreement is chargeable with *ad valorem* duty.

(2) Where it is stipulated in any lease or agreement for a lease that the value of the produce or goods shall amount at least to, or shall not exceed, a given sum, or where the lessee is specially charged with or has the option of paying after any permanent rate of conversion, the value of the produce or goods shall, for the purpose of assessing the *ad valorem* duty, be estimated at the given sum, or according to the permanent rate.

(3) A lease or agreement for a lease, made either wholly or partially for any such consideration, if it contains a statement of the value thereof and is stamped in accordance with the statement, shall, so far as regards the subject-matter of the statement, be deemed duly stamped, unless or until it is otherwise shown that the statement is incorrect, and that the lease or agreement is in fact not duly stamped.

74. (1) A lease or agreement for a lease or with respect to the letting of any lands shall not be chargeable with any duty in respect of any penal rent, or increased rent in the nature of a penal rent, thereby reserved or agreed to be reserved or made payable, or by reason of being made in consideration of the surrender or abandonment of any existing lease or agreement of or relating to the same subject-matter.

Directions as to duty in certain cases.
789, 1902, s. 31.
Cf. U.K. 54 & 55 Vict. c. 39, s. 77 (part).

(2) A lease made for any consideration in respect whereof it is chargeable with *ad valorem* duty, and in further consideration either of a covenant by the lessee to make, or of his having previously made, any substantial improvement of or addition to the property demised to him, or of any covenant relating to the subject-matter of the lease, shall not be chargeable with any duty in respect of such further consideration.

Letters of Allotment, Scrip Certificates, and Scrip.

75. Every person who executes, grants, issues, or delivers out any instrument chargeable with duty as a letter of allotment or scrip certificate or scrip, before the same is duly stamped, shall be liable to a penalty not exceeding twenty pounds.

Penalty for not stamping letter of allotment.
1216, 1915, s. 14.
Cf. U.K. 54 & 55 Vict. c. 39, s. 79 (1).

Mortgages.

76. In this Act the term "mortgage" means a security by way of mortgage for the payment of any definite and certain sum of money advanced and lent at the time when such security is executed or previously due and owing, or forborne to be paid (being payable), or for the repayment of money to be lent, advanced, or paid, or which may become due upon an account current, either alone or together with any sum already advanced or due, and includes—

Interpretation of term.
1216, 1915, s. 21.
1244, 1916, s. 24.
Cf. U.K. 54 & 55 Vict. c. 39, s. 86.

- (a) any conveyance of any real or personal property whatsoever, or any estate or interest therein, in trust to be sold or otherwise converted into money, intended only as a security, and redeemable before the sale or other disposal thereof, either pursuant to express stipulation or otherwise, except where such conveyance is made for the benefit of creditors generally, or for the benefit of creditors specified who accept the provision thereby made for payment of their debts in full satisfaction thereof, or who exceed five in number;
- (b) any defeasance, declaration, or other instrument for defeating or making redeemable or explaining or

qualifying any conveyance of any real or personal property whatsoever, or any estate or interest therein, apparently absolute but intended only as a security;

(c) any agreement, contract, or bond, accompanied by a deposit of any muniments of title, to make a mortgage or any such conveyance or instrument as aforesaid, of or concerning any real or personal property comprised in such title deeds, or any estate or interest therein, or for pledging or charging the same as a security; and

(d) any equitable mortgage, that is to say, any agreement or memorandum, under hand only, relating to the deposit of any title deeds or instruments constituting, or being evidence of, a title to any property whatever, or creating a charge on such property.

Cf. U.K.
54 & 55 Vict.
c. 39, s. 86
(2).

Where mortgage consists of several instruments.
1216, 1915,
s. 22.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 61
(part).

77. If several instruments are necessary to make a mortgage, and duty would, but for this section, be chargeable on more than one of such instruments, the duty shall be chargeable upon the principal instrument only, and the other instruments shall not be liable to any duty, and the parties, with the approval of the Commissioner, may decide which is the principal instrument.

Security for stock, how to be charged.
1216, 1915,
s. 24.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 87
(1).

78. A security for the transfer or re-transfer of any stock shall be chargeable with the same duty as a similar security for a sum of money equal in amount to the value of such stock; and a transfer or assignment of any such security shall be chargeable with the same duty as an instrument of the same description relating to a sum of money equal in amount to the value of such stock.

Security for future advances, how to be charged.
1216, 1915,
s. 25.
Cf. U.K.
54 & 55 Vict.
c. 39, s. 88.

79. (1) A security by way of mortgage for the payment or repayment of money to be lent, advanced, or paid, or which may become due upon an account current, either alone or together with money previously due, is to be charged, where the total amount secured or to be ultimately recoverable is in any way limited, with the same duty as a security for the amount so limited.

(2) Where such total amount is unlimited, the security is to be available for such an amount only as the *ad valorem* duty denoted thereon extends to cover.

(3) Notwithstanding any provision of The Real Property Act, 1886, no reconveyance or discharge of any mortgage given for an unlimited amount shall be registered unless the duty payable upon the highest amount advanced upon the security has been paid.

80. A security for the payment of any rentcharge, annuity, or other periodical payment, by way of repayment or in satisfaction or discharge of any loan, advance, or payment intended to be so repaid, satisfied, or discharged, shall be chargeable with the same duty as a similar security for the payment of the sum of money so lent, advanced, or paid: Provided that an encumbrance to secure periodical payments during an indefinite period not terminable with life, or during any life or lives, shall be charged as a security for an amount calculated in accordance with the provisions of subsections (2) and (3) of section 66.

Security for repayment by periodical payments, how to be charged.
1216, 1915, s. 26.
Cf. U.K. 54 & 55 Vict. c. 39, s. 87 (2).

81. No transfer of a duly stamped security, and no security by way of further charge for money or stock added to money or stock previously secured by a duly stamped instrument, shall be chargeable with any duty by reason of containing any further additional security for such money or stock transferred or previously secured, or the interest or dividends thereon, or any new covenant, proviso, power, stipulation, or agreement in relation thereto, or any further assurance of the property comprised in the transferred or previous security.

Transfers and further charges.
1216, 1915, s. 27.
Cf. U.K. 54 & 55 Vict. c. 39, s. 87 (3).

Receipts.

82. In this Act the term "receipts" includes any note, memorandum, or writing whereby—

Provisions as to duty upon receipts.
789, 1902, s. 32 (1).
Cf. U.K. 54 & 55 Vict. c. 39, s. 101 (1).

(a) any money amounting to two pounds or upwards, or any bill of exchange or promissory note for money amounting to two pounds or upwards, is acknowledged or expressed to have been received or deposited or paid; or

(b) any debt or demand, or any part of a debt or demand, of the amount of two pounds or upwards, is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgment,

and whether the same is or is not signed with the name of any person.

PART III.

How duty on receipts may be denoted.

789, 1902, ss. 32 (2), 33 (proviso). Cf. U.K. 54 & 55 Vict. c. 39, ss. 101 (2), 102.

83. The duty upon a receipt may be denoted by an adhesive stamp, which shall be cancelled by the person by whom the receipt is given before he delivers it out of his hands: Provided that any person may stamp a receipt with an impressed stamp upon the terms following, that is to say:—

- i. Within fourteen days after the receipt has been given, on payment of the duty and a penalty of not exceeding five pounds:
- ii. After fourteen days but within one month after the receipt has been given, on payment of the duty and a penalty of not exceeding ten pounds:

1216, 1915, s. 7.

In no other case shall a receipt be stamped with an impressed stamp: Provided further that a receipt may be written upon a form which has been stamped before signature with an impressed stamp.

Penalty for offences in reference to receipts.

789, 1902, s. 33 (part). U.K. 54 & 55 Vict. c. 39, s. 103.

84. If any person—

- (a) gives a receipt liable to duty and not duly stamped;
or
- (b) in any case where a receipt would be liable to duty, refuses to give a receipt duly stamped; or
- (c) upon payment to an amount the receipt for which is liable to duty gives a receipt for a less amount, or separates or divides the amount paid, with intent to evade the whole or any part of the duty,

he shall be liable to a penalty not exceeding ten pounds.

Totalizators.

Racing club to include trotting club.
789, 1902, s. 37.

85. In this Act the term “racing club” includes a trotting club.

Duty on takings of totalizator.
789, 1902, s. 34. (part). 1216, 1915, s. 8.

86. There shall be payable upon the gross takings of every totalizator, or other instrument or machine of a like nature and conducted upon the like principle, the duty specified in the second schedule.

Payment of stamp duty shall be made to the Commissioner.
789, 1902, s. 34. (part).

87. (1) Payment of any such duty shall be made to the Commissioner.

(2) No such payment shall be deemed to be a discharge for the duty payable upon the gross takings of any totalizator until a formal receipt therefor has been given by the Commissioner, who shall in each case, prior to giving a receipt, satisfy himself that the full amount of duty has been paid.

88. For the purpose of ascertaining the amount of the duty hereby imposed, it shall be the duty of each racing club, racing committee, and racing association to forward to the Commissioner, within fourteen days after the holding of any race meeting held or conducted by such club, committee, or association at which any totalizator is used, a full statement in writing showing the total amount of the takings of each totalizator used at such meeting, and the particulars of such amount.

Statement of takings to be forwarded to the Commissioner.

789, 1902, s. 34 (part).

Amended by S.L.E. Act, 1935.

89. If any racing club, committee, or association—

(a) neglects to make out and deliver such full statement as aforesaid within one month after the holding of any race meeting held or conducted by such club, committee, or association at which any totalizator is used; or

Penalty on failure to deliver such statement.
789, 1902, s. 35.

(b) wilfully delivers any such statement which is false in any particular,

such club, committee, or association, and every officer thereof respectively who has taken an active part in the holding or conduct of any such race meeting, shall be liable to a penalty of twenty pounds.

89a. (1) Subject to subsection (3) of this section, where the Treasurer is satisfied that any racing club, racing committee or racing association intends to apply the whole of the profits derived by it from any race meeting (including any commission retained by it under section 28 of the Lottery and Gaming Act, 1936) to charitable purposes, or purposes which the Treasurer considers should be regarded as charitable for the purpose of this section, the Treasurer may authorise the club, committee or association to apply towards such purposes the amount of any duty which would apart from this section be payable to the Commissioner on the gross takings of any totalizator used at the race meeting so held.

Exemption from totalizator duty.

Inserted by 2359, 1937, s. 5.

(2) If the club, committee or association satisfies the Treasurer that the amount of such duty has been so applied, the club, committee or association shall be exempt from the obligation to pay such duty to the Commissioner.

(3) In each year this section shall apply only in relation to four race meetings.

(4) The meetings to which this section applies shall be determined by the governing body of the South Australian Jockey Club Limited.

(5) The foregoing provisions of this section shall also apply *mutatis mutandis* in relation to not more than four trotting meetings held in any year by trotting clubs.

The trotting meetings to which this section shall apply shall be determined by the South Australian Trotting League Incorporated.

Regulations.
789, 1902,
s. 36.

90. (1) In addition to any power by any other section of this Act conferred on the Governor to make regulations as to any matter, the Governor may make regulations—

(a) for arranging with any racing club for the collection and payment of the duty payable by any other racing club, committee, or association in the same district;

(b) for prescribing the form of any statement, affidavit, declaration, bond, or other instrument required in connection with the payment of duty upon the gross takings of any totalizator: Provided that any statement required shall be verified by an affidavit or declaration sworn or made before a justice; and

(c) generally for facilitating or compelling payment of duty upon the gross takings of any totalizator.

(2) Subsections (2) and (3) of section 112 shall apply to regulations made under this section.

PART IV.

PART IV.

SPECIAL PROVISIONS WITH RESPECT TO
AMUSEMENTS DUTY.

Interpreta-
tion.
1244, 1916,
s. 5.
Cf. U.K.
6 & 7 Geo. 5
c. 11, s. 1
(6).

Amended by
1822, 1927,
s. 8.

91. In this Part, unless inconsistent with the context or some other meaning is clearly intended—

“admission” means admission as a spectator or one of the audience, and includes admission for the purpose of participating in any exercise or amusement in which the payment for admission entitles him to

s. 91. BROWN V. HOFFMAN (1936) S.A.S.R. 1. As to what constitutes “admission” and “payment on admission.” A person took part in a bridge competition for a prize. There was no charge for admission to the place where the contest was held; the payment was a voluntary one and to enable him to compete for a prize and mere participation in the play was free of charge. Held that the promoter of the amusement had not been guilty of the offence of admitting the said person for payment to an amusement without complying with the provisions of section 93.

participate, and "payment on admission" includes any payment made by a person who, having been admitted to one part of a place where an amusement is held, is subsequently admitted to another part thereof for admission to which a payment involving duty or more duty is required:

"amusement" means amusement (including, though without limiting the meaning of that term, concert, recital, lecture, reading, entertainment of the stage, cinematograph or other picture show, dancing, boxing, horse-racing, or other exhibition, performance, amusement, sport, game, or contest of any kind whatsoever) to which persons are admitted for payment; and "admission to an amusement" includes admission to any place in which the amusement is held:

"promoter," in relation to any amusement, includes the person, company, corporate body, or association having the superintendence or management of the amusement, and also includes the agent, trustee, manager, or committee of any such person, company, corporate body, or association respectively, and also includes any person responsible for the management of the amusement.

Duty to be Paid on Admission to Amusements.

92. There shall be charged, levied, and paid on all payments for admission to any amusement as defined by this Part a stamp duty (in this Part referred to as "amusements duty") at the rates specified in the fourth schedule: Provided that no duty shall be charged, levied or paid on any payment not exceeding one shilling.

Duty on payments for admission to amusements.
1244, 1916, s. 6.
U.K. 6 & 7 Geo. 5 c. 11, s. 1 (1).

Proviso added by 2312, 1936, s. 3, and amended by 2359, 1937, s. 6.

93. (1) No person shall be admitted for payment to any amusement where the payment is subject to amusements duty, except—

Persons not to be admitted to amusements without duly stamped ticket.

- (a) upon the production and delivery to some person appointed by the promoter of such amusement of a ticket stamped with a stamp (not before used) denoting that the proper amusements duty has been paid; or

1244, 1916, s. 7.
Cf. U.K. 6 & 7 Geo. 5 c. 11, s. 1 (2).

- (b) in special cases with the approval of the Commissioner, through a barrier which, or by means of a mechanical contrivance which, automatically registers the number of persons admitted,

unless the promoter of the amusement has made arrangements approved by the Commissioner for furnishing returns of the payments for admission to the amusement and has given security up to an amount and in a manner approved by the Commissioner for the payment of duty.

Amended by
2359, 1937,
s. 7.

(2) If any person is admitted for payment to any amusement and the provisions of this section are not complied with, the person admitted and the promoter of the amusement to which he is admitted shall be liable in respect of each offence to a penalty, in the case of the person admitted of five pounds, and in the case of the promoter of fifty pounds, and the promoter shall in addition be liable to pay any duty which should have been paid.

How duty to
be calculated
and paid.
1244, 1916,
s. 8.
U.K. 6 & 7
Geo. 5 c. 11,
s. 1 (3).

94. (1) Where persons are admitted to an amusement by stamped ticket the amusements duty shall be charged in respect of each person admitted for payment and shall be paid by means of the stamp on the ticket.

Subsecs. (1),
(2) and (2a)
substituted by
2359, 1937,
s. 8 (1).

(2) Where persons are admitted to an amusement through a barrier or by means of a mechanical contrivance which automatically registers the number of persons admitted the amusements duty shall be calculated and paid on the gross amount paid for such admission (including amounts charged by the promoters for the purpose of paying the duty).

(2a) Where persons are admitted to an amusement otherwise than as mentioned in subsection (1) or subsection (2) of this section or in section 95 of this Act, the duty shall be calculated and paid on the number of admissions.

Amended by
2359, 1937,
s. 8 (2).

(3) Amusement duty, in the case of admission otherwise than by stamped ticket, shall except where this Part otherwise provides, be payable to the Commissioner seven days after the holding of the amusement in respect of which the duty is charged and shall be recoverable from the promoter, and may, if the amount of duty is less than fifty pounds, without prejudice to any other means of recovery, be recovered by the Commissioner in a summary manner.

Members'
tickets and
season tickets
1244, 1916,
s. 9.
U.K. 6 & 7
Geo. 5 c. 11,
s. 1 (4).

95. Where the payment for admission to an amusement is made by means of a lump sum paid as a subscription or contribution to any club, association, or society, or for a season ticket or for the right of admission to a series of amusements or to any amusement during a certain period of time, the

amusements duty shall be paid on the amount of the lump sum, but where the Commissioner is of opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, rights, or purposes besides the admission to an amusement, or covers admission to an amusement during any period for which the duty has not been in operation, the duty shall be charged on such an amount as appears to the Commissioner to represent the right of admission to amusements in respect of which amusements duty is payable.

96. (1) Where, upon application being made by the promoter of any amusement to the Commissioner prior to the giving of such amusement, the Commissioner is satisfied—

Exemptions.
1244, 1916,
s. 10.
Cf. U.K.
6 & 7 Geo. 5
c. 11, s. 1
(5).
Cf. U.K.
6 & 7 Geo. 5
c. 24, s. 12.

(a) that the whole of the gross takings or the whole of the net proceeds of such amusement are to be devoted to charitable, patriotic, religious, educational, or scientific purposes; and

(b) that the estimated expenses (if any) to be incurred in connection with such amusement are reasonable,

he may give to such promoter a certificate under his hand exempting such amusement from the payment of amusements duty, and such certificate shall be evidence that amusements duty is not chargeable on payments made for admission to such amusement.

(2) If the estimate of expenses to be incurred in connection with such amusement is exceeded, any certificate granted under subsection (1) hereof with respect thereto may be declared by the Commissioner to be null and void, and thereupon—

(a) the exemption hereby granted shall cease; and

(b) the promoter to whom the same was granted shall be liable to a penalty not exceeding twenty pounds, unless he satisfies the Commissioner that such excess could not reasonably have been foreseen.

(3) Amusements duty shall not be charged on payments for admission to any agricultural, horticultural, floricultural, poultry, dog, or other like show.

(4) Amusements duty shall not be charged on payments for admission to any amusement being a dance, concert, or card party, or any other amusement specially approved by

Inserted by
2359, 1937,
s. 9.

the Treasurer, if the amusement is held for any of the following purposes:—

- (a) Raising funds for any hospital or any institute being a member of the Institutes Association of South Australia, or any public school as defined in the Education Act, 1915-1935; or
- (b) Raising funds to defray the cost of building any church, or any hall available or intended to be available for general public use, or to repay any loan raised to pay such cost; or
- (c) Raising funds to defray the cost of beautifying or improving any streets, roads, public parks, public playgrounds, public reserves or other like public places; or
- (d) Any other charitable, patriotic, religious, educational or scientific purpose; or
- (e) Any other purpose specially approved by the Treasurer,

and if the whole of such net proceeds (if any) as are derived from the amusement are used for any such purpose.

No certificate of exemption shall be required in relation to any such amusement, but in any proceedings to recover amusements duty, it shall lie on the defendant to prove that the amusement was exempt from duty by virtue of this subsection.

Supplementary Provisions.

Use of
automatic
barriers.
1244, 1916,
s. 11.

97. (1) The Commissioner may, upon application being made to him by the promoter of any amusement, grant to such promoter permission to use properly constructed barriers or mechanical contrivances which automatically register the actual number of persons admitted through or past such barriers or contrivances as the means of giving admission to such amusement, in lieu of giving admission by duly stamped tickets.

(2) Every such permission shall be in writing and signed by the Commissioner, and shall be authority for the use of such barriers or contrivances on the occasion or occasions therein mentioned only.

Obligations of
promoters
using
automatic
barriers.
Ibid., s. 12.

98. (1) Every promoter to whom the permission mentioned in section 97 is given shall, immediately upon the termination of the amusement at which any such barriers or contrivances have been used, check the numbers registered upon

such barriers or contrivances and shall make a return verified by statutory declaration showing the numbers registered thereon and the prices of admission through or past each such barrier or contrivance.

(2) Such return shall be in the prescribed form, and shall be delivered to the Commissioner within three days from the holding of such amusement, together with the amount of amusements duty payable.

(3) Any promoter failing or neglecting to comply with the provisions of this section, or making an incorrect or fraudulent return hereunder, shall be liable to a penalty not exceeding fifty pounds.

99. The Commissioner may require the promoter of any amusement to make arrangements approved by the Commissioner for furnishing returns of the payments for admission to such amusement and to give security up to an amount and in a manner approved by the Commissioner for the payment of duty, and if such promoter refuses or fails or neglects to make such arrangements or to give such security, or to carry out such arrangements when made, he shall be liable to a penalty not exceeding fifty pounds.

Commissioner may require returns to be furnished.
1244, 1916, s. 13.

100. (1) Every promoter of an amusement shall, after the conclusion of such amusement, deliver to the Commissioner all tickets which have been collected from any person or persons admitted to such amusement, and every promoter retaining or being concerned in retaining, or not delivering, such tickets as aforesaid shall be liable to a penalty not exceeding fifty pounds.

Used tickets to be delivered to the Commissioner.
Ibid., s. 14.

For the purposes of this section, in the case of continuous amusements the phrase "the conclusion of such amusement" means the conclusion of the final amusement on each day.

(2) In the case of any amusement held within a radius of ten miles of the General Post Office at Adelaide, all such tickets as mentioned in this section shall be delivered at the office of the Commissioner at Adelaide within twelve hours from the conclusion of the amusement, and in the case of other amusements all such tickets as aforesaid shall be forwarded to the Commissioner at Adelaide by the first available post.

101. The Commissioner may, upon application in writing by the promoter of any amusement, and upon proof to his satisfaction that any amusement tickets have not been used, repay to such promoter the value of the stamp upon such

Unused tickets.
Ibid., s. 15.

tickets, subject to such deductions as may lawfully be made in the case of a refund by the Commissioner under section 106 of the value of spoiled or unused stamps of the same value.

Power of
entry and
inspection.

1244, 1916,
s. 16.
Cf. U.K.
6 & 7 Geo. 5
c. 11, s. 2
(2).

102. (1) The Commissioner, or any person authorised in writing by the Commissioner, may enter any place where an amusement is held while the amusement is proceeding, and any place ordinarily used for the holding of an amusement at any reasonable times, with a view to seeing whether the provisions of this Act as to amusements duty are being complied with, and may—

(a) inspect and check any tickets; or

(b) take any particulars, or require any information, which he considers necessary for the proper administration of this Act.

(2) If any person prevents or obstructs the entry of the Commissioner or any person so authorised, or refuses or fails to furnish any information required, he shall be liable to a penalty not exceeding twenty pounds.

Police may
be authorised
to exercise
powers of
Commis-
sioner.

1244, 1916,
s. 17.
Cf. U.K.
6 & 7 Geo. 5
c. 11, s. 2
(4).

103. The Commissioner may, if he thinks fit, by agreement in writing with the Commissioner of Police, arrange for the exercise by the Commissioner of Police, either concurrently with the Commissioner or to the exclusion of the Commissioner, of any powers of the Commissioner with respect to amusements and amusements duty; and, so far as required for the purpose of giving effect to any such arrangement, the provisions of this Act with respect to amusements and amusements duty shall have effect as if the Commissioner of Police and the members of the police force were mentioned therein in addition to, or substituted for, the Commissioner or a person authorised by the Commissioner.

Regulations.

Governor
may make
regulations.

1244, 1916,
s. 18.
Cf. U.K.
6 & 7 Geo. 5
c. 11, s. 2
(1).

104. (1) In addition to any power by any other section of this Part conferred on the Governor to make regulations as to any matter (which power shall in every case be implied for the purposes of any section in which the word "prescribed" is used), the Governor may make any regulations which may be necessary or convenient for carrying out any of the provisions of this Part, or for better effecting the objects of this Part, and in particular (without limiting the effect of this section) for all or any of the following purposes, namely:—

1. For the supply and use of stamps or stamped tickets, or for the stamping of tickets sent to be stamped; and for securing the defacement of stamps when used; and

- II. For the use of tickets covering the admission of more than one person and the calculation of the duty thereon; and for the payment of duty on the transfer from one part of a place where an amusement is held to another; and
- III. For controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount), and for securing proper records of admission by means of barriers or mechanical contrivances.

(2) Any such regulation may fix penalties, not exceeding in any case the sum of ten pounds, for any breach of the same or any other regulation.

105. (1) Any contravention of or failure to observe any provision of this Part, whether by act or omission, shall be an offence against this Part. Penalty.
1244, 1916,
s. 19.

(2) Every person guilty of an offence against this Part for which no specific penalty is prescribed shall be liable to a penalty not exceeding fifty pounds, or to be imprisoned for any period not exceeding twelve months.

PART V.

PART V.

MISCELLANEOUS PROVISIONS.

106. Subject to any regulations made under this Act, the Commissioner may, on the application of any person possessed of stamps or stamped material unused or rendered useless by being inadvertently spoiled, give to such person in lieu of such stamps or stamped material so spoiled or unused, other stamps of the same or another denomination of the same amount in value, or, at his discretion, the same value in money, deducting the proper allowance on purchase of stamps of the like description: Provided that the Commissioner may, if he thinks it just to do so, refrain from making any such deduction. Spoiled or
unused
stamps.
372, 1886,
s. 45.
Cf. U.K.
54 & 55 Vict.
c. 38, ss. 9,
10.
Cf. U.K.
12 & 13
Geo. 5 c. 17,
s. 48.

Proviso added
by 2359,
1937, s. 10.

107. Any person making, or assisting in making, any false statement, or any fraudulent alterations in any statement or document required under this Act, with intent to evade the payment of duty shall be deemed guilty of a misdemeanour, and shall be liable to imprisonment for any period not exceeding three years, and to a fine of one hundred pounds. Penalty for
fraudulent
misstate-
ments.
372, 1886,
s. 47.

PART V.

Penalties for felonies.

372, 1886,
s. 48.
Of. U.K.
54 & 55 Vict.
c. 38, s. 13.

108. (1) Any person who—

- (a) forges any die or stamp:
- (b) impresses any material with a forged die:
- (c) cuts, tears, or in any way removes from any material any stamp, with intent to make fraudulent use of such stamp or of any part thereof:
- (d) mutilates any stamp with intent to make fraudulent use of any part thereof:
- (e) fraudulently fixes or places upon any material, or upon any stamp, any stamp or part of a stamp which has been cut, torn, or in any way removed from any other material, or out of or from any other stamp:
- (f) erases or otherwise removes from any stamped material any name, sum, date, or other matter or thing whatsoever therein written, with the intent that any fraudulent use should be made of the stamp upon such material:
- (g) knowingly sells or exposes for sale, or utters or uses, any forged stamp:
- (h) knowingly and without lawful excuse (the proof of which lawful excuse shall lie on the person accused) has in his possession any forged die or stamp, or any stamp or part of a stamp, which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated, or any stamped material out of which any name, sum, date, or other matter or thing has been fraudulently erased or otherwise removed,

shall be guilty of felony, and liable to imprisonment, with or without hard labour, for any term not less than one year and not exceeding seven years.

(2) Any person who causes to be done, or knowingly assists in doing, any of the acts mentioned in subdivisions (a) to (h) of subsection (1) hereof shall be deemed to be guilty of the principal offence and shall be punishable accordingly.

109. Any person who—

- (a) fraudulently removes or causes to be removed from any instrument any adhesive stamp, or fraudulently affixes to any instrument any adhesive stamp which has been removed from any other instrument, with intent that such stamp may be used again;

Penalty for fraud.

372, 1886,
s. 26.
Of. U.K.
54 & 55 Vict.
c. 39, s. 9.

(b) knowingly sells or offers for sale or utters any adhesive stamp which has been removed from any instrument, or utters any instrument having thereon any adhesive stamp which to his knowledge has been so removed as aforesaid; or

(c) practises or is concerned in any fraudulent act, contrivance, or device, with intent to evade any duty under this Act,

shall be liable to a penalty of fifty pounds, and in the last case shall also forfeit the amount of the duty sought to be evaded.

110. (1) Penalties incurred under this Act may be recovered in a summary way before any two justices, or may be sued for by information in the Supreme Court in the name of the Attorney-General for South Australia, and may be recovered with full costs of suit.

Recovery of penalties.
372, 1886,
s. 49.

(2) The Treasurer may, at his discretion, mitigate, stay, or compound proceedings for any penalty, and may reward any person who informs the Commissioner of any offence against this Act or assists in the recovery of any penalty.

111. (1) The Supreme Court may, upon application by or on behalf of the Commissioner, grant a rule requiring any person who has received money payable by way of duty or penalty under this Act, or the executor or administrator of any such person, to show cause why he should not deliver to the Commissioner an account upon affidavit of any duty or sum of money received by such person, or executor or administrator, and why the same should not be forthwith paid to the Commissioner.

Remedy for misappropriation.
372, 1886,
s. 50.

(2) The Court may make absolute such rule, and enforce by attachment or otherwise the payment of any such duty or sum of money as appears to be due, together with costs.

112. (1) The Governor may make such regulations and may authorise such forms as may be necessary from time to time for carrying this Act into effect, and may, by any such regulation, impose a penalty not exceeding fifty pounds for any breach thereof.

Regulations.
372, 1886,
s. 51.

(2) Every such regulation and form, when published in the *Government Gazette*, shall have the force of law.

(3) Every such regulation shall be laid before both Houses of Parliament forthwith, if Parliament is sitting; and, if not, then within thirty days after the commencement of the next session.

SCHEDULES.

Section 3.

THE FIRST SCHEDULE.

Reference to Acts.	Short Titles of Acts.
No. 372 of 1886	Stamp Act, 1886.
No. 789 of 1902	The Stamp Act Amendment Act, 1902.
No. 837 of 1903	Stamp Act Further Amendment Act, 1903.
No. 849 of 1904	The Stamp Act Further Amendment Act, 1904.
No. 885 of 1905	The Stamp Act Further Amendment Act, 1905.
No. 1216 of 1915	Stamp Act Further Amendment Act, 1915.
No. 1244 of 1916	Stamp Act Further Amendment Act, 1916.
No. 1277 of 1917	Stamp Act Further Amendment Act, 1917.
No. 1374 of 1919	Stamp Act Further Amendment Act, 1919.

Reference to sections of this Act.

Section 28.
Of U.K.
54 & 55
Vict. c. 39,
1st Sch.

THE SECOND SCHEDULE.

	Nature of Instrument.	Amount of Duty. £ s. d.
	AFFIDAVIT OR DECLARATION when sworn or declared and subscribed before any competent authority, for each deponent or declarant	0 1 0
	<i>Exemptions—</i>	
	Every affidavit or declaration—	
	1. Filed, read, or used in any Court, or before any Judge, Registrar, Clerk, or officer of any Court.	
	2. Required to be made by any officer of the Government in respect of any matters relating to the duties of his office.	
	3. Made before a notary or other authority as to the execution of any instrument, and any certificate by such notary or authority that such declaration has been duly made.	
	4. Required by the Banking Companies Act, or in proof of death or identity.	
	5. Required to be made under the Acts relating to the registration of births, deaths, and marriages, or relating to vaccination.	
	6. Relating to military or naval pensions.	
	7. Relating to any bonus for the destruction of wild dogs, foxes, or other vermin, or with respect to any vermin rate.	
	8. Verifying any return required by and made under section 98 of this Act.	
	AGREEMENT or any MEMORANDUM of any AGREEMENT, not under seal, and not otherwise specifically charged with any duty, whether the same is only evidence of a contract or obligatory upon the parties from its being a written instrument.	0 1 0

Section 29.
Of U.K.
54 & 55 Vict.
c. 39, 1st
Sch.

Second Schedule: The Banking Companies Act has been repealed and superseded by the Banking Companies Act, 1935.

Section 11 of the Hire-Purchase Agreements Act, 1931, provides that the stamp duty payable on an assignment of any of the rights, powers, and liabilities of the owner under a hire-purchase agreement shall be at the rate of one shilling for every £50 or part of £50 comprised in the consideration for the assignment.

Nature of Instrument.

Exemptions—

1. Any agreement or memorandum for the hire of any labourer, artificer, manufacturer, or menial servant.
2. Any agreement or memorandum made for or relating to the sale of any goods, wares, or merchandise where the value does not exceed £50 sterling, whether the same is only evidence of a contract or obligatory on the parties from its being a written instrument, including every schedule, receipt, or other matter put or indorsed thereon or annexed thereto. This exemption shall be construed subject to section 31 of this Act.
3. Any agreement or memorandum made between a master and any mariner of any ship or vessel for wages on any voyage coastwise, from port to port, in the State of South Australia.
4. Any life, fire, personal accident, fidelity, guarantee, live stock, plate glass, or marine insurance or assurance policy or cover note.
5. Storage notes for wheat in the Form A hereto appended, or to like effect only.
6. Any agreement made before the thirtieth day of September, nineteen hundred and sixteen, between any person, firm, or company and the Government of the State, or any Minister of the Crown, authorising the said Government, or any Minister of the Crown, to handle and sell wheat on behalf of such person, firm, or company.

Reference to sections of this Act.

Amended by 1822, 1927, s. 9 (a).

ANNUAL LICENCE—

To be taken out by any company, person, or firm of persons, whether corporate or unincorporate, which carries on in South Australia any life, personal accident, fire, fidelity, guarantee, live stock, plate glass, marine, or other assurance or insurance business whatever, and whether the head office or principal place of business of such company, person, or firm of persons is in South Australia or elsewhere.

25s. for every £100 or part of £100 of net premiums of any kind whatsoever received or in any manner charged in account by any such company, person, or firm of persons, or by his or their agents, during the twelve months preceding the year for which such licence may be taken out (except life and personal accident insurance premiums, the licence on which shall be 10s. for every £100, or part of £100). Such premiums shall be the net premiums and be counted so as to exclude any commission or discount and any portion of such net premiums actually paid away by way of re-insurance effected in South Australia with any other such company, person, or firm of persons. No premiums received by any such company, person, or firm of persons for fire or marine insurance risks out of the State shall be counted. The duty in respect of any one licence shall not in any case be less than £25.

Sections 32 to 42.

In the case of any such company, person, or firm of persons which £ s. d.
has not, prior to applying for an annual licence, transacted any
assurance or insurance business—

If the annual licence is required for the full period of twelve
months 25 0 0

If such licence is required for a shorter period than twelve
months A proportionate part of £25.

Reference to sections of this Act.	Nature of Instrument.	Amount of Duty. £ s. d.
	<i>Exemptions—</i>	
	1. Any private guarantee fidelity insurance scheme promoted amongst and sustained solely for the benefit of the officers and servants of any one particular public department, company, person, or firm of persons, and not extended either directly or indirectly beyond such officers and servants; or	
	2. Any such scheme promoted amongst and sustained solely for the benefit of the officers and members of any registered friendly society or branch, and not extended either directly or indirectly beyond such officers and members.	
Sections 43 to 45. Of U.K. 54 & 55 Vict. c. 39, 1st Sch.	BANK NOTE. —A duty to be paid by each bank quarterly on bank notes issued by it— For every £100, and also for the fractional part of £100, of the average amount of such notes stated to be in circulation by the quarterly returns made by the bank pursuant to the Banking Companies Act	0 10 0
Sections 46 to 52. Amended by 1822, 1927, s. 9 (b). Of U.K. 54 & 55 Vict. c. 39, 1st Sch.	BILL OF EXCHANGE, CHEQUE, ORDER payable on demand, COUPON, or INTEREST WARRANT Provided that where the bill of exchange, cheque, order payable on demand, coupon, or interest warrant is for an amount under two pounds, the stamp duty shall be 1d. <i>Exemption—</i> Coupons and interest warrants issued by or on behalf of, or in connection with any security guaranteed by, the Government of South Australia.	0 0 2
	BILLS OF EXCHANGE of any kind whatsoever drawn in South Australia other than bills on demand, payable at any place beyond the limits of the Commonwealth of Australia— For every £100, or fractional part thereof	0 1 0
	BILL OF EXCHANGE of any kind whatsoever, and PROMISSORY NOTE of every kind whatsoever, drawn or expressed to be payable, or actually paid or indorsed, or in any manner negotiated, in South Australia— For every £25, and also for any fractional part of £25	0 0 6
	<i>Exemptions—</i>	
	1. Bill, note, bond, or debenture issued by or on behalf of or guaranteed by the Government of South Australia.	
	2. Draft or order for the payment of money issued by any duly authorised officer of the Government on account of the public service.	
	3. Post office order or postal note.	
	4. Cheque or order drawn upon the Savings Bank of South Australia.	
	5. Draft or order drawn by any bank in South Australia upon any other bank in South Australia, not payable to bearer or to order, and used solely for the purpose of settling or clearing any account between such banks.	
	6. Letter written by any bank in South Australia to any other bank in South Australia, directing the payment of any sum of money, the same not being payable to bearer or to order, and such letter not being sent or delivered to the person to whom payment is to be made, or to any person on his behalf.	
	7. Letter of credit granted in South Australia authorising drafts to be drawn out of South Australia.	
	8. Cheque drawn by any registered friendly society.	
Section 53.	BILL OF LADING or SHIPPING NOTE for goods exported from the State	0 0 6
Sections 54 to 59. Amended by 1822, 1927, s. 9 (c). Of U.K. 54 & 55 Vict. c. 39, 1st Sch.	CONTRACT NOTE (not otherwise charged) for or relating to the sale or purchase of any stock or marketable security. For every £50, or fractional part of £50, of the face value of such stock or marketable security	0 1 0
Of U.K. 54 & 55 Vict. c. 39, 1st Sch. Of U.K. 10 Edw. 7 c. 8, s. 79 (2).	CONTRACT NOTE for or relating to the sale or purchase of any stock or marketable security, which note is made or executed in pursuance and in consequence of the exercise of an option given or taken under a contract duly stamped, and bears on its face a certificate by the broker, agent, or other person	

Nature of Instrument.	Amount of Duty.			Reference to sections of this Act.
	£	s.	d.	
referred to in section 56 of this Act to the effect that it is made or executed in the exercise of an option for which a duly stamped contract note has been rendered on the date mentioned in the certificate—				
For every £50, or fractional part of £50, of the face value of such stock or marketable security	0	0	6	Amended by 1822, 1927, s. 9 (d).
CONTRACT giving or taking any option to purchase or sell any stock or marketable security at a future time at a certain price—				
For every £50, or fractional part of £50, of the face value of such stock or marketable security in respect of each option	0	0	6	Amended by 1822, 1927, s. 9 (e).
CONVEYANCE or TRANSFER on sale of any property (not otherwise charged), including contract or agreement for sale—				Sections 60 to 71.
(a) In the case of any marketable security of any amount or value—				Amended by 1822, 1927, s. 9 (f).
Where the amount or value of the consideration for the sale—				Cf. U.K. 54 & 55 Vict. c. 39, 1st Sch.
Does not exceed £50	0	5	0	
Exceeds £50 and does not exceed £100	0	10	0	
Exceeds £100, for every £100, or fractional part of £100, of such amount or value	0	10	0	
(b) In any other case—				
Where the amount or value of the consideration for the sale—				
Does not exceed £50	0	10	0	
Exceeds £50 and does not exceed £100	1	0	0	
Exceeds £100, for every £100, or fractional part of £100, such amount or value	1	0	0	
Exemptions—				
Grant of land from the Crown.				
Conveyance, whether on sale or otherwise, to the Crown, and to any person on behalf of the Crown.				
* * * * *				Para. repealed by 1822, 1927, s. 9 (g).
CONVEYANCE operating as a voluntary disposition, <i>inter vivos</i> , of any property.				Amended by 1822, 1927, s. 9 (h), and new para. substituted by 1860, 1928, s. 2 (a).
For every £100 or fractional part of £100 of the value of the property conveyed	1	0	0	Section 66. Cf. U.K. 54 & 55 Vict. c. 39, 1st Sch.
CONVEYANCE of any other kind not before charged	1	0	0	
DOCUMENT or other INSTRUMENT made for the purpose of securing periodical payments provided for by a separate conveyance on sale, in respect of which provision for periodical payments such conveyance on sale is chargeable with <i>ad valorem</i> duty, of whatever description and howsoever otherwise chargeable . .	No sum higher than 10s.			
DEED (except as otherwise provided in this schedule)—				
For any deed where the consideration money therein expressed is not more than £100	0	5	0	Ibid.
For every additional £100, up to a total of £400, a further sum of	0	5	0	
For every deed or transfer of any kind whatsoever not otherwise specified in this schedule	1	0	0	
LEASE (not being a lease made subsequently to and in conformity with a duly stamped agreement for a lease) or AGREEMENT for a LEASE, or any written document for the tenancy or occupancy of any lands, tenements, or hereditaments, the following duties in respect of the rent at the rate per annum—				Sections 72 to 74. Cf. U.K. 54 & 55 Vict. c. 39, 1st Sch.
Where the rate of the rent does not exceed £50 per annum	0	2	6	
Where the same exceeds £50 and does not exceed £100 . . .	0	5	0	
Where the same exceeds £100, for every £50 or fractional part of £50 thereof	0	5	0	
Of any other kind whatsoever	1	0	0	
LEASE made subsequently to and in conformity with a duly stamped agreement for a lease	0	2	6	

Reference to sections of this Act.	Nature of Instrument.	Amount of Duty. £ s. d.
	<i>Exemption—</i>	
	Lease or agreement for a lease, or any written document for the tenancy or occupancy of any lands, tenements, or hereditaments for a term not exceeding one year where the rent reserved does not exceed the rate of £26 per annum.	
Section 75. Of. U.K. 54 & 55 Vict. c. 39, 1st Sch.	LETTER OF ALLOTMENT or any other document having the effect of a letter of allotment of any share, or part of any share, in any company or proposed company; and SCRIP CERTIFICATE, SCRIP, or other document entitling any person to become the proprietor of any share, or part of any share, in any company or proposed company	0 0 1
Sections 76 to 81. Of. U.K. 54 & 55 Vict. c. 39, 1st Sch.	MORTGAGE, BOND, DEBENTURE, COVENANT, WARRANT OF ATTORNEY to confess and enter up judgment— Being the only or principal or primary security for the payment or repayment of money— For every £100 or fractional part of £100 (not reckoning any money to be advanced for the insurance of any property comprised in the security against damage by fire)	0 2 6
	Where any further money is added to the money already secured	(The same duty as a principal security for such further money.)
	<i>Exemption—</i>	
	Every collateral or auxiliary or additional or substituted security, or security by way of further assurance for the above-mentioned purpose, where the principal or primary security is duly stamped.	
Of. U.K. 54 & 55 Vict. c. 39, 1st Sch.	POWER OF ATTORNEY or other instrument in the nature thereof— Any instrument not under seal Any instrument under seal	0 10 0 1 0 0
	<i>Exemptions—</i>	
	1. Any instrument for the sole purpose of appointing or authorising any one person to vote as a proxy at any meeting at which votes may be given by proxy.	
	2. Any instrument or order for the receipt of any salary or wages.	
	3. Any instrument or order for the receipt of dividends or interest when made for the receipt of one payment only.	
Sections 82 and 84. Of. U.K. 54 & 55 Vict. c. 39, 1st Sch.	RECEIPT—Every receipt for forty shillings or upwards	0 0 2
	<i>Exemptions—</i>	
	1. Receipt for payment of municipal or district council rates.	
	2. Receipt written upon any instrument duly stamped under this Act acknowledging the receipt of the consideration money therein expressed.	
	3. Receipt for money deposited in any bank in current account and not as a fixed deposit for any period.	
	4. Receipt for money paid into any charitable institution, or for money paid into any registered building or friendly society by any member of such society on account of subscriptions, or for money paid into any fire, life, personal accident, fidelity, guarantee, live stock plate glass, marine, or other insurance or assurance company on account of premiums, or into any post office or other savings bank established in pursuance of any Act on deposit.	
	5. Receipt for money withdrawn by any depositor from the Savings Bank.	
	6. Receipt or discharge given by any seaman, labourer, or menial servant for the payment of wages.	
	7. Receipt for money paid by any friendly or benefit society for sick pay.	
	8. Receipt for money less than five pounds paid to any person by way of gift or gratuity.	
Substituted by 1877, 1928, s. 9.	TOTALIZATOR.—There shall be payable for each day on which any totalizator is used by any racing club a duty calculated according to the gross takings of all the totalizators or other like machines used by the club on that day in accordance with the following scale:— Where the said gross takings do not exceed £2,000 the duty shall be: 1½ per centum of the gross takings.	

Where the said gross takings exceed £2,000 but do not exceed £3,000 the duty shall be: 2½ per centum of the gross takings.
Where the said gross takings exceed £3,000 but do not exceed £4,000 the duty shall be: 3½ per centum of the gross takings.
Where the said gross takings exceed £4,000 but do not exceed £5,000 the duty shall be: 4½ per centum of the gross takings.
Where the said gross takings exceed £5,000 the duty shall be: 5½ per centum of the said gross takings.

Reference to sections of this Act.

GENERAL EXEMPTION FROM ALL STAMP DUTIES.

1. Wills and testamentary instruments.
2. Certificates of title issued from the Lands Titles Registration Office.
3. Customs bonds.
4. Administration bonds.
5. Bonds to the Crown.
6. Bills, bonds, debentures, and other securities issued by the Government of the Commonwealth in connection with any loan raised by the said Government for any of the purposes of the recent war, and any coupons or interest warrants issued in connection with any such security.
7. Bond on appointment of a special bailiff.
8. Memorandum of association, articles of association, and rules and regulations of any incorporated company, association, or society.
9. Marriage settlements.
10. Mortgage bonds guaranteed by the Government of South Australia.
11. Articles or indentures of apprenticeship.
12. Leases to the Crown and to any person on behalf of the Crown.
13. Power of attorney limited to a power to sign and seal leases from the Crown.
14. Conveyance on sale of any goods, wares, merchandise, horses, cattle, sheep, or other movable chattels when the value does not exceed £20.
15. Any transfer of any fire, personal accident, fidelity, guarantee, live stock, plate glass, or marine insurance or assurance policy.
16. Any cemetery leases.
17. Conveyance or transfer on sale of any share or shares in the stock, funds, or capital of any corporation, company, or society whatever.
18. Bills, bonds, inscribed stock, debentures, deposit receipts, and other securities issued by the Government of the State, and coupons or interest warrants issued in connection with any such bills, bonds, stock, debentures, deposit receipts, or other securities, and any transfer of or document relating to the purchase or sale of any such bills, bonds, stock, debentures, deposit receipts, or other securities.
19. Conveyance or transfer of any share or shares in the stock, funds, or capital of any corporation, company, or society by the personal representatives of a deceased person to any beneficiary who is entitled by virtue of the provisions of the will of such deceased person, or upon his intestacy, to have the share or shares so conveyed or transferred to him.

Cf. U.K.
54 & 55 Vict.
c. 39, 1st
Sch.

Inserted by
1822, 1927,
s. 9 (i).

Inserted by
1822, 1927,
s. 9 (i).

Inserted by
1860, 1928,
s. 2 (b).

FORM A.

No. 19
We have this day received from , of
bags of wheat, containing bushels lbs., to be stored
subject to the following conditions:—

We claim to have the offer, at market price, of all wheat stored with us. Should we purchase, our terms are twelve months' storage free. After that time a charge will be made of per bushel per month. Should we not purchase, we will deliver to the storer, his order, wheat of a quality equal to that originally received, either at station where wheat was stored, or at the nearest shipping port, at our option, the storer paying all charges thereon, which can be ascertained from the agent at the time of delivery.

For.....Agent.

Stamp Duties Act, 1923-1937.

Reference to
sections of
this Act.
Section 33.

THE THIRD SCHEDULE.

Form of Annual Licence to be issued to any Company, Person, or Firm of Persons which carries on or desires to carry on in South Australia any Life, Personal Accident, Fire, Fidelity, Guarantee, Live Stock, Plate Glass, Marine, or other Assurance or Insurance Business.

Name of company, person, or firm of persons to whom licence granted.....

Nature of business.....

Amount of net premiums of any kind whatsoever received or in any manner charged in account by such company, person, or firm of persons during the year ended 31st December, 19 .

Period over which licence extends.....year ending 31st December, 19

This is to certify that.....is a company [*person or firm of persons*] duly licensed under the provisions of the Stamp Duties Act, 1923, to carry on in South Australia [*life, personal accident, fire, fidelity, guarantee, live stock, plate glass, marine, or other*] assurance and insurance business during the above-named period.

Dated at the office of the Commissioner of Stamps at Adelaide this.....day of....., nineteen hundred and .



A. B., Commissioner.

Notice.—This licence must be given up and a fresh licence applied for before the 1st January next, as provided by the Stamp Duties Act, 1923.

THE FOURTH SCHEDULE.

Section 92.

Para. 1
substituted by
2359, 1937,
s. 11 (1).

Amusements duty shall be payable as follows:—

Amount of
Duty.

1. Where the payment does not exceed one shilling no duty shall be payable.

Where the payment, excluding the amount of duty, exceeds one shilling, the duty shall be one penny for every sixpence or fractional part of sixpence of such payment.

2. Members' or season tickets one penny for every sixpence or fractional part of sixpence of the price of such ticket.

Para. 3
substituted
by 2359,
1937, s. 11
(2).

3. In cases where properly constructed barriers or mechanical contrivances which automatically register the actual number of persons admitted through or past such barriers or contrivances as the means of gaining admission to an amusement are permitted to be used in lieu of duly stamped tickets, duty shall be payable at the rate of one-seventh of the total amount (including the amounts charged by the promoter for the purpose of paying the duty), paid by persons so gaining admission to the amusement: Provided that where any persons are admitted to the amusement upon payment of sums not exceeding one shilling per person, no duty shall be payable in respect of the sums so paid.

TABLES OF ACTS OF THE PARLIAMENT OF
SOUTH AUSTRALIA.

TABLE OF PUBLIC GENERAL ACTS OF THE PARLIAMENT OF SOUTH AUSTRALIA, INCLUDING CROSS REFERENCES.

The following table contains a list of the public Acts of general application of the Parliament of South Australia which were unrepealed as at 1st February, 1938. It also includes cross references to the subject matters dealt with by legislation.

In the case of an Act reprinted in Volumes 1 to 8 of the South Australian Statutes, 1837-1936, the reference given is to the volume and page where the Act is reprinted. In the case of any other Act, the reference given is to the annual volume of Statutes in which the Act is printed.

Title or Subject Matter.	Volume.	Page.
ABATTOIRS ACT, 1911-1936	1	1
Abattoirs <i>see also</i> Health: Local Government: Metropolitan and Export Abattoirs: Port Lincoln Abattoirs.		
ABORIGINES ACT, 1934	1	38
Absinthe <i>see</i> Food and Drugs.		
Absconding Debtors <i>see</i> Debtors: Local Court: Supreme Court.		
Accidents, Notice of <i>see</i> Hospitals: Road Traffic.		
Accumulations <i>see</i> Law of Property.		
Acts, Administration of <i>see</i> Administration of Acts.		
ACTS INTERPRETATION ACT, 1915-1936	1	55
Acts, Reprint of <i>see</i> Acts Republication: Amendments Incorporation.		
ACTS REPUBLICATION ACT, 1934	1	73
Adelaide Circulating Library <i>see</i> Public Library, Museum, and Art Gallery, and Institutes.		
Adelaide Hospital <i>see</i> Hospitals: Public Charities Funds.		
ADELAIDE SHOW GROUNDS (BY-LAWS) ACT, 1929	1	76
Adelaide Show Grounds <i>see also</i> Table of Acts of Restricted Application.		

Title or Subject Matter.	Volume.	Page.
ADMINISTRATION AND PROBATE ACT, 1919-1936.....	1	79
ADMINISTRATION AND PROBATE ACT AMENDMENT ACT, 1937	1937	102
THE ADMINISTRATION OF ACTS ACT, 1910.....	1	133
ADMINISTRATION OF JUSTICE ACT, 1921-1926	1	135
ADOPTION OF CHILDREN ACT, 1925-1934	1	140
ADULTERATION OF WINE AND BRANDY ACT, 1907-1935 ..	1	152
ADVANCES FOR HOMES ACT, 1928-1935	1	156
ADVANCES TO SETTLERS ACT, 1930	1	193
Advertisements <i>see</i> Control of Advertisements : Local Government.		
Affidavits <i>see</i> Evidence : Evidence (Affidavits) : Oaths : Supreme Court.		
Affiliation <i>see</i> Maintenance.		
Affirmations <i>see</i> Oaths.		
THE AGENT-GENERAL ACT, 1901-1934	1	206
Agents Commission <i>see</i> Secret Commissions Prohibition.		
Agents, Land <i>see</i> Land Agents.		
Agents, Mercantile <i>see</i> Mercantile Law.		
AGRICULTURAL COLLEGE ACT, 1936	1	208
AGRICULTURAL GRADUATES LAND SETTLEMENT ACT, 1922-1935	1	212
THE AGRICULTURAL HOLDINGS ACT, 1891	1	220
AIR NAVIGATION ACT, 1937	1937	47
Aliens <i>see</i> Law of Property.		
ALSATIAN DOGS ACT, 1934	1	232
AMENDMENTS INCORPORATION ACT, 1937	1937	49
Amusements Duty <i>see</i> Stamp Duties.		
ANATOMY ACT, 1884-1934	1	236
Ancient Lights <i>see</i> Law of Property.		
ANIMALS AND BIRDS PROTECTION ACT, 1919-1934	1	242
Animals, Cruelty to <i>see</i> Prevention of Cruelty to Animals.		

Title or Subject Matter.	Volume.	Page.
ANZAC HIGHWAY AGREEMENT ACT, 1937.....	1937	25
APIARIES ACT, 1931-1935	1	263
Apportionment <i>see</i> Law of Property.		
APPRAISERS ACT, 1934	1	271
Apprentices <i>see</i> Industrial: Masters and Servants:		
Pharmacy: Technical Education of Apprentices.		
Appropriation Acts <i>see</i> Table of Acts of Restricted		
Application.		
ARBITRATION ACT, 1891-1934	1	273
Artesian Bores <i>see</i> Pastoral.		
Art Gallery <i>see</i> Public Library, Museum, and Art		
Gallery, and Institutes.		
Assayers <i>see</i> Gold Buyers.		
ASSOCIATIONS INCORPORATION ACT, 1929-1935	1	283
AUCTIONEERS ACT, 1934	1	293
AUDIT ACT, 1921-1936	1	297
Australian Loan Council <i>see</i> Financial Agreement.		
Bagatelle <i>see</i> Licensing.		
THE BALLOT ACT OF 1862	1	313
Bank Holidays <i>see</i> Holidays.		
BANKING COMPANIES ACT, 1935	1	321
Banking Companies and Partnerships <i>see</i> Companies.		
Bank Notes <i>see</i> Banking Companies: Stamp Duties.		
Bankers' Books <i>see</i> Evidence.		
Barmaids <i>see</i> Licensing.		
Barristers <i>see</i> Legal Practitioners: Supreme Court.		
Bastardy <i>see</i> Maintenance.		
Beekeepers <i>see</i> Apiaries: Bush Fires.		
Betting <i>see</i> Lottery and Gaming.		
Billiards <i>see</i> Licensing.		
Bills of Lading <i>see</i> Mercantile Law.		
THE BILLS OF SALE ACT, 1886-1935.....	1	329
Birkenhead Bridge <i>see</i> Highways.		
Births <i>see</i> Births and Deaths Registration: Notification		
of Births.		

Title or Subject Matter.	Volume.	Page.
BIRTHS AND DEATHS REGISTRATION ACT, 1936	1	345
Board of Industry <i>see</i> Industrial.		
Boilers <i>see</i> Steam Boilers and Enginedrivers.		
Bookmakers <i>see</i> Lottery and Gaming.		
Boots <i>see</i> Footwear Regulation.		
BOTANIC GARDEN ACT, 1935.....	1	375
BRANDS ACT, 1933-1936	1	381
Brandy Adulteration <i>see</i> Adulteration of Wine and Brandy : Food and Drugs : Licensing.		
BREAD ACT, 1936	1	418
Brewers <i>see</i> Licensing.		
BROKEN HILL PROPRIETARY COMPANY'S INDENTURE ACT, 1937	1937	75
Broken Hill Proprietary Company <i>see also</i> Table of Acts of Restricted Application : Table of Private Acts.		
Brothels <i>see</i> Police.		
BUILDING ACT, 1923-1935	1	424
Buildings <i>see also</i> Local Government.		
THE BUILDING SOCIETIES ACT, 1881-1936	1	513
Bulls <i>see</i> Dairy Cattle Improvement.		
Burials <i>see</i> Anatomy : Births and Deaths Registration : Coroners : Cremation : Local Government : Medical Practitioners.		
BUSH FIRES ACT, 1933-1935	1	536
Business Names <i>see</i> Registration of Business Names.		
Butter <i>see</i> Dairy Industry : Dairy Produce : Food and Drugs : Margarine.		
CAMELS DESTRUCTION ACT, 1925-1926	1	554
THE CARRIERS ACT, 1891	1	556
Carriers <i>see also</i> Road and Railway Transport.		
Cemeteries <i>see</i> Cremation : Local Government.		
Censorship <i>see</i> Places of Public Entertainment.		

Title or Subject Matter.	Volume.	Page.
CHAFF AND HAY ACT, 1922	1	560
Charitable Funds <i>see</i> Public Charities Funds.		
Charitable Trusts Procedure <i>see</i> Trustee.		
Cheese <i>see</i> Dairy Industry : Dairy Produce : Food and Drugs.		
Chemists <i>see</i> Pharmacy.		
Children, Adoption of <i>see</i> Adoption of Children.		
Children, Legitimation of <i>see</i> Births and Deaths Registration.		
CHILDREN'S PROTECTION ACT, 1936	1	568
Circuit Courts <i>see</i> Supreme Court.		
CITRUS MARKETING ACT, 1931	1	574
Civil Service <i>see</i> Public Service.		
Closer Settlement <i>see</i> Crown Lands.		
Clubs <i>see</i> Licensing.		
COLLECTIONS FOR UNEMPLOYMENT ACT, 1930-1935	1	590
Combines <i>see</i> Fair Prices.		
COMMISSIONER OF PUBLIC WORKS INCORPORATION ACT, 1917	1	593
Commissions, Prohibition of <i>see</i> Secret Commissions Prohibition.		
Commissions, Royal <i>see</i> Royal Commissions.		
Commonwealth Housing <i>see</i> Advances for Homes.		
COMMONWEALTH LEGISLATIVE POWER ACT, 1931	1	594
THE COMPANIES ACT, 1934-1935	1	597
Companies <i>see also</i> Banking Companies : Insurance Companies (Deposits) : Life Assurance Companies : Unclaimed Moneys.		
COMPULSORY ACQUISITION OF LAND ACT, 1925	1	870
CONCILIATION ACT, 1929	1	919
CONSOLIDATION OF REGULATIONS ACT, 1937	1937	124
CONSTITUTION ACT, 1934-1936	2	1
CONSTITUTION ACT AMENDMENT ACT, 1937.....	1937	134
CONTROL OF ADVERTISEMENTS ACT, 1916-1935.....	2	40

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
CONTROL OF WATERS ACT, 1919-1935.....	2	44
Conversion of Public Securities <i>see</i> Commonwealth Legislative Power : Financial Emergency.		
Conveyancing <i>see</i> Homestead : Law of Property : Real Property : Registration of Deeds : Settled Estates : Trustee : Wills.		
CONVICTED INEBRIATES ACT, 1913-1934	2	56
Convicts' Property <i>see</i> Criminal Law Consolidation.		
Copyright <i>see</i> Table of Acts of Restricted Application.		
CORONERS ACT, 1935	2	62
COURSING RESTRICTION ACT, 1927	2	74
Court of Disputed Returns <i>see</i> Electoral.		
Courts, Maintenance of Order in <i>see</i> Law Courts (Main- tenance of Order).		
Cream <i>see</i> Dairy Industry : Food and Drugs.		
CREMATION ACT, 1891-1936	2	76
Criminal Appeals <i>see</i> Criminal Law Consolidation.		
CRIMINAL LAW CONSOLIDATION ACT, 1935	2	81
CROWN DEBTORS RELIEF ACT, 1934	2	216
CROWN LANDS ACT, 1929-1936	2	219
CROWN LANDS ACT AMENDMENT ACT, 1937	1937	88
Cruelty to Animals <i>see</i> Prevention of Cruelty to Animals.		
Dairies <i>see</i> Dairy Industry : Food and Drugs : Health.		
DAIRY CATTLE IMPROVEMENT ACT, 1921-1934	2	343
DAIRY INDUSTRY ACT, 1928-1935	2	349
DAIRY INDUSTRY ACT AMENDMENT ACT, 1937	1937	129
DAIRY PRODUCE ACT, 1934-1935	2	366
DAIRY PRODUCE ACT AMENDMENT ACT, 1937	1937	12
DANGEROUS DRUGS ACT, 1934	2	372
Dealers <i>see</i> Marine Stores : Second-hand Dealers.		
Death Certificates <i>see</i> Births and Deaths Registration : Medical Practitioners.		
Deaths Registration <i>see</i> Births and Deaths Registration.		

Title or Subject Matter.	Volume.	Page.
DEBT ADJUSTMENT ACT, 1929-1932.....	2	383
Debt Adjustment <i>see also</i> Farmers Assistance : Primary Producers Debts.		
DEBTORS ACT, 1936	2	393
Declarations <i>see</i> Oaths.		
Defamation <i>see</i> Wrongs.		
DENTISTS ACT, 1931-1936	2	396
Destitute Persons <i>see</i> Interstate Destitute Persons Relief : Maintenance.		
DISCHARGED SOLDIERS SETTLEMENT ACT, 1934-1935	2	422
Distillers <i>see</i> Licensing.		
Distress for Rent <i>see</i> Landlord and Tenant.		
District Councils <i>see</i> Local Government.		
Divorce <i>see</i> Matrimonial Causes.		
Dogs <i>see</i> Alsatian Dogs : Coursing Restriction : Registration of Dogs : Wild Dogs.		
DRAUGHT STALLIONS ACT, 1932-1934	2	448
DRIED FRUITS ACT, 1934	2	462
Drought Relief <i>see</i> Table of Acts of Restricted Application.		
Drought Relief Charges <i>see</i> Farmers Assistance.		
Drugs <i>see</i> Dangerous Drugs : Food and Drugs.		
EARLY CLOSING ACT, 1926-1935.....	2	477
Earmarks <i>see</i> Brands.		
EASTER ACT, 1929	2	524
EDUCATION ACT, 1915-1935	2	525
Ejectment <i>see</i> Local Courts : Real Property.		
THE ELECTION OF SENATORS ACT, 1903	2	566
Elections <i>see</i> Ballot : Electoral.		
ELECTORAL ACT, 1929-1934	2	567
ELECTORAL ACT AMENDMENT ACT, 1937	1937	130
Electoral Districts <i>see</i> Constitution.		
Electric Supply Works <i>see</i> Local Government.		

Title or Subject Matter.	Volume.	Page.
EMPLOYEES REGISTRY OFFICES ACT, 1915-1934	2	632
EMPLOYERS LIABILITY ACT, 1934	2	642
Enginedrivers <i>see</i> Steamboilers and Enginedrivers.		
THE ESTATES TAIL ACT, 1881	2	647
EVIDENCE ACT, 1929-1933	2	649
EVIDENCE (AFFIDAVITS) ACT, 1928	2	676
Executive <i>see</i> Constitution.		
Exhumations <i>see</i> Coroners.		
EXPLOSIVES ACT, 1936	2	677
Export Meat Works <i>see</i> Metropolitan and Export Abattoirs.		
Factories <i>see</i> Industrial : Local Government : Manufacturing Industries Protection.		
Factors <i>see</i> Mercantile Law.		
FAIR PRICES ACT, 1924-1935	2	699
FARMERS ASSISTANCE ACT, 1933-1936	2	707
Farmers Relief <i>see</i> Table of Acts of Restricted Application.		
Fatal Accidents <i>see</i> Wrongs.		
FAUNA AND FLORA RESERVE ACT, 1919-1935	2	740
FEDERAL AID ROADS AGREEMENT ACT, 1926.....	2	752
FEDERAL AID ROADS AGREEMENT ACT, 1930.....	2	756
AMENDING FEDERAL AID ROADS AGREEMENT ACT, 1931....	2	760
AMENDING FEDERAL AID ROADS AGREEMENT ACT, 1936 .	2	765
FEDERAL AID ROADS AGREEMENT ACT, 1937.....	1937	5
FEES REGULATION ACT, 1927	2	768
FENCES ACT, 1924-1926	3	1
Fences <i>see also</i> Bush Fires : Vermin.		
Fencing Loans <i>see</i> Advances to Settlers : Loans for Fencing and Water Piping : Vermin.		
Ferries <i>see</i> Harbors : Local Government.		
FERTILISERS ACT, 1918	3	11

Title or Subject Matter.	Volume.	Page.
FIBRE AND SPONGES ACT, 1909-1935	3	27
FIBRE AND SPONGES ACT AMENDMENT ACT, 1937	1937	104
FINANCIAL AGREEMENT ACT, 1927	3	33
Financial Agreement <i>see also</i> Supplementary Financial Agreement (Soldiers Settlement Loans).		
FINANCIAL EMERGENCY ACT, 1931-1936	3	46
FINANCIAL EMERGENCY ACT EXTENSION ACT, 1931	3	61
FINANCIAL EMERGENCY ACT EXTENSION ACT, 1934	3	66
FINANCIAL EMERGENCY ACT AMENDMENT ACT, 1937	1937	11
Firearms <i>see</i> Animals and Birds Protection : Firearms Registration : Firearms Restriction (River Murray) : Pistol Licence : Use of Firearms Restriction.		
FIREARMS REGISTRATION ACT, 1919-1934	3	69
FIREARMS RESTRICTION (RIVER MURRAY) ACT, 1929	3	75
FIRE BRIGADES ACT, 1936	3	78
Fires <i>see</i> Bush Fires.		
Firms <i>see</i> Companies : Partnership : Registration of Business Names.		
FISHERIES ACT, 1917-1935	3	115
Flinders Chase <i>see</i> Fauna and Flora Reserve.		
FOOD AND DRUGS ACT, 1908-1935	3	139
FOOTWEAR REGULATION ACT, 1920	3	173
Foreshores <i>see</i> Harbors : Local Government.		
Forests <i>see</i> Woods and Forests.		
Fraudulent Conveyances <i>see</i> Law of Property.		
FRIENDLY SOCIETIES ACT, 1919-1936	3	178
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1937	1937	121
Fruit <i>see</i> Dried Fruits : Fruit and Vegetables (Grading) : Fruit and Vegetables (Prevention of Injury) : Liens on Fruit : Sale of Fruit : Vine, Fruit, and Vegetable Protection.		
FRUIT AND VEGETABLES (GRADING) ACT, 1934	3	215

Title or Subject Matter.	Volume.	Page.
FRUIT AND VEGETABLES (PREVENTION OF INJURY) ACT, 1927	3	221
Fungicides <i>see</i> Pest Destroyers.		
Furniture <i>see</i> Sale of Furniture.		
Game <i>see</i> Animals and Birds Protection.		
Gaming <i>see</i> Lottery and Gaming.		
Gaols <i>see</i> Prisons.		
GARDEN SUBURB ACT, 1919-1936.....	3	223
GAS ACT, 1924	3	236
Gas <i>see also</i> Meters and Gas.		
Gasworks <i>see</i> Local Government.		
GENERAL TRAMWAYS ACT, 1884-1935	3	264
GOLD BUYERS ACT, 1916-1935	3	294
GOODS (TRADE DESCRIPTIONS) ACT, 1935	3	315
Goods <i>see also</i> Sale of Goods : Trading Stamps.		
GOVERNMENT HOUSE DOMAIN DEDICATION ACT, 1927-1935..	3	325
GOVERNMENT LABOUR EXCHANGE ACT, 1931	3	326
Grasshoppers <i>see</i> Noxious Insects.		
THE GUARDIANSHIP OF INFANTS ACT, 1887	3	328
Guarantee, Contracts of <i>see</i> Mercantile Law.		
Gun Licences <i>see</i> Animals and Birds Protection.		
Habitual Criminals <i>see</i> Criminal Law Consolidation.		
HARBORS ACT, 1936	3	333
HAWKERS ACT, 1934	3	425
Hay <i>see</i> Chaff and Hay.		
HEALTH ACT, 1935-1936.....	3	432
HIDE, SKIN, AND WOOL DEALERS ACT, 1915-1935	3	476
HIGHWAYS ACT, 1926-1936	3	483
HIGHWAYS ACT AMENDMENT ACT, 1937	1937	40
Hire-Purchase <i>see</i> Hire Purchase Agreements : Money Lenders.		

Title or Subject Matter.	Volume.	Page.
HIRE-PURCHASE AGREEMENTS ACT, 1931	3	513
THE HOLIDAYS ACT, 1910-1935	3	519
HOMESTEAD ACT, 1895-1935	3	522
Homing Pigeons <i>see</i> Police.		
HOSPITALS ACT, 1934	3	531
Hospitals, Establishment and Licensing of <i>see</i> Health : Local Government : Maintenance.		
Housing <i>see</i> Advances for Homes : South Australian Housing Trust.		
IMMIGRATION ACT, 1923-1935	3	554
IMMIGRATION ACT AMENDMENT ACT, 1937	1937	14
IMPOUNDING ACT, 1920-1935	3	563
IMPRINT ACT, 1863-1935	3	590
Imprisonment for Debt <i>see</i> Debtors.		
INCOME TAX ASSESSMENT ACT, 1936	3	593
INCOME TAX (RATES) ACT, 1936	3	698
INCOME TAX (RATES) ACT, 1937	1937	42
Indecent Publications <i>see</i> Police.		
INDUSTRIAL AND PROVIDENT SOCIETIES ACT, 1923-1935....	3	703
INDUSTRIAL CODE, 1920-1936	3	733
Industries Encouragement <i>see</i> Native Industries Encouragement.		
Industries Protection <i>see</i> Manufacturing Industries Protection.		
INEBRIATES ACT, 1908-1934	4	1
Inebriates <i>see also</i> Convicted Inebriates : Licensing.		
Infants, Guardianship of <i>see</i> Guardianship of Infants.		
Infants Property <i>see</i> Administration and Probate : Law of Property : Moneylenders.		
Infectious Diseases Hospital <i>see</i> Metropolitan Infectious Diseases Hospital.		

Title or Subject Matter.	Volume.	Page.
INFLAMMABLE OILS ACT, 1908-1935	4	10
Inheritance <i>see</i> Administration and Probate : Law of Property.		
THE INNKEEPERS ACT, 1888-1935	4	32
Insecticides <i>see</i> Pest Destroyers.		
Insolvency <i>see</i> Table of Acts of Restricted Application.		
INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT, 1937	1937	109
Institutes <i>see</i> Public Library, Museum, Art Gallery, and Institutes.		
Insurance <i>see</i> Insurance Companies (Deposits) : Life Assurance Companies : Road Traffic.		
INSURANCE COMPANIES (DEPOSITS) ACT, 1924-1931	4	35
INTER-STATE DESTITUTE PERSONS RELIEF ACT, 1910-1934	4	41
Intestate Estates <i>see</i> Administration and Probate.		
Inquests <i>see</i> Bush Fires : Coroners : Fire Brigades.		
IRRIGATION ACT, 1930-1936	4	56
Jetties <i>see</i> Harbors : Local Government.		
Judgments, Reciprocal Enforcement of <i>see</i> Administration of Justice.		
Judicial Separation <i>see</i> Matrimonial Causes.		
Judiciary <i>see</i> Constitution : Supreme Court.		
JURIES ACT, 1927	4	112
JURIES ACT AMENDMENT ACT, 1937	1937	54
JUSTICES ACT, 1921-1936	4	138
Justices of the Peace <i>see</i> Justices : Sex Disqualification (Removal).		
Kerosine <i>see</i> Inflammable Oils.		
Labour Exchange <i>see</i> Government Labour Exchange.		
Land Acquisition <i>see</i> Compulsory Acquisition of Land.		
LAND AGENTS ACT, 1925-1936	4	217
Land Brokers <i>see</i> Real Property.		
LANDLORD AND TENANT ACT, 1936	4	241
Landlord and Tenant <i>see also</i> Agricultural Holdings.		

Title or Subject Matter.	Volume.	Page.
LANDLORD AND TENANT (RENT REDUCTION) ACT, 1932-1936	4	260
THE LANDS FOR PUBLIC PURPOSES ACQUISITION ACT, 1914-1935	4	269
LAND TAX ACT, 1936	4	274
LAW COURTS (MAINTENANCE OF ORDER) ACT, 1928	4	302
LAW OF PROPERTY ACT, 1936	4	305
Law Society <i>see</i> Legal Practitioners: Poor Persons Legal Assistance.		
LEGAL PRACTITIONERS ACT, 1936	4	354
Legislature <i>see</i> Constitution.		
Legitimation <i>see</i> Births and Deaths Registration.		
Libel <i>see</i> Wrongs.		
LICENSING ACT, 1932-1936	4	375
Liens for Freight <i>see</i> Mercantile Law.		
Liens of Unpaid Vendors <i>see</i> Mercantile Law: Sale of Goods.		
LIENS ON FRUIT ACT, 1923-1932	4	542
Liens on Wool <i>see</i> Stock Mortgages and Wool Liens.		
Liens, Workmen's <i>see</i> Workmen's Liens.		
LIFE ASSURANCE COMPANIES ACT, 1936.....	4	548
LIFTS REGULATION ACT, 1908-1934	4	576
Lights on Vehicles <i>see</i> Road Traffic.		
LIMITATION OF ACTIONS ACT, 1936	4	582
Living Wage <i>see</i> Industrial.		
Loan Acts <i>see</i> Table of Acts of Restricted Application.		
LOANS FOR FENCING AND WATER PIPING ACT, 1930-1936..	4	596
LOANS TO PRODUCERS ACT, 1927	4	616
Local Acts <i>see</i> Table of Acts of Restricted Application.		
LOCAL COURTS ACT, 1926-1936.....	4	623

Title or Subject Matter.	Volume.	Page.
LOCAL GOVERNMENT ACT, 1934-1936	5	1
Local Option <i>see</i> Licensing.		
Lockouts <i>see</i> Industrial.		
Lodgers' Protection <i>see</i> Landlord and Tenant.		
Lodging Houses <i>see</i> Health : Local Government.		
LOTTERY AND GAMING ACT, 1936	5	401
Lunacy <i>see</i> Mental Defectives.		
Lyrup Village Settlement <i>see</i> Crown Lands.		
Main Roads Fund <i>see</i> Highways.		
MAINTENANCE ACT, 1926-1936	5	461
MAINTENANCE ACT, 1937	1937	63
MAINTENANCE ACT AMENDMENT ACT, 1937	1937	132
MAINTENANCE ACT, 1926-1937. (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1937	137
MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT, 1922-1925	5	543
Maintenance Orders <i>see also</i> Inter-State Destitute Persons Relief.		
MANNINGHAM RECREATION GROUND ACT, 1936	5	550
Manufacturing Districts <i>see</i> Local Government.		
Manures <i>see</i> Fertilisers.		
MANUFACTURING INDUSTRIES PROTECTION ACT, 1937	1937	52
MARGARINE ACT, 1934	5	553
MARINE ACT, 1936	5	556
THE MARINE STORES ACT, 1898-1935	5	624
THE MARKETS CLAUSES ACT, 1870-1935	5	639
THE MARKETS CLAUSES ACT AMENDMENT ACT, 1937	1937	105
MARRIAGE ACT, 1936	5	653
Married Women's Property <i>see</i> Law of Property.		
Married Women's Protection <i>see</i> Maintenance.		

Title or Subject Matter.	Volume.	Page.
THE MASTERS AND SERVANTS ACT, 1878-1935	5	683
Matches <i>see</i> Bush Fires : White Phosphorus Matches Prohibition.		
MATRIMONIAL CAUSES ACT, 1929-1936	5	693
Mechanical Coursing <i>see</i> Coursing Restriction.		
MEDICAL PRACTITIONERS ACT, 1919-1935.....	5	729
Medical Science <i>see</i> Institute of Medical and Veterinary Science.		
Meetings <i>see</i> Public Meetings.		
MENTAL DEFECTIVES ACT, 1935-1936	5	746
Mental Defectives Property <i>see also</i> Law of Property.		
Mental Nurses <i>see</i> Nurses Registration.		
MERCANTILE LAW ACT, 1936	6	1
THE METERS AND GAS ACT, 1881	6	7
METROPOLITAN AND EXPORT ABATTOIRS ACT, 1936	6	23
METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT ACT, 1937	1937	116
Metropolitan County Board <i>see</i> Food and Drugs : Health.		
METROPOLITAN DRAINAGE ACT, 1935	6	69
METROPOLITAN INFECTIOUS DISEASES HOSPITAL ACT, 1922-1935	6	83
Midwives <i>see</i> Nurses Registration.		
Milk <i>see</i> Dairy Industry : Food and Drugs : Health.		
MINES AND WORKS INSPECTION ACT, 1920-1935	6	102
MINING ACT, 1930-1931	6	116
MINING ACT AMENDMENT ACT, 1931	6	161
MINING ON PRIVATE PROPERTY ACT, 1909-1936	6	169
Ministers of the Crown <i>see</i> Constitution.		
Minor Indictable Offences <i>see</i> Justices.		
Model By-laws <i>see</i> Local Government.		

Title or Subject Matter.	Volume.	Page.
MONEY-LENDERS ACT, 1924-1936	6	201
Moneys, Unclaimed <i>see</i> Unclaimed Moneys.		
Mortgages <i>see</i> Law of Property : Real Property.		
MORTGAGORS RELIEF ACT, 1931-1936	6	215
Motor Omnibuses <i>see</i> Local Government : Municipal Tramways Trust.		
Motor Vehicles <i>see</i> Road Traffic.		
Municipal Corporations <i>see</i> Local Government.		
THE MUNICIPAL TRAMWAYS TRUST ACT, 1935	6	227
MUNICIPAL TRAMWAYS TRUST (LEASES) ACT, 1937	1937	98
Museum <i>see</i> Public Library, Museum, and Art Gallery, and Institutes.		
THE NATIONAL PARK ACT, 1891-1935	6	273
THE NATIONAL PLEASURE RESORTS ACT, 1914-1935	6	279
NATIVE INDUSTRIES ENCOURAGEMENT ACT, 1872	6	288
Neglected Children <i>see</i> Maintenance.		
Noisy Trades <i>see</i> Local Government : Manufacturing Industries Protection.		
NOMENCLATURE ACT, 1935	6	291
THE NORTHERN TERRITORY SURRENDER ACT, 1907	6	293
NORTHERN TERRITORY SURRENDER ACT AMENDMENT ACT, 1919	6	302
NORTH-SOUTH RAILWAY AGREEMENT ACT, 1926	6	305
Notaries Public <i>see</i> Legal Practitioners : Sex Disqualification (Removal).		
NOTIFICATION OF BIRTHS ACT, 1926-1936	6	313
NOXIOUS INSECTS ACT, 1934.....	6	315
NOXIOUS WEEDS ACT, 1931-1935.....	6	319
Nuisance by Manufacturies <i>see</i> Local Government : Manufacturing Industries Protection.		
Nullity of Marriage <i>see</i> Matrimonial Causes.		
NURSES REGISTRATION ACT, 1920-1934	6	340

Title or Subject Matter.	Volume.	Page.
OATHS ACT, 1936	6	363
Oaths <i>see also</i> Evidence.		
OFFENDERS PROBATION ACT, 1913-1934	6	372
Offensive Trades <i>see</i> Health : Local Government.		
Oils, Inflammable <i>see</i> Inflammable Oils.		
OPTICIANS ACT, 1920-1935	6	379
Oyster Fisheries <i>see</i> Fisheries.		
Parliament <i>see</i> Constitution : Electoral : Payment of Members of Parliament : Public Works Standing Committee.		
PARLIAMENT HOUSE ACT, 1934	6	398
Partition <i>see</i> Law of Property.		
THE PARTNERSHIP ACT, 1891-1935	6	400
Partnership <i>see also</i> Companies : Registration of Business Names.		
PASTORAL ACT, 1936	6	414
PAWNBROKERS ACT, 1888-1934	6	464
PAYMENT OF MEMBERS OF PARLIAMENT ACT, 1936	6	485
Perpetuities <i>see</i> Law of Property.		
Perpetuities, Rule against <i>see</i> Companies.		
PEST DESTROYERS ACT, 1919-1935	6	487
Petitions for Mercy <i>see</i> Criminal Law Consolidation.		
Petition of Right <i>see</i> Supreme Court.		
Petrol <i>see</i> Inflammable Oils.		
PHARMACY ACT, 1935-1936	6	501
PHARMACY ACT AMENDMENT ACT, 1937	1937	51
PHYLLXERA ACT, 1936	6	518
PHYLLXERA ACT AMENDMENT ACT, 1937	1937	100
Pilotage <i>see</i> Harbors.		
PISTOL LICENCE ACT, 1929	6	534

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
THE PLACES OF PUBLIC ENTERTAINMENT ACT, 1913-1934. . . .	6	541
Pleasure Resorts <i>see</i> National Pleasure Resorts.		
Poisons <i>see</i> Dangerous Drugs : Food and Drugs.		
POLICE ACT, 1936	6	557
Police Appeal Board <i>see</i> Police.		
POLICE PENSIONS ACT, 1929-1936	6	625
Police Prisons <i>see</i> Prisons.		
Policies Protection <i>see</i> Life Assurance Companies.		
POOR PERSONS LEGAL ASSISTANCE ACT, 1925	6	637
POOR PERSONS LEGAL ASSISTANCE ACT, 1936	6	640
PORT LINCOLN ABATTOIRS ACT, 1937	1937	95
Poultry Diseases <i>see</i> Stock and Poultry Diseases.		
Powers <i>see</i> Law of Property.		
Powers of Attorney <i>see</i> Real Property : Registration of Deeds.		
Precious Stones Buyers <i>see</i> Gold Guyers.		
Premises, Recovery of <i>see</i> Local Courts.		
PREVENTION OF CRUELTY TO ANIMALS ACT, 1936.	6	643
Price Fixing <i>see</i> Fair Prices.		
PRIMARY PRODUCERS DEBTS ACT, 1935-1936	6	656
PRIMARY PRODUCERS DEBTS ACT AMENDMENT ACT, 1937.	1937	57
Printers <i>see</i> Imprint.		
PRISONS ACT, 1936	6	670
Private Acts <i>see</i> Table of Private Acts.		
Promissory Oaths <i>see</i> Oaths.		
PROOF OF SUNRISE AND SUNSET ACT, 1923	6	695
Property <i>see</i> Agricultural Holdings : Estates Tail : Homestead : Landlord and Tenant : Law of Property : Limitation of Actions : Real Property : Registration of Deeds : Settled Estates : Trustee : Wills.		
Provident Societies <i>see</i> Industrial and Provident Societies.		
Publicans <i>see</i> Innkeepers : Licensing.		

Title or Subject Matter.	Volume.	Page.
PUBLIC CHARITIES FUNDS ACT, 1935	6	697
PUBLIC FINANCE ACT, 1936	6	710
Public Holidays <i>see</i> Holidays.		
PUBLIC LIBRARY, MUSEUM, AND ART GALLERY, AND INSTITUTES ACT, 1936	6	723
PUBLIC MEETINGS ACT, 1912-1934.....	6	783
Public Moneys <i>see</i> Audit.		
Public Notaries <i>see</i> Legal Practitioners : Sex Disquali- fication (Removal).		
PUBLIC SALARIES ACT, 1936	6	785
PUBLIC SERVICE ACT, 1936	7	1
PUBLIC SERVICE ACT AMENDMENT ACT, 1937	1937	123
PUBLIC SERVICE ACT AMENDMENT ACT (No. 2), 1937 ...	1937	126
Public Service Superannuation <i>see</i> Table of Acts of Restricted Application.		
PUBLIC SUPPLY AND TENDER ACT, 1914-1930	7	41
PUBLIC WORKS STANDING COMMITTEE ACT, 1927-1935 ...	7	47
Railways <i>see</i> North-South Railway Agreement : Redhill to Port Augusta Railway Agreement : Road and Railway Transport : South Australian Railways Commissioner.		
Railways Construction Acts <i>see</i> Table of Acts of Restricted Application : Table of Private Acts.		
Railway Service Appeal Board <i>see</i> South Australian Railways Commissioner.		
THE REAL PROPERTY ACT, 1886-1936	7	59
REAL PROPERTY (COMMONWEALTH TITLES) ACT, 1924 ...	7	154
Re-assurances <i>see</i> Mercantile Law.		
RECREATION GROUNDS (REGULATIONS) ACT, 1931-1935 ...	7	158
THE RECREATION GROUNDS TAXATION EXEMPTION ACT, 1910	7	161
REDHILL TO PORT AUGUSTA RAILWAY AGREEMENT ACT, 1935	7	163

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
REDUNDANT OFFICERS FUND ACT, 1936	7	171
Reformatories <i>see</i> Maintenance.		
Registration of Births and Deaths <i>see</i> Births and Deaths Registration.		
REGISTRATION OF BUSINESS NAMES ACT, 1928-1932	7	173
REGISTRATION OF DEEDS ACT, 1935	7	184
REGISTRATION OF DOGS ACT, 1924-1929	7	204
Registry Offices <i>see</i> Employees Registry Offices.		
Regulations <i>see</i> Acts Interpretation: Consolidation of Regulations.		
RENMARK IRRIGATION TRUST ACT, 1936	7	217
Rent Reduction <i>see</i> Landlord and Tenant (Rent Reduction).		
Repatriation <i>see</i> Discharged Soldiers Settlement.		
RIVER MURRAY WATERS ACT, 1935	7	287
River Murray <i>see also</i> Control of Waters: Firearms Restriction (River Murray).		
RIVER TORRENS (PROHIBITION OF EXCAVATIONS) ACT, 1927-1934	7	317
Road Accidents, Notice of <i>see</i> Hospitals: Road Traffic.		
ROAD AND RAILWAY TRANSPORT ACT, 1930-1935	7	320
Roads Agreement <i>see</i> Federal Aid Roads Agreement.		
ROADS (OPENING AND CLOSING) ACT, 1932-1936	7	342
Roads <i>see also</i> Highways: Local Government: Town Planning.		
ROAD TRAFFIC ACT, 1934-1936	7	359
Roseworthy College <i>see</i> Agricultural College: Agricultural Graduates Land Settlement.		
Royal Agricultural and Horticultural Society <i>see</i> Adelaide Show Grounds.		
Royal Arms <i>see</i> Unauthorised Documents.		
ROYAL COMMISSIONS ACT, 1917	7	457
Royal Warrant <i>see</i> Goods (Trade Descriptions).		

Title or Subject Matter.	Volume.	Page.
SALE OF FRUIT ACT, 1915-1935	7	465
SALE OF FURNITURE ACT, 1904-1935	7	473
THE SALE OF GOODS ACT, 1895-1936	7	475
SALE OF GOODS ACT AMENDMENT ACT, 1937	1937	56
SANDALWOOD ACT, 1930-1936	7	498
SAND DRIFT ACT, 1923-1935	7	502
THE SAVINGS BANK OF SOUTH AUSTRALIA ACT, 1929-1935..	7	526
SCAFFOLDING INSPECTION ACT, 1934	7	557
SCHOOL OF MINES AND INDUSTRIES ACT, 1892-1934	7	565
SECOND-HAND DEALERS ACT, 1919-1934	7	570
SECRET COMMISSIONS PROHIBITION ACT, 1920	7	582
Senators <i>see</i> Election of Senators.		
Servants <i>see</i> Masters and Servants.		
THE SETTLED ESTATES ACT, 1880	7	590
THE SETTLED ESTATES ACT AMENDMENT ACT, 1889	7	604
SEWERAGE ACT, 1929-1936	7	605
SEX DISQUALIFICATION (REMOVAL) ACT, 1921	7	645
Shares, Restriction on sale of <i>see</i> Companies.		
SHEARERS ACCOMMODATION ACT, 1922-1925	7	647
Sheep Dipping <i>see</i> Stock and Poultry Diseases.		
Sheriff <i>see</i> Supreme Court.		
Shipping <i>see</i> Explosives : Harbors : Inflammable Oils : Marine.		
Shipping Collisions <i>see</i> Marine : Supreme Court.		
Shoes <i>see</i> Footwear Regulation.		
Shops <i>see</i> Early Closing : Industrial.		
Silver Buyers <i>see</i> Gold Buyers.		
Sinking Fund <i>see</i> Financial Agreement : Public Finance.		
Skin Dealers <i>see</i> Hide, Skin and Wool Dealers.		
Slander <i>see</i> Wrongs.		
Slaughterhouses <i>see</i> Abattoirs : Health : Local Govern- ment : Metropolitan and Export Abattoirs : Port Lincoln Abattoirs.		

Title or Subject Matter.	Volume.	Page.
Soap <i>see</i> Food and Drugs.		
Societies <i>see</i> Associations Incorporation: Building Societies: Friendly Societies: Industrial and Provident Societies: Trade Union: Unclaimed Moneys.		
Soldier Settlement <i>see</i> Discharged Soldiers Settlement.		
Soldiers' Memorial <i>see</i> Government House Domain Dedication.		
Solicitors <i>see</i> Legal Practitioners: Supreme Court.		
South Australian Gas Company <i>see</i> Gas: Table of Private Acts.		
SOUTH AUSTRALIAN HOUSING TRUST ACT, 1936	7	653
SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT ACT, 1937	1937	107
SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT, 1936	7	661
SOUTH-EASTERN DRAINAGE ACT, 1931-1935	7	721
Sparrows <i>see</i> Local Government.		
Special Constables <i>see</i> Local Government: Police.		
Spectacle Sellers <i>see</i> Opticians.		
Spirits <i>see</i> Adulteration of Wine and Brandy: Food and Drugs: Licensing.		
Sponges <i>see</i> Fibre and Sponges.		
Stallions <i>see</i> Draught Stallions.		
STAMP DUTIES ACT, 1923-1936	7	762
STAMP DUTIES ACT AMENDMENT ACT, 1937	1937	59
STAMP DUTIES ACT, 1923-1937. (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1937	221
Stamp Duties <i>see also</i> Swine Compensation.		
THE STANDARD TIME ACT, 1898	7	811
STATE BANK ACT, 1925-1936	7	812
State Children <i>see</i> Maintenance.		
STATISTICS ACT, 1935	8	1
Statute of Limitations <i>see</i> Limitation of Actions.		

Title or Subject Matter.	Volume.	Page.
STATUTE LAW REVISION ACT, 1937	1937	20
Statute Law Revision <i>see also</i> Table of Acts of Restricted Application.		
Statutory Declarations <i>see</i> Oaths.		
STEAM BOILERS AND ENGINE DRIVERS ACT, 1935	8	5
Still-Births <i>see</i> Births and Deaths Registration.		
STOCK AND POULTRY DISEASES ACT, 1934	8	39
STOCK LICKS ACT, 1931	8	64
STOCK MORTGAGES AND WOOL LIENS ACT, 1924-1935.....	8	70
Strikes <i>see</i> Industrial Code.		
SUBDIVIDED LAND DEBTS ACT, 1932-1934	8	83
SUCCESSION DUTIES ACT, 1929-1936	8	90
Suitors' Funds <i>see</i> Supreme Court.		
Summary Jurisdiction <i>see</i> Justices.		
Sunrise and Sunset <i>see</i> Proof of Sunrise and Sunset.		
SUPERANNUATION ACT, 1926-1935	8	129
Superannuation <i>see also</i> Police Pensions : Public Service Superannuation : Teachers' Superannuation.		
SUPPLEMENTARY FINANCIAL AGREEMENT (SOLDIER SETTLEMENT LOANS) ACT, 1934	8	160
Supply Acts <i>see</i> Table of Acts of Restricted Application.		
SUPREME COURT ACT, 1935-1936	8	168
Surplus Revenue <i>see</i> Public Finance.		
SURVEYORS ACT, 1935	8	216
SWINE COMPENSATION ACT, 1936	8	234
Tax Agents <i>see</i> Income Tax Assessment.		
Taxation <i>see</i> Income Tax Assessment : Income Tax (Rates) : Land Tax : Stamp Duties : Succession Duties.		

Title or Subject Matter.	Volume.	Page.
TECHNICAL EDUCATION OF APPRENTICES ACT, 1917-1934.	8	243
Teachers Superannuation <i>see</i> Table of Acts of Restricted Application.		
Telegraphic Messages <i>see</i> Evidence.		
Tenants' Improvements <i>see</i> Agricultural Holdings.		
Testamentary Causes <i>see</i> Administration and Probate.		
TESTATOR'S FAMILY MAINTENANCE ACT, 1918	8	253
Theatres <i>see</i> Places of Public Entertainment.		
TOBACCO INDUSTRY PROTECTION ACT, 1934	8	259
Totalizator <i>see</i> Lottery and Gaming : Stamp Duties.		
TOWN PLANNING ACT, 1929	8	261
Trade Descriptions <i>see</i> Goods (Trade Descriptions).		
THE TRADE UNION ACT, 1876-1935	8	270
Trade Unions <i>see also</i> Industrial.		
TRADING STAMP ACT, 1924-1935	8	280
Traffic <i>see</i> Road Traffic.		
Tramways <i>see</i> General Tramways : Municipal Tramways Trust.		
Transport Control <i>see</i> Road and Railway Transport.		
Travelling Stock <i>see</i> Crown Lands : Pastoral : Stock and Poultry Diseases : Travelling Stock Waybills.		
THE TRAVELLING STOCK WAYBILLS ACT, 1911-1936	8	286
TRESPASSING ON LAND ACT, 1928	8	295
TRUSTEE ACT (No. 2), 1931	8	297
TRUSTEE ACT, 1936.	8	303
UNAUTHORISED DOCUMENTS ACT, 1916	8	342
UNCLAIMED MONEYS ACT, 1891-1935	8	345
Unemployment Collections <i>see</i> Collections for Unemployment.		
UNEMPLOYMENT RELIEF COUNCIL ACT, 1930	8	348
Unions <i>see</i> Industrial : Trade Union.		

Title or Subject Matter.	Volume.	Page.
UNIVERSITY OF ADELAIDE ACT, 1935-1936	8	352
UNIVERSITY OF ADELAIDE ACT AMENDMENT ACT, 1937 ..	1937	3
USE OF FIREARMS RESTRICTION ACT, 1917-1934	8	364
VACCINATION ACT, 1936	8	367
Valuers <i>see</i> Appraisers.		
Vegetables <i>see</i> Fruit and Vegetables (Grading): Fruit and Vegetables (Prevention of Injury): Vine, Fruit and Vegetable Protection.		
Vehicles Licensing <i>see</i> Road Traffic.		
VENEREAL DISEASES ACT, 1920-1935	8	380
VERMIN ACT, 1931-1936	8	396
Vermín Destroyers <i>see</i> Pest Destroyers.		
Veterinary Science <i>see</i> Institute of Medical and Veterinary Science.		
VETERINARY SURGEONS ACT, 1935-1936	8	511
VINE, FRUIT, AND VEGETABLE PROTECTION ACT, 1885-1936	8	525
Vineyards Protection <i>see</i> Phylloxera.		
Vivisection <i>see</i> Prevention of Cruelty to Animals.		
Wages <i>see</i> Industrial: Masters and Servants.		
Wages Attachment <i>see</i> Mercantile Law.		
Waite Agricultural Research Institute <i>see</i> University of Adelaide.		
WAR FUNDS REGULATION ACT, 1916-1935	8	534
WAR SERVICE HOMES AGREEMENT ACT, 1934	8	542
War Service Homes <i>see</i> Advances for Homes.		
WAR TERMS REGULATION ACT, 1920	8	547
WATER CONSERVATION ACT, 1936	8	549
WATERWORKS ACT, 1932-1936	8	579
Waybills for Stock <i>see</i> Travelling Stock Waybills.		
WEIGHTS AND MEASURES ACT, 1934	8	626
WHALING ACT, 1937	1937	68

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
WHITE PHOSPHORUS MATCHES PROHIBITION ACT, 1915-1934	8	654
Whyalla Blast Furnace <i>see</i> Broken Hill Proprietary Company's Indenture.		
Width of Tires <i>see</i> Road Traffic.		
WILD DOGS ACT, 1931	8	657
WILLS ACT, 1936	8	665
Wills <i>see also</i> Administration and Probate: Law of Property.		
Wine Adulteration <i>see</i> Adulteration of Wine and Brandy: Food and Drugs: Licensing.		
THE WOODS AND FORESTS ACT, 1882-1935	8	675
Wool Dealers <i>see</i> Hide, Skin, and Wool Dealers.		
Wool Liens <i>see</i> Stock Mortgages and Wool Liens.		
WORKMEN'S COMPENSATION ACT, 1932-1935	8	693
THE WORKMEN'S LIENS ACT, 1893-1936	8	733
WRONGS ACT, 1936	8	750

TABLE OF PUBLIC ACTS WHICH ARE OBSOLETE OR SUPERSEDED OR OF LOCAL OR RESTRICTED APPLICATION.

The following table contains a list of the public Acts of the Parliament of South Australia which were unrepealed as at 1st February, 1938, and which were of a local or restricted application or of which the operation had been superseded by Commonwealth legislation or wholly or partially exhausted. These Acts are not included in Volumes 1 to 8 of the South Australian Statutes Act, 1837-1936.

Title of Act.	Year.	Number.
Adelaide Electric Supply Company's Act, 1931..... <i>See also</i> (in the Table of Private Acts) The South Australian Electric Light and Motive Power Com- pany's Act, 1897 <i>and</i> The Adelaide Electric Supply Company's Act, 1922	1931	2009
The Adelaide Gaol Reserve Alteration Act, 1911	1911	1039
Adelaide Park Lands Act, 1928	1928	1868
The Adelaide Park Lands Alteration Act, 1913	1913	1140
Adelaide Park Lands Alteration Act, 1917	1917	1275
Adelaide Park Lands Appropriation Act, 1880	1880	171
The Adelaide Show Grounds Act, 1913	1913	1136
Adelaide Show Grounds Act Amendment Act, 1923	1923	1590
Adelaide Show Grounds Act Amendment Act, 1925	1925	1706
Adelaide Show Grounds Act Amendment Act, 1935	1935	2202
Angas Recreation Park Act, 1937	1937	2347
Appropriation Act, 1936	1936	2295
Appropriation Act, 1937	1937	2349
Appropriation Act (No. 2), 1937	1937	2364
The Copyright Act, 1878	1878	95
The Drought Relief Act, 1914	1914	1165
Drought Relief Act Amendment Act, 1920	1920	1433
Drought Relief Act, 1919	1919	1397
Drought Relief Act, 1923	1923	1557
Drought Relief Act, 1926	1926	1731
Drought Relief Act, 1927	1927	1832
Drought Relief Act, 1928	1928	1886
Drought Relief (Extension) Act, 1929	1929	1926
The Encounter Bay, Goolwa, and Waitpinga Boundaries Act	1884	313
Farmers Relief Act, 1931	1931	1996
Farmers Relief Act Extension Act, 1931	1931	2057
Farmers Relief Act, 1932	1932	2100
Frost Relief Act, 1927	1927	1829
Funding Loan Act, 1932	1932	2086
Gladstone Park Lands Act, 1880	1880	178
Glenelg Soldiers' Memorial Site Act, 1921	1921	1468
Hailstorm Relief (Validation) Act, 1925	1925	1664

300 Table of Public Acts of Restricted Application.

Title of Act.	Year.	Number.
Hummock Hill to Iron Knob Tramway Extension Act, 1927	1927	1821
<i>See also</i> (in the Table of Public General Acts) The Broken Hill Proprietary Company's Indenture Act, 1937, <i>and</i> (in the Table of Private Acts) The Broken Hill Proprietary Company, Limited's, Hummock Hill to Iron Knob Tramway and Jetties Act, 1900		
The Insolvent Act, 1886	1886	385
The Insolvent Act Amendment Act, 1887	1887	404
The Insolvent Act Amendment Act, 1896	1896	655
The Insolvent Act Further Amendment Act, 1914.....	1914	1162
Insolvent Act Further Amendment Act, 1915.....	1915	1191
Insolvent Act Further Amendment Act, 1918.....	1918	1340
Insolvent Act Amendment Act, 1925	1925	1709
Jubilee Exhibition Act, 1885	1885	351
Lady Kintore Cottages Act, 1920	1920	1430
Largs Fort Encroachment Act, 1884.....	1884	330
Main Roads Fund Act, 1920.....	1920	1424
Main Roads Fund Act, 1922.....	1922	1535
Mile End Overway Bridge Act, 1925	1925	1713
The Morphett Street Bridge Act	1881	222
Motor Spirit Vendors' Agreement (Validation) Act, 1927.	1927	1791
Mount Bold Waterworks Act, 1931	1931	2050
North Terrace and Railway Lands Act, 1926	1926	1742
North Terrace Alignment Act, 1925	1925	1715
North Terrace (Alignment) Act, 1929	1929	1928
Parliamentary Buildings Act, 1877	1877	87
Police Pensions Act, 1930	1930	1952
The Poonindie Exchange Act, 1895	1895	631
Port Adelaide Canal Supplementary Act, 1889.....	1889	473
<i>See also</i> (in the Table of Private Acts) The Port Adelaide Canal Act		
Port Adelaide Public Recreation Ground Act, 1878	1878	91
Port Adelaide Reserves Act, 1871	1871	6
Port Adelaide Water Frontage Act, 1886.....	1886	373
Port Adelaide Water Frontage Act, 1902.....	1902	810
The Port Adelaide Water Frontage Act, 1910.....	1910	1012
Port Augusta Park Lands Act, 1882	1882	258
The Port Lincoln Catholic Church Property Act	1879	134
Port Pirie Drill Hall Site Act, 1921.....	1921	1470
Port Pirie Laboratory Site Act, 1922	1922	1537
Port Pirie Park Lands Act, 1932	1932	2090
Public Purposes Loan Act, 1933	1933	2109
Public Purposes Loan Act, 1934	1934	2146
Public Purposes Loan Act, 1935	1935	2226
Public Purposes Loan Act, 1936	1936	2262
Public Purposes Loan Act, 1937	1937	2345
The Public Service Superannuation Fund Act, 1902	1902	792
Public Service Superannuation Fund Act Amendment Act, 1919	1919	1360
Pyap Irrigation Trust Act Amendment Act, 1926	1926	1772
<i>See also</i> (in the Table of Private Acts) The Pyap Irrigation Trust Act, 1923		
The Railway and Corporation Lands Act, 1904	1904	853

Title of Act.	Year.	Number.
Railway Acts—		
<i>See also</i> Railway Acts (in the Table of Private Acts)		
Adelaide and Gawler Town Railway Act, 1854	1854	18
The Adelaide and Gawler Town Railway Extension Act	1857-8	10
The Adelaide and Gawler Town Railway Further Extension Act	1858	2
Adelaide City and Port Railway Act, 1851	1851	1
Adelaide and Port Railway Loan Act, 1852	1852	12
Adelaide and Port Railway Loan Act, 1853	1853	18
The Adelaide and Port Adelaide Railway Extended Accommodation Act, 1873	1873	2
The Adelaide Loop-Line Railway Act, 1908	1908	966
The Adelaide Loop-Line Railway Act Amendment Act, 1909	1909	995
Adelaide to Nairne Railway Act, 1878	1878	117
Angle Pole Railway Act, 1887	1887	413
Barunga Gap Railway, 1877.....	1877	72
Blyth to Gladstone Railway Act, 1891	1891	522
The Brinkworth to Port Broughton Railway Act, 1910	1910	1015
Broadening of Gauge (Brinkworth to Gladstone) Act, 1925	1925	1667
Bumbunga to Lochiel Railway Act, 1923	1923	1595
Burra and Hallett Railway Act, 1876.....	1876	31
The Darke's Peak Railway Act, 1909	1909	982
The Darke's Peak Railway Act Amendment, 1911 ..	1911	1042
The District Railways Act, 1911	1911	1067
Dry Creek and Port Adelaide Railway Act, 1866....	1866-7	15
The Dry Creek and Port Adelaide Deviation Act, 1911	1911	1051
Farina Town and Hergott Springs Railway Act, 1881	1881	226
Forrester's to Burra Railway Act, 1867.....	1867	20
The Gawler to Angaston Railway Act, 1907.....	1907	942
The Gawler to Angaston Railway Act Amendment Act, 1909	1909	984
The Gawler to Angaston Railway Act Amendment Act, 1910	1910	1016
The Gawler Town Railway Further Extension Act to Section 1403	1859	20
The Gladstone and James Town Railway Act, 1876..	1876	28
Gladstone and Laura Railway Act, 1882	1882	253
The Glenelg Railways Purchase Act, 1899	1899	726
The Goodwood to Willunga Railway Act, 1909	1909	993
The Goodwood to Willunga Railway Act, 1910	1910	1017
The Grange and Henley Beach Railway Act, 1898 ..	1898	698
The Grange and Henley Beach Railway Alteration Act, 1911	1911	1041
The Goolwa Loop Line Railway Act, 1913	1913	1145
The Guaranteed Railways Act Amendment Act, 1913	1913	1113
Hallett to Terowie Railway Act, 1878	1878	97
Hamley Bridge and Balaklava Railway Act, 1877 ..	1877	62
The Harbor and Railway Act, 1901	1901	765
The Harbor and Railway Extension Act, 1910	1910	1011
Hergott Springs and Primrose Springs Railway Act, 1883	1883	281

Title of Act.	Year.	Number.
<i>Railway Acts—continued.</i>		
The Hundred of Solomon and Decres Bay Railways Act, 1912	1912	1080
The Hundred of Solomon and Decres Bay Railway Act Amendment Act, 1913	1913	1142
Kadina and Wallaroo Railway Act, 1877	1877	76
Kadina and Wallaroo Railway Act, 1879	1879	149
Kadina to Barunga Gap Railway Act, 1876	1876	40
Kapunda and North-West Bend Railway Act, 1876 ..	1876	27
Kielpa to Mangalo Hall Railway Act, 1916	1916	1265
Kimba to Buckleboo Railway Act, 1923	1923	1592
Kowulka Railway Act, 1922	1922	1536
The Laura to Booleroo Centre Railway Act, 1907 ...	1907	941
The Laura to Booleroo Centre Railway Act Amend- ment Act, 1910	1910	1014
Moonta and Gawler Town Railways Acts Repealing Act, 1931	1931	2038
Mount Barker and Strathalbyn Railway Act, 1881 ..	1881	221
Mount Gambier and Naracoorte Railway Act, 1884 ..	1884	327
The Mount Hope Railway Act, 1912	1912	1094
The Mount Pleasant, Sedan, and Truro Railways Act, 1914	1914	1180
The Nairne to the Victorian Border Railway Act, 1882	1882	265
Nairne to Victorian Border Railway Deviation Act, 1924	1924	1622
Naracoorte to Tatiara Railway Act, 1879	1879	131
North-Western Railways System Development Act, 1917	1917	1307
Palmer to Monarto Railway Act, 1916	1916	1266
The Paringa to Renmark Railway Act, 1914	1914	1177
The Peebinga, Paringa, Loxton and Waikerie Railways Act, 1912	1912	1088
Pinnaroo Railway Act	1903	831
Pinnaroo Railway Act Amendment Act, 1907	1907	928
The Pinnaroo Railway Act Further Amendment Act, 1908	1908	955
The Pinnaroo Railway Act Further Amendment Act, 1914	1914	1176
The Petersburg and Border Railway Act, 1884	1884	328
The Petersburg and Border Railway Amendment Act, 1886	1886	377
The Port Adelaide and Semaphore Railway Act, 1874	1874	13
Port Adelaide and Semaphore Railway Act Amend- ment Act, 1875	1875	14
The Port Adelaide and Semaphore Railway Amend- ment Act, 1880	1880	174
Port Adelaide and Semaphore Railway Deviation Act, 1917	1917	1297
Port Adelaide and Semaphore Railway Deviation Act Amendment Act, 1922	1922	1526
The Port Adelaide, Glanville, and Largs Additional Railway Act, 1908	1908	965

Title of Act.	Year.	Number.
<i>Railway Acts—continued.</i>		
Port Augusta and Government Gums Railway Act, 1876	1876	26
The Port Augusta and Northern Railway Act, 1862..	1862	28
The Port Broughton Railway Act	1873	7
The Port Lincoln Railway Act, 1905	1905	882
The Port Lincoln Railway Extension Act, 1907	1907	932
The Port Lincoln Railway Extension Act, 1909	1909	985
The Port Pirie Railway Act	1873	8
The Port Wakefield and Kadina Railway Act	1873	9
The Port Wakefield to Hoyles Plains Tramway Act, 1866	1866-7	25
The Port Wakefield and Hoyle's Plains Tramway Extension Act	1873	10
Railway Crossings (Bowden) Act, 1922	1922	1524
The Railway Deviations Act, 1896	1896	661
Railways Guarantees Abolition Act, 1917	1917	1288
Railways Guarantees Abolition Act Amendment Act, 1918	1918	1328
Railways Transfer Act, 1927	1927	1840
Renmark to Barmera Railway Act, 1925	1925	1675
The Riverton to Spalding Railway Act, 1913	1913	1129
Rivoli Bay North and Mount Gambier Railway Act, 1876	1876	30
The Robertstown Railway Act, 1911	1911	1070
The Robertstown Railway Act Amendment Act, 1912	1912	1081
Roseworthy to Forresters Railway Act, 1866-7.....	1866-7	24
Roseworthy to Forrester's Railway Amendment Act, 1867	1867	18
The Salisbury to Long Plains Railway Act, 1913....	1913	1139
The South-Eastern Railway Act, 1871	1871	7
Strathalbyn and Middleton Tramway Act, 1866.....	1866	1
The Strathalbyn and Victor Harbor Railway Act, 1883	1883	294
The Tailem Bend and Brown's Well Railway Act, 1909	1909	980
Tatiara to Border Town Railway Act, 1881	1881	200
Terowie to Pichirichi Railway Act, 1878	1878	103
Victor Harbor and Strathalbyn Tramways Amend- ment Act, 1869-70	1869-70	14
The Wallaroo Railway Station Extension Act, 1886	1886	371
Wallaroo to Moonta Railway Act, 1890	1890	490
Wanbi to Moorook Railway Act, 1923	1923	1586
Wandana to Penong Railway Act, 1917.....	1917	1292
The Wandilo and Glencoe Railway Act, 1903	1903	843
The Wandilo and Glencoe Railway Act Amendment Act, 1909	1909	990
The Wilmington Railway Act, 1913	1913	1137
Road (Hundred of MacDonnell) Acquisition Act, 1923 ..	1923	1578
Road (Thebarton State School) Acquisition Act, 1918 ...	1918	1345
Road (Wirrabara Forest) Acquisition Act, 1917	1917	1315
Roads Loan Act, 1923	1923	1579
Roads (Magill Home and Yatala Quarry) Acquisition Act, 1915	1915	1219

Title of Act.	Year.	Number.
South-Eastern Lands Contract Annulment Act, 1917....	1917	1300
Statute Law Revision Act, 1934	1934	2168
Statute Law Revision Act, 1935	1935	2246
Statute Law Revision Act, 1936	1936	2293
Statute Law Revision Act (No. 2), 1936	1936	2316
Succession Duties (Peter Waite Benefactions) Act, 1920..	1920	1422
Supply Act (No. 1), 1936	1936	2260
Supply Act (No. 2), 1936	1936	2275
Supply Act (No. 1), 1937	1937	2338
Supply Act (No. 2), 1937	1937	2339
The Teachers Superannuation Act, 1890	1890	485
The Teachers Superannuation Amendment Act, 1897 ...	1897	684
The Teachers Superannuation Further Amendment Act, 1904	1904	868
Teachers Superannuation Act Further Amendment Act, 1922	1922	1508
Teachers Superannuation Act Amendment Act, 1928....	1928	1857
The Transcontinental Railway Grant Act, 1911.....	1911	1069
The Transcontinental Railway Land Grant Amendment Act, 1912	1912	1079
Transcontinental Railway Land Grant Act Amendment Act, 1924	1924	1608
The University Land Act, 1929	1929	1944
Victor Harbor Foreshore Act, 1917	1917	1281
Victor Harbor Foreshore Act, 1926	1926	1750
Voluntary Wheat Pool Agreement Ratification Act, 1924.	1924	1620
Voluntary Wheat Pool Agreement Ratification Act, 1925	1925	1690
Wallaroo Park Lands Resumption Act, 1924	1924	1626
The Wallaroo Railway Lands Act, 1912.....	1912	1085
The West Terrace Cemetery Extension Act, 1904	1904	852
The Wolseley Educational Lands Resumption Act, 1883 .	1883-4	301
Young Men's Christian Association of Port Pirie Act, 1918	1918	1349

TABLE OF PRIVATE ACTS.

The following table contains a list of the private Acts of the Parliament of South Australia which were unrepealed as at 1st February, 1938. These Acts are not included in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

Title of Act.	Year.	Number.
The Adelaide Electric Supply Company's Act, 1922.....	1922	—
<i>See also</i> The South Australian Electric Light and Motive Power Company's Act, 1897 <i>and</i> (in the Table of Public Acts of Restricted Application)		
The Adelaide Electric Supply Company's Act, 1931		
The Adelaide Fruit and Produce Exchange Act, 1903 ...	1903	—
Adelaide Marine and Fire Assurance Company Act, 1864	1864	—
The Adelaide Marine and Fire Assurance Company Act Amendment Act, 1881	1881	—
The Adelaide Marine and Fire Assurance Company Further Amendment Act, 1885	1885	—
Adelaide Synagogue Act, 1881	1881	—
The Adelaide Synagogue Act, 1881, Amendment Act ...	1895	—
Adelaide Workmen's Homes Incorporated Act, 1933.....	1933	—
Angas College Trusts Act, 1921	1921	—
Australian Mutual Provident Society Act, 1874	1874	—
Australian Trust Company Act, 1861	1861	—
Bagot's Executor Company Act	1910	—
Bank of Adelaide Act, 1865	1865	—
The Bank of Adelaide Act Amendment Act, 1904	1904	—
The Bank of Adelaide Act Amendment Act, 1920.....	1920	—
The Bank of Adelaide's Registration under the Companies Act 1892 Act	1928	—
The Catholic Church Endowment Society, Incorporated, Sale of Lands Act	1896	—
The Church of England Clergy Superannuation Act, 1935	1935	—
Church of England Endowment Society Act	1891	—
Church of England Succession Act	1893	—
Church of Saint Mary Magdalene, Adelaide, Alteration of Trusts Act, 1919	1919	—
The Church of The Holy Trinity, Adelaide, Revocation and Alteration of Trusts and Sale of Land Act, 1919....	1919	—
Commercial Bank Act, 1878	1878	—
The Corporation of St. John's Church Act, 1886	1886	—
The Corporation of St. John's Church Act, 1886, Amendment Act, 1920	1920	—
The David Bower Estate Act, 1920	1920	—
The East-End Market Act, 1872	1872	—
Elders Executor Company's Act, 1910	1910	—
Elders Executor Company's Amendment Act, 1915.....	1915	—
Executors Company's Act, 1885	1885	—
Executors Company's Amendment Act, 1900	1900	—
Executors Company's Amendment Act, 1915	1915	—
Farmers Co-operative Executors Act, 1919	1919	—

Table of Private Acts.

Title of Act.	Year.	Number.
Hagen Lands Act, 1852	1852	—
James Brown Memorial Trust Incorporation Act, 1894...	1894	—
The James Umpherston Trusts Act, 1926	1926	—
Kensington and Norwood Boundaries Act, 1878	1878	—
Kingsland Irrigation Company Act, 1922	1922	—
Leigh Trust Incorporation Act, 1929	1929	—
The Liverpool and London and Globe Insurance Company's Act of 1879	1879	—
The Loxton District Hospital Purposes Act, 1927	1927	—
Mercantile Marine Insurance Company Act, 1869-70	1869-70	—
The Mercantile Marine and Fire Insurance Company's Amending Act	1878	—
The Methodist Church Act, 1911	1911	—
Methodist Ladies College Incorporation Act, 1920	1920	—
The Methodist Union Act, 1900	1900	—
Moonta Gas Company's Act	1873	—
Moonta Gas Company's Sale Act, 1882	1882	—
Murray River Company Act, 1853	1853	—
National Bank of Australasia Act, 1859	1859	—
National Bank of Australasia Amendment Act, 1860	1860	—
National Bank Act Amendment Act, 1863	1863	—
National Marine and Fire Insurance Company Act, 1867	1867	—
National Marine Insurance Company's Act Amendment Act, 1873	1873	—
The Parkin Trust Incorporated Act, 1926	1926	—
Paxton Title Act, 1885	1885	—
Port Adelaide Canal Act	1887	—
<i>See also</i> (in the Table of Public Acts of Restricted Application) The Port Adelaide Canal Supple- mentary Act, 1889		
The Presbyterian Church of South Australia Act	1899	—
Prince Alfred College Incorporation Act, 1878	1878	—
The Provincial Gas Company's Act.....	1868-9	—
Pyap Irrigation Trust Act, 1923	1923	—
<i>See also</i> (in the Table of Public Acts of Restricted Application) The Pyap Irrigation Trust Act Amend- ment Act, 1926		
Railways Acts—		
<i>See also</i> Railway Acts (in the Table of Public Acts of Restricted Application)		
Adelaide City and Port Railway Act, 1850	1850	1
Adelaide City and Port Railway Guarantee Act, 1850	1850	4
The Broken Hill Proprietary Company, Limited's Hummock Hill to Iron Knob Tramway and Jetties Act, 1900	1900	—
<i>See also</i> (in the Table of Public General Acts) The Broken Hill Proprietary Company's Indenture Act, 1937, <i>and</i> (in the Table of Public Acts of Restricted Application) The Hummock Hill to Iron Knob Tramway Extension Act, 1927		
Glenelg Railway Act Further Amendment Act, 1889.	1889	—
Grange and Military Road Railway Act.....	1878	—
Largs Bay Railway Act.....	1882	—
The Wallaroo Railway Act	1861	—

Title of Act.	Year.	Number.
<i>Railway Acts—continued.</i>		
The Wallaroo Railway Amendment Act, 1862	1862	—
The Wallaroo Railway Further Amendment Act ...	1875	—
Returned Sailors and Soldiers' Imperial League Club (Licensing) Act, 1934	1934	—
River Murray Navigation Company Act, 1853	1853	—
Royal Institution for the Blind Act, 1934	1934	—
Saint Andrew's Church, Walkerville, Alteration of Trusts Act	1919	—
Saint Paul's Church, Port Adelaide, Sale of Lands Act ..	1914	—
Saint Peter's Collegiate School Ordinance, 1849	1849	1
Saint Peters Collegiate School Ordinance Amendment Act	1889	—
The Salvation Army (South Australian) Property Trust Act, 1931	1931	—
Scotch College, Adelaide, Incorporated Act, 1922	1922	—
Stirling Trust Estate Act, 1857-8	1857-8	—
South Australian Banking Company Act, 1843	1843	—
South Australian Company Act, 1840	1840	8
South Australian Company's Land Act, 1852	1852	—
The South Australian Electric Light and Motive Power Company's Act, 1897	1897	—
<i>See also</i> the Adelaide Electric Supply Company's Act, 1922, <i>and</i> (in the Table of Public Acts of Restricted Application) The Adelaide Electric Supply Com- pany's Act, 1931		
The South Australian Gas Company's Act, 1861	1861	—
South Australian Gas Company Amendment Act, 1874 ..	1874	—
The South Australian Gas Company's Further Amend- ment Act, 1882	1882	—
South Australian Gas Company's Act, 1912	1912	—
South Australian Gas Company's Act, 1919	1919	—
<i>See also</i> (in the Table of Public General Acts) the Gas Act, 1924		
South Australian Marine and Fire and Life Assurance Company Act, 1842	1842	—
South Australian Mining Association Act, 1851	1851	10
South Australian Mutual Insurance Association Act, 1853	1853	—
South Australian Mutual Life Assurance Society Act, 1880	1880	—
The South Australian Wesleyan Methodists Act, 1887	1887	—
South Australian Widows' Fund and General Annuity Endowment Society Act, 1850	1850	13
The Spicer Cottages Trust Act, 1934	1934	—
St. George's Church, Woodforde, Revocation of Trusts and Sale of Lands Act, 1920	1920	—
The Thorngate Estate Act	1911	—
The Town and Country Bank Act, 1881	1881	—
Union Bank of Australia Act, 1850	1850	11
Way College Incorporation Act, 1899	1899	—
The Wyatt Benevolent Institution Incorporated Act	1935	—

TABLE OF ACTS REPEALED.

The following table contains a list of all Acts which have been repealed since the publication in April, 1937, of the South Australian Statutes, 1837-1936.

Title of Repealed Act.	Title of Repealing Act.
The Adelaide Gunpowder Magazine Act ...	Statute Law Revision Act, 1937
The Amendments Incorporation Act, 1914 .	
Commonwealth Powers (Air Navigation) Act, 1921	Air Navigation Act, 1937
Cornsacks Act, 1931	} Statute Law Revision Act, 1937
Cornsacks Act Amendment Act, 1932	
Cornsacks Act Amendment Act, 1933	
Cornsacks Act Amendment Act, 1934	
Cornsacks Act Amendment Act, 1935	
Juries Act, 1844.....	
State Salaries (Commonwealth Taxation) Act, 1916	

TABLE OF REGULATIONS, RULES, BY-LAWS,
PROCLAMATIONS AND NOTICES.

TABLE OF REGULATIONS, RULES, BY-LAWS, PROCLAMATIONS AND NOTICES.

The following table includes, under the heading of the title of each Act, references to regulations, rules, by-laws, proclamations and notices made or given under that Act and in force as at 4th April, 1938. The reference given in each case is to the *Government Gazette*, in which the regulations, rules, by-laws, proclamations or notices are published.

References to by-laws made by local authorities are not given, but with these exceptions, the table includes references to all regulations, rules, and by-laws in force at the above date.

The table includes references to proclamations of general application, but does not include references to proclamations having only a limited or temporary application. Proclamations fixing the date of commencement of an Act or indicating the Minister of the Crown to whom the administration of an Act has been committed, are shown following the heading "Commencement" or "Administration", as the case may be, and in every appropriate case particulars are given as to the date of commencement of the Act and the Minister to whom the administration of the Act is committed. Other proclamations are shown following a reference to the section of the Act under which the proclamations were made.

The table also includes references to notices given pursuant to any provision of an Act by the Governor, a Minister of the Crown, or other authority, in cases where the notices are of general application. These references are shown following a reference to the section of the Act under which the notices were given.

The regulations, rules, by-laws, proclamations and notices referred to in this table are those in force as at 4th April, 1938.

Abattoirs Act, 1911-1936.

Administration : Committed to the Minister of Local Government *Gazette* 6th December, 1923, p. 1297.
s. 12. Proclamation : *Gazette* 2nd March, 1922, p. 728.

Aborigines Act, 1934.

Commencement : 1st April, 1937 ; *Gazette* 11th February, 1937, p. 285.
Administration : Committed to the Commissioner of Public Works *Gazette* 11th February, 1937, p. 285.
General regulations : *Gazette* 10th May, 1917, p. 742 ; 21st August, 1919, p. 383 ; 12th October, 1922, p. 834 ; 22nd April, 1926, p. 1088.
Regulations as to the Advisory Council of Aborigines : *Gazette* 24th January, 1918, p. 141 ; 7th May, 1925, p. 839 ; 9th March, 1933, p. 372.

Adelaide Show Grounds (By-laws) Act, 1929.

By-laws : *Gazette* 21st August, 1930, p. 351.

Administration and Probate Act, 1919-1937.

Rules of the Supreme Court in its testamentary causes jurisdiction : *Gazette* 24th November, 1927, p. 1255 ; 11th March, 1937, p. 537 ; 14th October, 1937, p. 1021.

Regulation under the Fees Regulation Act, 1927, relating to fees payable to the Public Trustee : *Gazette* 3rd December, 1931, p. 1033.

Administraton of Justice Act, 1921-1926.

s. 5. Proclamations : *Gazette* 7th February, 1924, p. 322 ; 13th March, 1924, p. 660 ; 2nd July, 1925, p. 1 ; 17th June, 1926, p. 1509 ; 17th June, 1926, p. 1509 ; 11th November, 1926, p. 1191 ; 16th December, 1926, p. 1512. (For details of proclamations, see the footnote in Volume 1, p. 136 of South Australian Statutes, 1837-1936.)

Rules of Court were made on 25th October, 1922, but have not been published in the *Gazette*.

Adoption of Children Act, 1925-1934.

Regulations : *Gazette* 25th February, 1926, p. 400 ; 22nd April, 1926, p. 1087 ; 9th September, 1937, p. 662.

Rules of Court were made on 23rd December, 1926, but have not been published in the *Gazette*.

Adulteration of Wine and Brandy Act, 1907-1935.

Commencement : 13th April, 1909 ; *Gazette* 8th April, 1909, p. 648.

Administration : Committed to the Chief Secretary *Gazette* 9th April, 1936, p. 813.

Regulations : *Gazette* 22nd October, 1908, p. 808.

Advances for Homes Act, 1928-1935.

Commencement : 2nd April, 1929 ; *Gazette* 28th March, 1929, p. 636.

Regulations : *Gazette* 28th March, 1929, p. 636.

Advances to Settlers Act, 1930.

Regulations : 20th December, 1934, p. 1283.

Agricultural Graduates Land Settlement Act, 1922-1935.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 1st March, 1923, p. 485.

Regulations : *Gazette* 8th March, 1923, p. 537 ; 26th April, 1928, p. 870.

Air Navigation Act, 1937.

Commencement : 12th January, 1938 ; *Gazette* 13th January, 1938, p. 53.

Alsatian Dogs Act, 1934.

Administration : Committed to the Minister of Local Government *Gazette* 20th December, 1934, p. 1218.

Regulations : *Gazette* 9th January, 1936, p. 27.

Animals and Birds Protection Act, 1919-1934.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.

s. 8. Proclamations :

Under s. 8 (1) (a) : *Gazette* 8th October, 1925, p. 847 ; 16th February, 1928, p. 313 ; 4th December, 1930, p. 1129 ; 22nd October, 1931, p. 776 ; 30th August, 1934, p. 427 ; 10th June, 1937, p. 1281 ; 12th August, 1937, p. 358 ; 24th March, 1938, p. 659.

Under s. 8 (1) (b) : *Gazette* 23rd June, 1921, p. 1315 ; 7th January, 1926, p. 1 ; 4th March, 1926, p. 685 ; 3rd December, 1936, p. 1195.

Under s. 8 (1) (c) —

(i.) *Gazette* 29th November, 1928, p. 1137 ; 3rd February, 1938, p. 233.

(ii.) *Gazette* 23rd August, 1923, p. 413 ; 25th November, 1926, p. 1337 ; 15th March, 1928, p. 561.

(iii.) *Gazette* 29th June, 1933, p. 1093.

(iv.) *Gazette* 13th July, 1933, p. 47 ; 24th January, 1935, p. 327.

(v.) *Gazette* 23rd July, 1925, p. 167 ; 4th March, 1926, p. 685 ; 25th March, 1926, p. 865 ; 20th January, 1927, p. 121 ; 15th November, 1928, p. 1053 ; 20th December, 1928, p. 1277 ; 17th January, 1929, p. 105 ; 7th March, 1929, p. 513 ; 31st October, 1929, p. 1005 ; 28th January, 1932, p. 139 ; 3rd March, 1932, p. 435 ; 26th October, 1933, p. 900 ; 16th November, 1933, p. 1005 ; 14th December, 1933, p. 1167 ; 21st December, 1933, p. 1240 ; 25th January, 1934, p. 130 ; 22nd March, 1934, p. 843 ; 13th December, 1934, p. 1186 ; 20th December, 1934, p. 1219 ; 11th April, 1935, p. 1087 ; 28th November, 1935, p. 1285 ; 19th December, 1935, p. 1447 ; 19th December, 1935, p. 1446 ; 14th January, 1937, p. 34 ; 2nd September, 1937, p. 561 ; 3rd February, 1938, p. 233.

Animals and Birds Protection Act, 1919-1934—continued.

Under s. 8 (1) (d) : *Gazette* 12th December, 1907, p. 1297 ; 6th May, 1909, p. 847 ; 20th May, 1909, p. 954 ; 9th December, 1909, p. 1127 ; 27th March, 1913, p. 585 ; 8th June, 1916, p. 1217 ; 3rd August, 1916, p. 181 ; 1st February, 1917, p. 239 ; 10th June, 1920, p. 1399 ; 1st March, 1923, p. 486 ; 24th May, 1923, p. 1140 ; 5th April, 1923, p. 773 ; 24th December, 1925, p. 1661 (partly revoked 17th February, 1927, p. 337) ; 17th June, 1926, p. 1509 ; 6th September, 1928, p. 529 ; 31st October, 1929, p. 1005 ; 25th December, 1930, p. 1293 ; 17th December, 1931, p. 1115 ; 29th March, 1934, p. 931 ; 21st February, 1935, p. 548 ; 16th September, 1937, p. 697.

Under s. 8 (1) (e) : *Gazette* 10th February, 1938, p. 293.

Under s. 8 (1) (f) : *Gazette* 7th June, 1923, p. 1246 ; 12th November, 1936, p. 1065 ; 10th June, 1937, p. 1281.

Under s. 8 (1) (h) : *Gazette* 12th December, 1935, p. 1390.

(For details of proclamations made prior to 9th June, 1937, see the footnotes in Volume 1, pp. 244-246 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 11th December, 1919, p. 1462 (gun, game licence forms) ; 17th May, 1923, p. 1082 (shipping opossum skins, Kangaroo Island) ; 24th May, 1928, p. 1087 (gun, game licence fees) ; 20th December, 1928, p. 1278 (prohibiting sale of ducks, teal, and maned goose) ; 19th June, 1930, p. 1137 ; 19th August, 1937, p. 440 (skin dealer's fee) ; 13th October, 1932, p. 743 (fee for permit to take animals and birds) ; 26th March, 1936, p. 714 (dealers in birds and fees).

Apiaries Act, 1931-1935.

Commencement : 22nd January, 1932 ; *Gazette* 21st January, 1932, p. 67.

Administration : Committed to the Minister of Agriculture *Gazette* 16th June, 1932, p. 1067.

s. 10. Proclamation : *Gazette* 11th February, 1932, p. 255.

s. 11. Proclamations : *Gazette* 19th May, 1932, p. 899 ; 30th November, 1933, p. 1091 ; 4th February, 1937, p. 229.

s. 13. Proclamations : *Gazette* 11th February, 1932, p. 255 ; 17th September, 1936, p. 546. (For details of proclamations under sections 10, 11, and 13, see the footnotes in Volume 1, pp. 266-268 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 21st January, 1932, p. 68 ; 6th April, 1933, p. 551 ; 20th February, 1936, p. 457.

Arbitration Act, 1891-1934.

Rules of the Supreme Court : *Gazette* 6th August, 1908, p. 257.

Rules of the Local Court : *Gazette* 8th July, 1909, p. 42.

Associations Incorporation Act, 1929-1935.

Commencement : 16th December, 1929 ; *Gazette* 12th December, 1929, p. 1267.

Regulations : *Gazette* 12th December, 1929, p. 1268 ; 9th July, 1931, p. 34.

Auctioneers Act, 1934.

Commencement : 1st January, 1935 ; *Gazette* 20th December, 1934, p. 1217.

Audit Act, 1921-1936.

Commencement : 29th March, 1923 ; *Gazette* 29th March, 1923, p. 690.

Regulations : *Gazette* 30th October, 1924, p. 1141 ; 9th April, 1925, p. 626 ; 28th July, 1927, p. 216 (disallowed *Gazette* 12th January, 1928, p. 47) ; 19th January, 1928, p. 90 ; 30th August, 1928, p. 466 ; 21st April, 1932, p. 696 ; 15th September, 1932, p. 517 ; 14th June, 1934, p. 1436 ; 8th November, 1934, p. 926 ; 3rd December, 1936, p. 1195.

Births and Deaths Registration Act, 1936.

Commencement : 1st May, 1937 ; *Gazette* 28th January, 1937, p. 188.

Administration : Committed to the Chief Secretary ; *Gazette* 18th February, 1937, p. 334.

Botanic Garden Act, 1935.

By-laws : *Gazette* 24th November, 1921, p. 1249 ; 26th November, 1925, p. 1408 ; 13th June, 1929, p. 1401.

Brands Act, 1933-1936.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd January, 1935, p. 1.

s. 22 (4) Proclamation : *Gazette* 24th December, 1936, p. 1322.

s. 53. Notice : *Gazette* 21st June, 1934, p. 1471.

Bread Act, 1936.

Commencement : 1st April, 1937 ; *Gazette* 11th February, 1937, p. 286.

s. 11. Proclamation : *Gazette* 1st July, 1937, p. 1.

Building Act, 1923-1935.

Administration : Committed to the Minister of Local Government *Gazette* 7th February, 1924, p. 324.

s. 3 (1) (b). For proclamations made under the Building Act, 1881, or the District Councils Act, 1914, see the footnote in Volume 1, p. 425, of the South Australian Statutes, 1837-1936.

s. 3 (1) (c). Proclamations :

(i.) Municipalities : *Gazette* 6th March, 1924, p. 595 ; 17th April, 1924, p. 925 ; 30th June, 1927, p. 1406 ; 18th March, 1926, p. 793 ; 21st May, 1925, p. 945 ; 16th December, 1937, p. 1710 ; 17th March, 1938, p. 607.

(ii.) District Council Districts : *Gazette* 29th May, 1924, p. 1207 ; 4th September, 1924, p. 1451 ; 24th July, 1924, p. 162 ; 16th October, 1924, p. 1018 ; 12th March, 1925, p. 433 ; 31st March, 1927, p. 741 ; 8th October, 1925, p. 846 ; 26th June, 1930, p. 1192 ; 22nd September, 1927, p. 712 ; 22nd March, 1928, p. 605 ; 17th May, 1928, p. 1033 ; 18th July, 1929, p. 113 ; 31st October, 1929, p. 1008 ; 14th November, 1929, p. 1085 ; 24th March, 1932, p. 547 ; 3rd November, 1932, p. 886 ; 30th August, 1934, p. 427 ; 13th August, 1936, p. 249 ; 8th March, 1934, p. 462 ; 5th December, 1935, p. 1333 ; 17th September, 1925, p. 680 ; 4th June, 1936, p. 1133 ; 14th January, 1926, p. 46 ; 29th April, 1937, p. 945 ; 16th September, 1937, p. 698 ; 10th February, 1938, p. 295.

(For details of proclamations made prior to 28th April, 1937, see the footnote in Volume 1, pp. 425-426 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 26th June, 1924, p. 1411 ; 27th February, 1930, p. 443.

Building Societies Act, 1881-1936.

Commencement : 16th December, 1881 ; *Gazette* 15th December, 1881, p. 1747.

Regulations as to fees : *Gazette* 30th March, 1882, p. 1034.

Regulations as to qualifications of auditors : *Gazette* 29th March, 1934, p. 932.

Bush Fires Act, 1933-1935.

Administration : Committed to the Minister of Agriculture *Gazette* 24th December, 1936, p. 1321.

s. 23. Proclamation : *Gazette* 27th February, 1936, p. 486.

Chaff and Hay Act, 1922.

Regulations : *Gazette* 27th June, 1935, p. 1632.

Children's Protection Act, 1936.

Commencement : 1st April, 1937 ; *Gazette* 11th February, 1937, p. 286.

Citrus Marketing Act, 1931.

Commencement : At 4th April, 1938, this Act had not been brought into operation.

Administration : Committed to the Minister of Agriculture *Gazette* 5th December, 1931, p. 1065.

Regulations for holding poll under section 39 : *Gazette* 5th December, 1931, p. 1065.

Collections for Unemployment Act, 1930-1935.

s. 2. Proclamations : *Gazette* 27th November, 1930, p. 1081 ; 22nd January, 1931, p. 97 ; 23rd April, 1931, p. 681 ; 4th June, 1931, p. 921 ; 17th September, 1931, p. 489 ; 15th March, 1934, p. 787.

(For details of proclamations, see the footnote in Volume 1, p. 590 of the South Australian Statutes, 1837-1936.)

Companies Act, 1934-1935.

Commencement : 1st March, 1935 ; *Gazette* 13th December, 1934, p. 1185.

Regulations : *Gazette* 28th February, 1935, p. 607 ; 14th March, 1935, p. 777 ; 13th February, 1936, p. 399 ; 18th February, 1937, p. 372 ; 19th August, 1937, p. 439 ; 2nd December, 1937, p. 1518.

Rules of Court : The following rules made under the Companies Act, 1892, appear to be still in force : *Gazette* 4th May, 1893, p. 1007 ; 4th January, 1894, p. 3 ; 18th December, 1924, p. 1598.

Compulsory Acquisition of Land Act, 1925.

Commencement : 27th February, 1928 ; *Gazette* 23rd February, 1928, p. 397.

Rules of Court : *Gazette* 10th May, 1928, p. 968.

Constitution Act, 1934-1937.

Commencement : 1st January, 1935 ; *Gazette* 20th December, 1934, p. 1217.

Control of Advertisements Act, 1916-1935.

Administration : Committed to the Minister of Immigration *Gazette* 3rd July, 1924, p. 1.
Regulations : *Gazette* 5th April, 1928, p. 726 ; 20th February, 1936, p. 458.

Control of Waters Act, 1919-1925.

Regulations : *Gazette* 25th October, 1934, p. 847.

Convicted Inebriates Act, 1913-1934.

Administration : Committed to the Chief Secretary *Gazette* 5th February, 1914, p. 319.
s. 3. Proclamation : *Gazette* 26th February, 1914, p. 515.
Regulations : *Gazette* 16th July, 1914, p. 117 ; 2nd March, 1916, p. 413 ; 16th June, 1921, p. 1270 ; 17th July, 1924, p. 112 ; 3rd September, 1925, p. 572 ; 11th August, 1927, p. 348 ; 17th October, 1929, p. 891 ; 31st October, 1929, p. 1010.

Coroners Act, 1935.

Regulations : *Gazette* 17th June, 1937, p. 1308.

Cremation Act, 1891-1936.

Regulations : *Gazette* 27th June, 1901, p. 1324 ; 3rd March, 1904, p. 462 ; 19th April, 1923, p. 866 ; 2nd October, 1930, p. 665.
Regulation under the Fees Regulation Act, 1927, relating to fees for cremation : *Gazette* 24th November, 1927, p. 1229.

Criminal Law Consolidation Act, 1935.

Commencement : 2nd January, 1936 ; *Gazette* 2nd January, 1936, p. 1.
s. 321. Proclamations : *Gazette* 6th April, 1911, p. 603 ; 26th August, 1937, p. 497.
Rules of Court as to criminal appeals were made 1st September, 1925, but have not been published in the *Gazette*.
Rules of Court as to costs and treatment of appellant : *Gazette* 5th November, 1925, p. 1231.
Rules of Court as to payment for transcripts and documents : *Gazette* 19th November, 1925, p. 1358.
Regulations as to habitual criminals : *Gazette* 6th April, 1911, p. 606 ; 23rd November, 1916, p. 997.
Regulations as to payments to witnesses and others at criminal prosecutions : *Gazette* 13th January, 1931, p. 53 ; 22nd October, 1931, p. 776.
Regulation as to places of confinement under section 77 (2) : *Gazette* 6th March 1924, p. 596.

Crown Lands Act, 1929-1937.

Regulations : *Gazette* 26th February, 1891, p. 613 ; 22nd December, 1898, p. 1375 ; 13th February, 1902, p. 469 ; 12th May, 1904, p. 1090 ; 20th May, 1909, p. 954 ; 10th February, 1910, p. 207 ; 3rd April, 1919, p. 644 ; 30th March, 1922, p. 944 ; 18th March, 1923, p. 486 ; 25th November, 1926, p. 1339 ; 9th June, 1927, p. 1266 ; 16th February, 1928, p. 330 ; 3rd May, 1934, p. 1176 ; 29th October, 1936, p. 997.

Dairy Cattle Improvement Act, 1921-1934.

Administration : Committed to the Minister of Agriculture *Gazette* 2nd February, 1922, p. 471.
Regulations : *Gazette* 8th July, 1937, p. 30 ; 9th September, 1937, p. 661.

Dairy Industry Act, 1928-1937.

Commencement : 8th August, 1929 ; *Gazette* 8th August, 1929, p. 329.
s. 2. Proclamations : *Gazette* 8th August, 1929, p. 329 ; 19th July, 1934, p. 74 ; 21st January, 1937, p. 85 ; 11th November, 1937, p. 1297.
(For details of proclamations made prior to 10th November, 1937, see the footnote in Volume 2, pp. 349-350 of the South Australian Statutes, 1837-1936.)
General regulations : *Gazette* 21st August, 1930, p. 365 (regulations 42-58 of these regulations were disallowed by resolution of the Legislative Council *Gazette* 6th November, 1930, p. 946) ; 17th December, 1931, p. 1116 ; 5th May, 1932, p. 772 ; 27th April, 1933, p. 661 ; 2nd November, 1933, p. 934.
Regulations as to payment for milk and cream : *Gazette* 2nd November, 1933, p. 934.

Dairy Produce Act, 1934-1937.

Commencement : 13th December, 1934 ; *Gazette* 13th December, 1934, p. 1185.
Administration : Committed to the Minister of Agriculture *Gazette* 27th May, 1937, p. 1205.
Regulations : *Gazette* 11th April, 1935, p. 1119 ; 9th January, 1936, p. 26 ; 18th November, 1937, p. 1348.

Dangerous Drugs Act, 1934.

Commencement : 1st October, 1937 ; *Gazette* 15th April, 1937, p. 789.

Administration : Committed to the Chief Secretary *Gazette* 15th April, 1937, p. 789.

s. 4. Proclamations : *Gazette* 15th April, 1937, p. 790 ; 23rd September, 1937, p. 749 ; 23rd September, 1937, p. 750.

Regulations : *Gazette* 23rd September, 1937, p. 797 ; 9th December, 1937, p. 1588.

Debt Adjustment Act, 1929-1932.

Regulations : *Gazette* 16th January, 1930, p. 83.

Dentists Act, 1931-1936.

Rules of Court : *Gazette* 4th August, 1932, p. 183.

Regulations : *Gazette* 8th December, 1904, p. 1047 ; 26th October, 1905, p. 886 ; 26th March, 1908, p. 564 ; 30th April, 1914, p. 1005 ; 31st January, 1918, p. 181 ; 24th May, 1934, p. 1315 ; 28th June, 1934, p. 1520 ; 5th July, 1934, p. 2.

Regulation under the Fees Regulation Act, 1927, relating to the fee payable on publication of the register of dentists : *Gazette* 11th November, 1937, p. 1307 (not yet in force).

Discharged Soldiers Settlement Act, 1934-1935.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 644.

Regulations : *Gazette* 2nd December, 1920, p. 1429 ; 11th August, 1921, p. 270 ; 19th January, 1922, p. 100 ; 2nd March, 1922, p. 729 ; 6th April, 1922, p. 988 ; 30th August, 1923, p. 493 ; 31st January, 1924, p. 211 ; 7th August, 1924, p. 283 ; 18th February, 1926, p. 326 ; 17th February, 1927, p. 339 ; 28th April, 1927, p. 935 ; 12th May, 1927, p. 1044 ; 21st January, 1932, p. 69 ; 7th June, 1934, p. 1395 ; 18th April, 1935, p. 1136 ; 24th December, 1936, p. 1337.

Draught Stallions Act, 1932-1934.

Commencement : 1st July, 1933 ; *Gazette* 8th June, 1933, p. 973.

Administration : Committed to the Minister of Agriculture *Gazette* 8th June, 1933, p. 973.

s. 3 (3). Proclamations : *Gazette* 8th June, 1933, p. 973 ; 27th July, 1933, p. 141.

(For details of proclamations, see the footnote in Volume 2, p. 448 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 22nd June, 1933, p. 1054 ; 18th June, 1936, p. 1210.

Dried Fruits Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 20th December, 1934 p. 1218.

Regulations : *Gazette* 14th February, 1935, p. 495 ; 30th January, 1936, p. 272.

Early Closing Act, 1926-1935.

Administration : Committed to the Minister of Industry *Gazette* 8th February, 1912, p. 225.

s. 14. Proclamations : *Gazette* 15th August, 1912, p. 376 ; 15th January, 1914, p. 127 ; 19th February, 1914, p. 449 ; 9th April, 1914, p. 858 ; 30th July, 1914, p. 262 ; 20th August, 1914, p. 488 ; 27th August, 1914, p. 533 ; 27th August, 1914, p. 534 ; 10th September, 1914, p. 624 ; 3rd December, 1914, p. 1187 ; 17th December, 1914, p. 1267 ; 21st January, 1915, p. 127 ; 6th May, 1915, p. 1089 ; 10th June, 1915, p. 1333 ; 19th August, 1915, p. 691 ; 20th January, 1916, p. 93 ; 27th July, 1916, p. 125 ; 1st May, 1919, p. 798 ; 11th December, 1919, p. 1461 ; 15th April, 1920, p. 1061 ; 10th June, 1920, p. 1399 ; 4th November, 1920, p. 1168 ; 11th November, 1920, p. 1199 ; 25th August, 1921, p. 382 ; 1st September, 1921, p. 442 ; 22nd September, 1921, p. 633 ; 10th November, 1921, p. 1105 ; 15th December, 1921, p. 1388 ; 22nd December, 1921, p. 1458 ; 2nd February, 1922, p. 472 ; 16th February, 1922, p. 568 ; 23rd February, 1922, p. 640 ; 9th March, 1922, p. 787 ; 15th June, 1922, p. 1487 ; 6th July, 1922, p. 1 ; 27th July, 1922, p. 165 ; 28th June, 1923, p. 1375 ; 19th July, 1923, p. 107 ; 23rd August, 1923, p. 414 ; 11th October, 1923, p. 834 ; 21st February, 1924, p. 457 ; 11th September, 1924, p. 654 ; 8th January, 1925, p. 26 ; 5th February, 1925, p. 195 ; 29th October, 1925, p. 1161 ; 12th August, 1926, p. 372 ; 2nd December, 1926, p. 1401 ; 2nd December, 1926, p. 1402 ; 20th January, 1927, p. 121 ; 27th October, 1927, p. 1007 ; 12th April, 1928, p. 773.

s. 15. Proclamation : *Gazette* 13th August, 1914, p. 425.

s. 23. Notices : *Gazette* 17th June, 1926, p. 1514 ; 24th December, 1925, p. 1665 ; 18th October, 1928, p. 903 ; 21st May, 1936, p. 1054.

s. 25e. Notice : *Gazette* 10th August, 1935, p. 242.

s. 59. Notices : *Gazette* 1st October, 1914, p. 769 ; 2nd January, 1936, p. 3 ; 6th October, 1927, p. 855 ; 29th May, 1913, p. 1148 ; 14th August, 1913, p. 428 ; 20th March, 1924, p. 715.

s. 69. Notice : *Gazette* 1st October, 1914, p. 769.

(For details of proclamations and notices under sections 14, 15, 23, 25e, 59, and 69, see the tables in Volume 2, pp. 521-523 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 2nd June, 1927, p. 1217 ; 1st December, 1932, p. 1038 ; 23rd December, 1937, p. 1810.

Easter Act, 1929.

Commencement : At 4th April, 1938, this Act had not been brought into operation.

Education Act, 1915-1935.

Commencement : 13th January, 1916 ; *Gazette* 13th January, 1916, p. 43.

Regulations : *Gazette* 21st February, 1929, p. 405 ; 19th September, 1929, p. 700 ; 24th October, 1929, p. 955 ; 4th June, 1931, p. 923 ; 1st October, 1931, p. 614 ; 18th February, 1932, p. 308 ; 22nd December, 1932, p. 1189 ; 1st June, 1933, p. 934 ; 22nd June, 1933, p. 1056 ; 14th December, 1933, p. 1172 ; 3rd January, 1935, p. 35 ; 22nd August, 1935, p. 373 ; 12th March, 1936, p. 593 ; 30th July, 1936, p. 157 ; 11th November, 1937, p. 1300 ; 23rd December, 1937, p. 1807 ; 17th March, 1938, p. 611.

Electoral Act, 1929-1937.

Commencement : 19th December, 1929 ; *Gazette* 19th December, 1929, p. 1305.

Administration : Committed to the Attorney-General *Gazette* 20th May, 1937, p. 1150.

s. 13. Proclamation : *Gazette* 12th August, 1937, p. 373.

s. 14. Notices : *Gazette* 13th February, 1930, p. 323 ; 20th February, 1930, p. 374 ; 13th March, 1930, p. 531 ; 17th November, 1932, p. 959 ; 1st December, 1932, p. 1040 ; 23rd February, 1933, p. 285 ; 9th March, 1933, p. 373 ; 30th March, 1933, p. 522 ; 1st February, 1934, p. 196 ; 2nd August, 1934, p. 186 ; 16th August, 1934, p. 312 ; 23rd August, 1934, p. 375 ; 30th May, 1935, p. 1464 ; 6th June, 1935, p. 1502.

General regulations : *Gazette* 16th January, 1930, p. 71 ; 29th January, 1931, p. 142 ; 10th September, 1931, p. 430 ; 1st December, 1932, p. 1037 ; 27th January, 1938, p. 167.

Regulations as to joint Commonwealth and State electoral rolls : *Gazette* 10th February, 1921, p. 279 ; 16th May, 1929, p. 1003.

Employees Registry Offices Act, 1915-1934.

Administration : Committed to the Minister of Industry and Employment *Gazette* 24th June, 1937, p. 1361.

Explosives Act, 1936.

Commencement : 1st July, 1937 ; *Gazette* 25th March, 1937, p. 644.

Administration : Committed to the Minister of Agriculture *Gazette* 25th March, 1937, p. 644.

s. 6. Definitions of explosives : *Gazette* 28th September, 1899, p. 793 ; 24th December, 1903, p. 1242 ; 13th December, 1906, p. 1141 ; 20th January, 1910, p. 68 ; 13th March, 1913, p. 493 ; 26th February, 1914, p. 518 ; 9th July, 1914, p. 67 ; 30th November, 1916, p. 1045 ; 1st March, 1917, p. 370 ; 10th July, 1919, p. 40 ; 29th July, 1920, p. 168 ; 8th December, 1921, p. 1317 ; 21st July, 1921, p. 98 ; 22nd July, 1926, p. 147 ; 7th June, 1928, p. 1211 ; 7th February, 1929, p. 260 ; 23rd April, 1931, p. 683 ; 11th August, 1932, p. 246 ; 25th March, 1937, p. 649-650 ; 2nd December, 1937, p. 1565 ; 3rd February, 1938, p. 235.

(For details of definitions made prior to 1st December, 1937, see the footnote in Volume 2, p. 679 of the South Australian Statutes, 1837-1936.)

s. 20. Proclamation : *Gazette* 17th December, 1903, p. 1182.

Regulations and by-laws relating to explosives made under the Marine Board and Navigation Acts, 1881-1933 : *Gazette* 28th September, 1899, p. 793 ; 29th March, 1900, p. 748 ; 25th September, 1902, p. 625 ; 24th December, 1903, p. 1242 ; 18th August, 1904, p. 336 ; 13th December, 1906, p. 1141 ; 20th January, 1910, p. 68 ; 5th May, 1910, p. 802 ; 27th April, 1911, p. 729 ; 1st August, 1912, p. 239 ; 13th March, 1913, p. 493 ; 22nd January, 1914, p. 198 ; 12th February, 1914, p. 386 ; 26th February, 1914, p. 518 ; 9th July, 1914, p. 67 ; 7th January, 1915, p. 3 ; 27th May, 1915, p. 1235 ; 30th November, 1916, p. 1045 ; 1st March, 1917, p. 370 ; 7th February, 1918, p. 233 ; 10th July, 1919, p. 40 ; 20th November, 1919, p. 1288 ; 29th July, 1920, p. 168 ; 25th April, 1929, p. 856 ; 30th May, 1935, p. 1433.

Fair Prices Act, 1924-1935.

Administration : Committed to the Minister of Industry *Gazette* 29th January, 1925, p. 149.

Farmers Assistance Act, 1933-1936.

Commencement : 1st January, 1934 ; *Gazette* 21st December, 1933, p. 1239.

Regulations : *Gazette* 27th September, 1934, p. 646 ; 4th October, 1934, p. 682.

Fauna and Flora Reserve Act, 1919-1935.

Administration : Committed to Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.

s. 17. Proclamations : *Gazette* 20th September, 1923, p. 678 ; 24th February, 1927, p. 397.

s. 18. Proclamation : *Gazette* 5th July, 1923, p. 2.

By-laws : *Gazette* 11th January, 1923, p. 39.

Fees Regulations Act, 1927.

Regulations : *Gazette* 24th November, 1927, p. 1225 ; 24th November, 1927, p. 1226 ; 24th November, 1927, p. 1227 ; 24th November, 1927, p. 1228 ; 24th November, 1927, p. 1229 ; 17th May, 1928, p. 1036 ; 31st May, 1928, p. 1147 ; 12th July, 1928, p. 46 ; 19th December, 1929, p. 1311 ; 11th September, 1930, p. 531 ; 4th December, 1930, p. 1131 ; 22nd October, 1931, p. 776 ; 3rd December, 1931, p. 1033 ; 8th June, 1933, p. 974 ; 30th August, 1934, p. 428 ; 20th September, 1934, p. 596 ; 22nd August, 1935, p. 374 ; 11th November, 1937, p. 1307 (not yet in force).

(For details of regulations made prior to 10th November, 1937, see the table of regulations in Volume 2, p. 770 of the South Australian Statutes, 1837-1936.)

Fertilisers Act, 1918.

Administration : Committed to the Minister of Agriculture *Gazette* 21st January, 1937, p. 85.

Regulations : *Gazette* 27th February, 1919, p. 436 ; 25th September, 1919, p. 724.

Fibre and Sponges Act, 1909-1937.

Regulations : *Gazette* 29th August, 1918, p. 501.

Financial Emergency Act, 1931-1937.

Commencement : 23rd July, 1931 ; *Gazette* 23rd July, 1931, p. 93.

Rules of Court : *Gazette* 17th September, 1931, p. 492.

Financial Emergency Act Extension Act, 1934.

s. 4. Notice : *Gazette* 29th November, 1934, p. 1113.

Firearms Registration Act, 1919-1934.

Commencement : 14th July, 1921 ; *Gazette* 14th July, 1921, p. 37.

s. 3. Proclamation : *Gazette* 29th September, 1928, p. 755.

Regulations : *Gazette* 24th February, 1921, p. 390.

Firearms Restriction (River Murray) Act, 1929.

Administration : Committed to the Minister of Agriculture *Gazette* 26th December, 1929, p. 1357.

s. 3. Proclamation : *Gazette* 26th December, 1929, p. 1357.

(For details of this proclamation, see the footnote in Volume 3, p. 75 of the South Australian Statutes, 1837-1936.)

Fire Brigades Act, 1936.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 642.

Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 642.

s. 6. Proclamations : *Gazette* 24th June, 1937, p. 1361 ; 13th January, 1938, p. 53.

s. 7. Notices : *Gazette* 20th April, 1916, p. 823 ; 6th July, 1916, p. 34 ; 14th February, 1918, p. 323 ; 3rd July, 1919, p. 1 ; 2nd September, 1920, p. 525 ; 1st December, 1927, p. 1458 ; 8th December, 1927, p. 1546 ; 17th January, 1918, p. 89 ; 13th June, 1929, p. 1400 ; 20th June, 1929, p. 1487.

s. 31 (1) x. Proclamation : *Gazette* 10th December, 1925, p. 1528.

(For details of notices and proclamations under section 7 and 31 (1) x., see the footnotes in Volume 3, pp. 80 and 89, of the South Australian Statutes, 1837-1936.)

By-laws relating to conditions of service for firemen : *Gazette* 19th July, 1900, p. 121.

By-laws relating to allowances and pensions : *Gazette* 11th February, 1926, p. 297 ; 3rd June, 1926, p. 1445 ; 15th July, 1926, p. 87 ; 19th August, 1926, p. 474.

Regulations : *Gazette* 29th July, 1937, p. 258 (nomination of members of the board) ; 31st May, 1906, p. 949 (volunteer fire brigades) ; 26th March, 1914, p. 748 (functions, duties, and powers of the chairman).

Fisheries Act, 1917-1935.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.

s. 6. Proclamations : *Gazette* 11th March, 1937, p. 529 ; 17th June, 1937, p. 1305 ; 30th September, 1937, p. 850 ; 4th November, 1937, p. 1189 ; 2nd December, 1937, p. 1513 ; 16th December, 1937, p. 1709 ; 17th February, 1938, p. 357.

Regulations : *Gazette* 11th March, 1937, p. 533.

Food and Drugs Act, 1908-1935.

- s. 5. Proclamation defining "metropolitan area" : *Gazette* 17th February, 1916, p. 299.
- s. 5. Proclamation declaring poison schedule : *Gazette* 7th October, 1920, p. 948.
- s. 30a. Proclamation : *Gazette* 25th July, 1935, p. 138.
- s. 39. Proclamation : *Gazette* 29th July, 1909, p. 190.
- General regulations : *Gazette* 19th May, 1910, p. 916 (paragraph (1) (g) of regulation 11 disallowed 31st August, 1910) ; 25th February, 1915, p. 550 ; 5th May, 1932, p. 787 (partly disallowed *Gazette* 29th September, 1932, p. 646) ; 3rd November, 1932, p. 886 ; 2nd February, 1933, p. 170 ; 21st September, 1933, p. 626 ; 12th September, 1935, p. 626.
- Regulations relating to the sale of poisons : *Gazette* 10th December, 1914, p. 1231 ; 10th June, 1915, p. 1333 ; 30th August, 1917, p. 533.
- Regulations relating to county board elections and attendance fees of the Advisory Committee : *Gazette* 12th August, 1909, p. 318.
- Regulations relating to certain "Suppository" drugs : *Gazette* 23rd September, 1915, p. 925 ; 10th February, 1916, p. 268.
- Regulation under the Fees Regulation Act, 1927, relating to the fee for a licence as a dealer in poisons : *Gazette* 24th November, 1927, p. 1226.

Footwear Regulation Act, 1920.

- Regulations : *Gazette* 12th May, 1921, p. 1020.

Friendly Societies Act, 1919-1937.

- s. 5. Proclamations : *Gazette* 5th May, 1921, p. 981 ; 7th June, 1928, p. 1209 ; 15th January, 1931, p. 65 ; 14th May, 1936, p. 1002.
- (For details of these proclamations, see the footnote in Volume 3, p. 212 of the South Australian Statutes, 1837-1936.)
- Regulations : *Gazette* 2nd August, 1894, p. 243 ; 25th May, 1933, p. 882.
- Regulation under the Fees Regulation Act, 1927, relating to the fee payable to the Crown Solicitor for perusing and settling rules : *Gazette* 19th December, 1929, p. 1311.

Fruit and Vegetables (Grading) Act, 1934.

- Administration : Committed to the Minister of Agriculture *Gazette* 28th January, 1937, p. 187.
- s. 4. Proclamation : *Gazette* 14th February, 1935, p. 463.
- (For details of this proclamation see the footnote in Volume 3, p. 216 of the South Australian Statutes, 1837-1936.)
- Regulations : *Gazette* 22nd July, 1937, p. 182.

Fruit and Vegetables (Prevention of Injury) Act, 1927.

- Administration : Committed to the Minister of Agriculture *Gazette* 26th January, 1928, p. 149.
- Regulations : *Gazette* 19th April, 1928, p. 821.

Garden Suburb Act, 1919-1936.

- Commencement : 19th February, 1920 ; *Gazette* 19th February, 1920, p. 493.
- Administration : Committed to the Minister of Housing *Gazette* 29th May, 1924, p. 1208.

Gas Act, 1924.

- Administration : Committed to the Attorney-General *Gazette* 15th January, 1925, p. 59.
- s. 32. Proclamations : *Gazette* 3rd September, 1925, p. 571 ; 2nd February, 1928, p. 205 ; 8th August, 1929, p. 329.
- Regulations : *Gazette* 19th November, 1925, p. 1346.

Gold Buyers Act, 1916-1935.

- Commencement : 1st August, 1935 ; *Gazette* 11th July, 1935, p. 38.
- Regulations : *Gazette* 19th December, 1935, p. 1477 ; 5th March, 1936, p. 537 ; 23rd December, 1937, p. 1809.

Goods (Trade Descriptions) Act, 1935.

- Commencement : 1st March, 1937 ; *Gazette* 28th January, 1937, p. 187.
- Administration : Committed to Minister of Industry and Employment *Gazette* 28th January, 1937, p. 187.

The Guardianship of Infants Act, 1887.

- Rules of Court : *Gazette* 1st May, 1890, p. 1215.

Harbors Act, 1936.

Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 641.

Administration of Parts II. and III. : Committed to the Minister of Marine *Gazette* 25th March, 1937, p. 642.

s. 87. Proclamations (made under the Marine Board and Navigation Act, 1881) : *Gazette* 15th June, 1899, p. 1280 ; 8th September, 1904, p. 449 ; 22nd April, 1915, p. 1001 ; 10th June, 1926, p. 1462 ; 13th June, 1929, p. 1399.

s. 121. Proclamations (made under the Marine Board and Navigation Act, 1881) : *Gazette* 10th June, 1926, p. 1462.

s. 153. Proclamation : *Gazette* 13th February, 1936, p. 397.

s. 191. Proclamations : *Gazette* 10th September, 1914, p. 623 ; 24th September, 1914, p. 707 ; 26th November, 1914, p. 1145 ; 17th December, 1914, p. 1266 ; 25th March, 1915, p. 775 ; 3rd June, 1915, p. 1284 ; 15th July, 1915, p. 331 ; 16th June, 1921, p. 1267 ; 18th March, 1926, p. 793 ; 3rd June, 1926, p. 1421 ; 16th December, 1926, p. 1512 ; 14th April, 1927, p. 842 ; 28th April, 1927, p. 934 ; 3rd April, 1930, p. 649 ; 13th November, 1930, p. 985 ; 12th February, 1931, p. 262 ; 25th August, 1932, p. 342 ; 19th January, 1933, p. 70 ; 26th January, 1933, p. 109 ; 26th October, 1933, p. 899 ; 25th January, 1934, p. 130 ; 26th April, 1934, p. 1095 ; 12th July, 1934, p. 39 ; 25th October, 1934, p. 846 ; 14th March, 1935, p. 777 ; 30th January, 1936, p. 270 ; 10th September, 1936, p. 490 ; 21st October, 1937, p. 1053.

(For details of the above proclamations made prior to 20th October, 1937, under sections 87, 121, 153, and 191, see the footnotes in Volume 3, pp. 369, 379, 395, 405, and 406, of the South Australian Statutes, 1837-1936.)

Regulations made under the Marine Board and Navigation Acts, 1881-1933, relating to matters provided for in the Harbors Act, 1936—

General harbor regulations : *Gazette* 26th April, 1883, p. 1429 ; 1st July, 1886, p. 2 ; 10th November, 1887, p. 928 ; 12th March, 1891, p. 768 ; 24th March, 1892, p. 724 ; 30th November, 1893, p. 1326 ; 4th November, 1897, p. 1384 ; 26th June, 1902, p. 1283 ; 3rd July, 1902, p. 2 ; 25th September, 1902, p. 625 ; 2nd April, 1903, p. 618 ; 2nd August, 1906, p. 212 ; 18th October, 1906, p. 817 ; 18th July, 1907, p. 115 ; 3rd October, 1907, p. 813 ; 10th October, 1907, p. 854 ; 21st January, 1909, p. 115 ; 28th January, 1909, p. 166 ; 17th June, 1909, p. 1121 ; 8th July, 1909, p. 43 ; 25th August, 1910, p. 393 ; 22nd September, 1910, p. 617 ; 30th March, 1911, p. 561 ; 15th June, 1911, p. 1177 ; 27th July, 1911, p. 159 ; 3rd August, 1911, p. 211 ; 2nd November, 1911, p. 911 ; 10th April, 1913, p. 680 ; 30th October, 1913, p. 1140 ; 4th December, 1913, p. 1619.

Moorings regulations : *Gazette* 26th April, 1883, p. 1429 ; 9th October, 1890, p. 894 ; 4th June, 1891, p. 1462 ; 5th May, 1892, p. 986 ; 30th November, 1893, p. 1326 ; 18th June, 1896, p. 1253.

River Murray navigation regulations : *Gazette* 30th October, 1884, p. 1641 ; 26th January, 1893, p. 157 ; 4th October, 1906, p. 714.

Pilotage regulations : *Gazette* 26th September, 1889, p. 1354 ; 4th June, 1891, p. 1462 ; 16th February, 1899, p. 301 ; 15th June, 1899, p. 1280 ; 8th October, 1903, p. 737 ; 8th September, 1904, p. 449 ; 27th October, 1904, p. 771 ; 31st October, 1907, p. 975 ; 3rd June, 1909, p. 1042 ; 19th October, 1911, p. 813 ; 3rd April, 1913, p. 633 ; 8th May, 1913, p. 1002 ; 5th June, 1913, p. 1221 ; 15th January, 1914, p. 132 ; 2nd October, 1924, p. 825.

Regulations to leasing lands and construction of jetties and slips : *Gazette* 26th April, 1883, p. 1429 ; 2nd April, 1903, p. 618.

Lifesaving regulations : *Gazette* 26th April, 1883, p. 1429 ; 10th November, 1892, p. 1269.

Miscellaneous regulations : *Gazette* 11th November, 1897, p. 1446 ; 15th February, 1900, p. 302 ; 2nd November, 1911, p. 911 ; 30th November, 1911, p. 1184 ; 22nd August, 1912, p. 466 ; 10th April, 1913, p. 680 ; 8th May, 1913, p. 1002 ; 22nd January, 1914, p. 198.

Regulations made under the Harbors Acts, 1913-1933, and the Harbors Act, 1936—

General harbor regulations : *Gazette* 26th August, 1915, p. 745 ; 23rd September, 1915, p. 925 ; 6th July, 1916, p. 2 ; 4th January, 1917, p. 8 ; 7th February, 1918, p. 233 ; 21st August, 1919, p. 383 ; 21st April, 1921, p. 759 ; 23rd February, 1922, p. 641 ; 12th October, 1922, p. 834 ; 22nd March, 1923, p. 641 ; 25th October, 1923, p. 954 ; 11th June, 1925, p. 1136 ; 25th June, 1925, p. 1213 ; 28th January, 1926, p. 154 ; 14th October, 1926, p. 923 ; 21st March, 1935, p. 877 ; 25th June, 1936, p. 1257 ; 13th August, 1936, p. 250 ; 15th July, 1937, p. 115.

Moorings regulations : *Gazette* 28th May, 1914, p. 1167 ; 24th December, 1914, p. 1314 ; 15th June, 1916, p. 1250 ; 12th December, 1918, p. 1309 ; 23rd December, 1920, p. 1593 ; 13th May, 1926, p. 1234 ; 21st January, 1932, p. 68.

River Murray navigation regulations : *Gazette* 20th January, 1916, p. 94 ; 11th June, 1925, p. 1135.

Harbors Act, 1936—continued.

- Pilotage regulations : *Gazette* 22nd April, 1915, p. 1001 ; 14th September, 1916, p. 500 ; 14th December, 1916, p. 1155 ; 19th April, 1917, p. 635 ; 12th May, 1921, p. 1019 ; 2nd October, 1924, p. 825 ; 10th June, 1926, p. 1462 ; 5th May, 1927, p. 995 ; 13th June, 1929, p. 1399 ; 4th July, 1929, p. 3 ; 25th August, 1932, p. 343 ; 28th June, 1934, p. 1520 ; 20th May, 1937, p. 1150.
- Regulations for adjustments of compasses : *Gazette* 30th May, 1935, p. 1433.
- Regulations for survey, &c., of vessels : *Gazette* 23rd June, 1921, p. 1318 ; 30th May, 1935, p. 1433 ; 8th August, 1935, p. 237.
- Explosives regulations : *Gazette* 7th January, 1915, p. 3 ; 7th February, 1918, p. 233 ; 20th November, 1919, p. 1288 ; 30th May, 1935, p. 1433.
- Regulations for helm orders : *Gazette* 22nd December, 1932, p. 1188.
- Wharfrage regulations : *Gazette* 7th October, 1915, p. 1022 ; 16th December, 1915, p. 1602 ; 4th January, 1917, p. 7 ; 27th September, 1917, p. 747 ; 20th December, 1917, p. 1320 ; 24th January, 1918, p. 140 ; 24th January, 1918, p. 141 ; 7th June, 1923, p. 1246 ; 30th October, 1930, p. 893 ; 12th March, 1931, p. 471.
- Storage regulations : *Gazette* 7th March, 1918, p. 442 ; 23rd September, 1915, p. 925 ; 4th April, 1929, p. 751.
- Haulage regulations : *Gazette* 6th July, 1916, p. 2 ; 24th July, 1919, p. 126 ; 1st April, 1926, p. 935 ; 14th October, 1926, p. 923 ; 28th July, 1927, p. 216 ; 17th January, 1929, p. 105.
- Port dues regulations : *Gazette* 30th October, 1930, p. 891.
- Tonnage rates regulations : *Gazette* 30th October, 1930, p. 892 ; 18th December, 1930, p. 1230.
- Miscellaneous regulations : *Gazette* 26th August, 1915, p. 744 ; 23rd September, 1915, p. 925 ; 20th January, 1916, p. 94 ; 23rd March, 1916, p. 570 ; 20th April, 1916, p. 827 ; 12th October, 1916, p. 662 ; 4th January, 1917, p. 7 ; 4th January, 1917, p. 8 ; 25th January, 1917, p. 203 ; 5th September, 1918, p. 565 ; 30th January, 1919, p. 232 ; 8th May, 1919, p. 832 ; 3rd July, 1919, p. 2 ; 26th August, 1920, p. 456 ; 2nd September, 1920, p. 528 ; 23rd June, 1921, p. 1318 ; 9th February, 1922, p. 524 ; 28th June, 1923, p. 1377 ; 27th November, 1924, p. 1405 ; 11th December, 1924, p. 1513 ; 22nd April, 1926, p. 1088 ; 9th September, 1926, p. 615 ; 10th February, 1927, p. 298 ; 24th February, 1927, p. 400 ; 2nd June, 1927, p. 1216 ; 27th October, 1927, p. 1008 ; 15th December, 1927, p. 1566 ; 19th July, 1928, p. 90 ; 29th August, 1929, p. 522 ; 5th September, 1929, p. 570 ; 26th September, 1929, p. 756 ; 21st August, 1930, p. 350 ; 30th October, 1930, p. 895 ; 11th August, 1932, p. 235 ; 22nd December, 1932, p. 1188 ; 11th January, 1934, p. 42 ; 30th August, 1934, p. 428 ; 30th May, 1935, p. 1433.
- Rules of Court : *Gazette* 19th April, 1917, p. 639.

Hawkers Act, 1934.

- Regulations : *Gazette* 14th February, 1935, p. 523.

Health Act, 1935-1936.

- s. 5 (2). Proclamation : *Gazette* 25th November, 1937, p. 1434.
- s. 29. Proclamations : *Gazette* 13th July, 1899, p. 57 ; 2nd November, 1899, p. 1039.
- s. 38. Proclamation : *Gazette* 2nd November, 1899, p. 1039.
- s. 89. Proclamations : *Gazette* 17th August, 1899, p. 344 ; 24th August, 1899, p. 407 ; 4th July, 1901, p. 1 ; 5th September, 1901, p. 503 ; 21st November, 1901, p. 1009 ; 20th March, 1902, p. 675 ; 9th January, 1908, p. 33 ; 23rd January, 1908, p. 107 ; 27th February, 1908, p. 358 ; 16th September, 1909, p. 561 ; 13th January, 1910, p. 31 ; 1st June, 1916, p. 161 ; 10th August, 1916, p. 237 ; 7th September, 1916, p. 460 ; 7th June, 1917, p. 944.
- (For details of proclamations under sections 29, 38, and 89, see the footnotes in Volume 3, pp. 439, 440, and 452, of the South Australian Statutes, 1837-1936.)
- s. 146 (6). Notices : *Gazette* 18th May, 1899, p. 1038. Notice dated 1st July, 1908, but not published in the *Gazette*.
- Model regulations for the guidance of local boards : *Gazette* 29th June, 1899, p. 1442.
- General regulations : *Gazette* 21st December, 1899, p. 1378.
- Regulations relating to cattle and pigs : *Gazette* 11th December, 1902, p. 1142 ; 3rd October, 1907, p. 813.
- Regulations relating to cowsheds, dairies, and milk shops : *Gazette* 21st May, 1908, p. 929.
- Regulations relating to septic tanks : *Gazette* 24th September, 1908, p. 633 ; 27th October, 1921, p. 1012.
- Regulations relating to infantile paralysis : *Gazette* 2nd September, 1937, p. 564 ; 2nd December, 1937, p. 1517.
- Regulation under the Fees Regulation Act, 1927, relating to fees for examination of plans and inspection of bacteriolytic tanks : *Gazette* 24th November, 1927, p. 1226.

Hide, Skin, and Wool Dealers Act, 1915-1935.

Regulations : *Gazette* 26th November, 1936, p. 1150.

Highways Act, 1926-1937.

Commencement : 3rd February, 1927 ; *Gazette* 3rd February, 1927, p. 258.

Administration : Committed to the Minister of Local Government *Gazette* 10th February, 1927, p. 297.

Regulations as to the preservation of trees : *Gazette* 19th September, 1929, p. 701.

Regulations as to prevention of damage to roads : *Gazette* 27th August, 1931, p. 342 ; 25th April, 1935, p. 1196. (Most of these regulations are now included in the Road Traffic Act, 1934-1936, Part VII., sections 161-182.)

Hire-Purchase Agreements Act, 1931.

Rules of Local Court under section 5 : *Gazette* 18th February, p. 312.

Homestead Act, 1895-1935.

Regulations : *Gazette* 6th February, 1896, p. 239.

Hospitals Act, 1934.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 642.

Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 642.

s. 5. Proclamations : *Gazette* 16th January, 1868, p. 51 ; 23rd March, 1882, p. 960 ; 12th October, 1905, p. 728 ; 1st March, 1934, p. 405 ; 9th August, 1934, p. 251 ; 24th September, 1936, p. 626 ; 3rd December, 1936, p. 1195 ; 1st July, 1937, p. 1.

s. 37. Notices : *Gazette* 25th March, 1920, p. 935 ; 23rd September, 1920, p. 849 ; 21st July, 1921, p. 95 ; 29th September, 1921, p. 714 ; 18th January, 1923, p. 93 ; 25th December, 1924, p. 1625 ; 13th May, 1926, p. 1233 ; 24th November, 1927, p. 1223 ; 28th June, 1928, p. 1623 ; 10th October, 1929, p. 854 ; 19th December, 1929, p. 1307 ; 11th September, 1930, p. 583 ; 6th February, 1936, p. 301 ; 3rd September, 1936, p. 417.

s. 43. Proclamations : *Gazette* 20th January, 1927, p. 122 ; 27th January, 1927, p. 178 ; 17th February, 1927, p. 338 ; 3rd March, 1927, p. 513 ; 24th March, 1927, p. 674 ; 19th May, 1927, p. 1099 ; 14th July, 1927, p. 45 ; 12th April, 1928, p. 774 ; 22nd November, 1928, p. 1094 ; 23rd May, 1929, p. 1051 ; 23rd May, 1929, p. 1052 ; 20th February, 1930, p. 371 ; 15th May, 1930, p. 892 ; 29th October, 1936, p. 949.

s. 48. Proclamation : *Gazette* 8th January, 1931, p. 26.

(For details of the proclamations and notices made prior to 30th June, 1937, under sections 5, 37, 43, and 48, see the footnotes in Volume 3, pp. 532, 543, 545, 549, and 550, of the South Australian Statutes, 1837-1936.)

Regulations relating to the following hospitals :—

Adelaide Hospital : *Gazette* 23rd February, 1922, p. 641 ; 7th December, 1922, p. 1460 ; 28th August, 1924, p. 555 ; 24th December, 1925, p. 1665 ; 19th August, 1926, p. 440 ; 27th January, 1927, p. 179 ; 19th January, 1933, p. 76 ; 10th January, 1935, p. 267 ; 16th July, 1936, p. 67.

Bedford Park Sanatorium : *Gazette* 15th March, 1934, p. 788.

Lady Weigall Hospital, Barmera : *Gazette* 8th October, 1936, p. 735.

The Morris Hospital, Northfield : *Gazette* 30th August, 1934, p. 431.

Mount Gambier Hospital : *Gazette* 27th January, 1938, p. 217.

Port Augusta Hospital : *Gazette* 1st October, 1891, p. 831.

Port Lincoln Hospital : *Gazette* 4th November, 1937, p. 1269.

Port Pirie Hospital : *Gazette* 11th October, 1928, p. 806.

Walleroo Hospital : *Gazette* 21st January, 1937, p. 162.

General regulations relating to the powers of the Inspector-General of Hospitals : *Gazette* 27th September, 1923, p. 727.

Regulations relating to rating for hospital purposes : *Gazette* 19th August, 1920, p. 383.

Immigration Act, 1923-1937.

Administration : Committed to the Minister of Immigration *Gazette* 24th April, 1924, p. 973.

Regulations : *Gazette* 1st March, 1928, p. 454 ; 3rd May, 1928, p. 917.

Impounding Act, 1920-1935.

Administration : Committed to the Minister of Local Government *Gazette* 22nd April, 1937, p. 849.

Income Tax Assessment Act, 1936.

- s. 132. Proclamation : *Gazette* 18th February, 1937, p. 334.
 Regulations under the Taxation Act, 1884, and its amendments : *Gazette* 22nd January, 1885, p. 203 ; 29th December, 1904, p. 1205 ; 24th December, 1908, p. 1257.
 Regulations under the Taxation Act, 1915, and its amendments : *Gazette* 20th December, 1917, p. 1320 ; 3rd January, 1918, p. 6 ; 20th December, 1923, p. 1436 ; 21st August, 1924, p. 403 ; 9th April, 1925, p. 627 ; 23rd July, 1925, p. 199.
 Regulations under the Taxation Act, 1927, and its amendments : *Gazette* 29th December, 1927, p. 1681 ; 28th June, 1928, p. 1624 ; 4th July, 1929, p. 17 ; 19th December, 1929, p. 1307 ; 10th July, 1930, p. 49 ; 4th August, 1932, p. 182 ; 13th June, 1935, p. 1576.
 Regulations under the Income Tax Assessment Act, 1936 : *Gazette* 24th December, 1936, p. 1367 ; 18th February, 1937, p. 375 ; 27th May, 1937, p. 1206.

Industrial and Provident Societies Act, 1923-1935.

- Regulations : *Gazette* 13th November, 1924, p. 1316.
 Rules of Court under section 9 (3) : *Gazette* 2nd October, 1924, p. 830.

Industrial Code, 1920-1936.

- Rules of the Industrial Court : *Gazette* 27th January, 1921, p. 162 ; 5th March, 1925, p. 394 ; 4th March, 1926, p. 733 ; 1st October, 1936, p. 679.
 Regulations as to Industrial Boards : *Gazette* 28th April, 1921, p. 939 ; 2nd June, 1921, p. 1179 ; 18th August, 1921, p. 320 ; 28th January, 1937, p. 188.
 Rules as to the Board of Industry : *Gazette* 13th January, 1921, p. 54 ; 27th January, 1921, p. 158 ; 14th April, 1921, p. 712.
 Regulations as to the Board of Industry : *Gazette* 28th January, 1937, p. 188.
 Regulations as to factories and shops : *Gazette* 28th April, 1921, p. 942 ; 24th November, 1927, p. 1226.

Inebriates Act, 1908-1934.

- Regulations : *Gazette* 26th October, 1911, p. 859 ; 8th August, 1912, p. 300 ; 7th January, 1915, p. 2.
 Rules of Court : *Gazette* 26th October, 1911, p. 864.

Inflammable Oils Act, 1908-1935.

- Commencement : 1st June, 1909 ; *Gazette* 4th March 1909, p. 444.
 Administration : Committed to the Minister of Industry *Gazette* 17th November, 1932, p. 953.
 s. 46. Proclamation : *Gazette* 28th October, 1920, p. 1120.
 General regulations : *Gazette* 28th June, 1934, p. 1513.
 Regulations for control of ships carrying inflammable oils : *Gazette* 22nd November, 1934, p. 1086.

Institute of Medical and Veterinary Science Act, 1937.

- Commencement : At 4th April, 1938, this Act had not been brought into operation.

Insurance Companies (Deposits) Act, 1924-1931.

- Regulations : *Gazette* 4th April, 1929, p. 752.

Interstate Destitute Persons Relief Act, 1910-1934.

- Commencement : 5th January, 1911 ; *Gazette* 5th January, 1911, p. 1.
 s. 5. Proclamations : *Gazette* 23rd March, 1911, p. 499 ; 20th February, 1913, p. 343 ; 2nd October, 1913, p. 762 ; 5th August, 1915, p. 555 ; 21st July, 1921, p. 95.
 (For details of the above proclamations see the footnote in Volume 4, p. 43 of the South Australian Statutes, 1837-1936.)
 Regulations : *Gazette* 27th April, 1911, p. 720.

Irrigation Act, 1930-1936.

- Commencement : 5th February, 1931 ; *Gazette* 5th February, 1931, p. 189.
 ss. 16, 17, and 18. Proclamations relating to irrigation areas : *Gazette* 11th July, 1907, p. 43 ; 12th November, 1908, p. 933 ; 25th March, 1909, p. 572 ; 29th April, 1909, p. 785 ; 27th January, 1910, p. 104 ; 13th October, 1910, p. 744 ; 3rd November, 1910, p. 919 ; 24th November, 1910, p. 1063 ; 19th September, 1912, p. 677 ; 12th June, 1913, p. 1268 ; 21st May, 1914, p. 1106 ; 4th February, 1915, p. 276 ; 25th February, 1915, p. 484 ; 25th February, 1915, p. 485 ; 2nd September, 1915, p. 800 ; 17th February, 1916, p. 299 ; 17th August, 1916, p. 289 ; 28th September, 1916, p. 568 ; 9th November, 1916 p. 910 ; 13th June, 1918, p. 1117 ; 30th October, 1919, p. 1083 ; 11th August, 1921, p. 269 ; 15th December, 1921, p. 1386 ; 26th

Irrigation Act, 1930-1936—continued.

January, 1922, p. 158; 27th April, 1922, p. 1119; 24th August, 1922, p. 413; 7th September, 1922, p. 545; 12th April, 1923, p. 819; 17th May, 1923, p. 1074; 12th July, 1923, p. 49; 16th August, 1923, p. 350; 5th June, 1924, p. 1271; 4th June, 1925, p. 1085; 9th July, 1925, p. 51; 24th September, 1925, p. 739; 9th September, 1926, p. 614; 22nd December, 1927, p. 1609; 17th May, 1928, p. 1035; 25th September, 1930, p. 621; 13th November, 1930, p. 986; 8th January, 1931, p. 26; 17th January, 1935, p. 292.

Regulations: *Gazette* 20th June, 1928, p. 1642; 3rd July, 1930, p. 2.

Juries Act, 1927-1937.

Commencement: 6th January, 1928; *Gazette* 5th January, 1928, p. 1.

s. 9. Proclamation: *Gazette* 1st November, 1934, p. 885.

s. 77. Proclamation: *Gazette* 22nd October, 1931, p. 776.

Justices Act, 1921-1936.

Commencement: 26th July, 1922; *Gazette* 29th June, 1922, p. 1575.

Rules of the Supreme Court as to appeals under Part VI.: *Gazette* 28th September, 1922, p. 736; 17th June, 1926, p. 1513.

Rules made by the Governor under s. 203: *Gazette* 29th June, 1922, p. 1579; 27th July, 1922, p. 165; 27th February, 1930, p. 443; 3rd April, 1930, p. 650; 22nd October, 1931, p. 777; 24th December, 1931, p. 1168; 6th April, 1933, p. 552; 22nd June, 1933, p. 1056; 29th April, 1937, p. 947.

Regulations (referred to in sections 158, 159) as to payment to witnesses and others for attendance at criminal prosecutions: *Gazette* 13th January, 1921, p. 53; 22nd October, 1931, p. 776.

Rules under the Maintenance Orders (Facilities for Enforcement) Act, 1922, and the Justices Act, 1921: *Gazette* 25th October, 1923, p. 953; 26th February, 1931, p. 374.

Rules under the Licensing Act, 1932, and the Justices Act, 1921: *Gazette* 29th April, 1937, p. 945.

Land Agents Act, 1925-1936.

Commencement: 7th January, 1926; *Gazette* 7th January, 1926, p. 1.

Administration: Committed to the Attorney-General *Gazette* 28th January, 1926, p. 152.

Regulations: *Gazette* 28th January, 1926, p. 153; 11th February, 1926, p. 267; 18th March, 1926, p. 794; 9th February, 1928, p. 262; 16th February, 1928, p. 331; 24th October, 1929, p. 954; 15th July, 1937, p. 115.

Landlord and Tenant Act, 1936.

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 645.

Landlord and Tenant (Rent Reduction) Act, 1932-1936.

Commencement: 24th November, 1932; *Gazette* 24th November, 1932, p. 1001.

Rules of the Local Court: *Gazette* 22nd December, 1932, p. 1209.

Land Tax Act, 1936.

Commencement: 7th January, 1937; *Gazette* 7th January, 1937, p. 1.

s. 45. Proclamation: *Gazette* 26th August, 1937, p. 498.

Regulations under the Taxation Act, 1884, and its amendments: *Gazette* 22nd January, 1885, p. 203; 29th December, 1904, p. 1205; 24th December, 1908, p. 1257.

Regulations under the Taxation Act, 1915, and its amendments: *Gazette* 20th December, 1917, p. 1320; 3rd January, 1918, p. 6; 20th December, 1923, p. 1436; 21st August, 1924, p. 403; 9th April, 1925, p. 627; 23rd July, 1925, p. 199.

Regulations under the Taxation Act, 1927, and its amendments: *Gazette* 29th December, 1927, p. 1681; 28th June, 1928, p. 1624; 4th July, 1929, p. 17; 19th December, 1929, p. 1311; 10th July, 1930, p. 49; 4th August, 1932, p. 182; 13th June, 1935, p. 1576.

Law of Property Act, 1936.

Commencement: 1st November, 1937; *Gazette* 25th March, 1937, p. 646.

Legal Practitioners Act, 1936.

Commencement: 1st May, 1937; *Gazette* 25th March, 1937, p. 645.

Rules of Court as to the statutory committee: *Gazette* 9th November, 1916, p. 943.

Licensing Act, 1932-1936.

- Commencement : 8th December, 1932 ; *Gazette* 8th December, 1932, p. 1079.
 s. 5. Order : *Gazette* 11th October, 1917, p. 852.
 s. 114. Proclamations : *Gazette* 26th May, 1932, p. 963 ; 8th June, 1933, p. 974 ; 29th June, 1933, p. 1093.
 (For details of these proclamations see the footnote in Volume 4, p. 439 of the South Australian Statutes, 1837-1936.)
 s. 223. Proclamation : *Gazette* 1st July, 1926, p. 1.
 Regulations as to polls under section 62 : *Gazette* 22nd December, 1932, p. 1187.
 Regulations under section 189 as to declarations by *bona fide* travellers : *Gazette* 6th February, 1936, p. 302.
 Regulations under section 195 as to declarations by *bona fide* lodgers : *Gazette* 17th December, 1931, p. 1118.
 Regulations under section 197a as to permits to sell liquor in restaurants : *Gazette* 30th January, 1936, p. 271.
 Regulations under section 199 as to permits to sell or consume liquor on special occasions : *Gazette* 23rd January, 1936, p. 208 ; 9th April, 1936, p. 813 ; 29th April, 1937, p. 945.
 Regulations as to proof of notices : *Gazette* 14th October, 1937, p. 1027.

Life Assurance Companies Act, 1936.

- Regulations : *Gazette* 27th June, 1889, p. 1800.

Lifts Regulation Act, 1908-1934.

- Regulations : *Gazette* 21st November, 1935, p. 1273.

Loans to Producers Act, 1927.

- Regulations : *Gazette* 21st July, 1927, p. 126 ; 6th March, 1930, p. 484.

Local Courts Act, 1926-1936.

- Commencement : 7th March, 1927 ; *Gazette* 10th February, 1927, p. 297.
 s. 294. Proclamation : *Gazette* 5th November, 1936, p. 1005.
 General rules of Court : *Gazette* 24th February, 1927, p. 413.
 Further rules of Court as to Local Court actions : *Gazette* 19th December, 1929, p. 1344 ; 17th September, 1931, p. 494 ; 27th January, 1938, p. 169.
 Rules of Court as to bailiffs' fees : *Gazette* 20th October, 1932, p. 802.
 Rules of Court as to transferring judgments : *Gazette* 26th December, 1935, p. 1635.
 Rules of Court as to applications under section 5 of the Hire-Purchase Agreements Act, 1931 : *Gazette* 18th February, 1932, p. 312.
 Rules of Court as to procedure under the Landlord and Tenant (Rent Reduction) Act, 1932-1936 : *Gazette* 22nd December, 1932, p. 1209.
 Regulations as to applications under section 10 of the Marine Stores Act, 1898-1936 : *Gazette* 22nd June, 1899, p. 1357.
 Rules of Court as to applications under the Mortgagors Relief Act, 1931-1936 : *Gazette* 28th January, 1932, p. 158.
 Rules of Court as to appeals against refusal of drivers' licences under the Road Traffic Act, 1934-1936 : *Gazette* 4th March, 1937, p. 484.
 Regulations as to applications to Local Courts under the Second-hand Dealers Act, 1919-1934 : *Gazette* 26th March, 1936, p. 705.
 Rules of Court under the Workmen's Compensation Act, 1932-1935 : *Gazette* 4th May, 1933, p. 723.
 Rules of Court under the Workmen's Liens Act, 1893-1936 : *Gazette* 21st February, 1895, p. 453.
 Rules of the Supreme Court as to Local Court appeals : *Gazette* 31st March, 1927, p. 745 ; rules dated 6th February, 1928 (not published in the *Gazette*) ; 22nd March, 1934, p. 853 ; 4th November, 1937, p. 1230.

Local Government Act, 1934-1936.

- Commencement : 2nd November, 1934 ; *Gazette* 25th October, 1934, p. 845.
 Administration : Committed to the Minister of Local Government *Gazette* 25th October, 1934, p. 845.
 s. 179. Proclamations : *Gazette* 8th August, 1908, p. 249 ; 25th February, 1909, p. 387 ; 22nd December, 1910, p. 1300 ; 12th January, 1911, p. 45 ; 19th January, 1911, p. 95 ; 28th December, 1911, p. 1360 ; 28th March, 1912, p. 585 ; 17th April, 1913, p. 725 ; 26th June, 1913, p. 1343 ; 13th July, 1922, p. 54 ; 25th March, 1926, p. 866 ; 11th August, 1927, p. 347 ; 18th August, 1927, p. 411 ; 8th September, 1927, p. 599 ; 22nd September, 1927, p. 713 ; 18th October, 1928, p. 874 ; 15th November, 1928, p. 1053 ; 24th December, 1930, p. 1293.
 (For details of these proclamations see the footnote in Volume 5, p. 86 of the South Australian Statutes, 1837-1936.)

Local Government Act, 1934-1936—continued.

- s. 495. Proclamations : *Gazette* 21st September, 1922, p. 675 ; 31st July, 1924, p. 226 ; 28th February, 1935, p. 592 ; 28th November, 1935, p. 1285 ; 14th January, 1937, p. 33.
- s. 647. Proclamation : *Gazette* 3rd May, 1894, p. 1009.
- Regulations relating to Local Government Auditors' Certificates : *Gazette* 20th February, 1936, p. 459.
- Regulations relating to reflections on barriers : *Gazette* 19th December, 1935, p. 1447.
- Regulations relating to the charges of the Crown Solicitor under section 674 : *Gazette* 31st January, 1935, p. 371.
- Regulations relating to cemeteries generally : *Gazette* 27th August, 1896, p. 487 ; 2nd March, 1916, p. 414.
- Regulations relating to the West Terrace Cemetery : *Gazette* 2nd October, 1930, p. 662.
- Model by-laws : *Gazette* 17th September, 1936, p. 562 ; 13th May, 1937, p. 1089 (amendment of model by-law No. I.) ; 24th March, 1938, p. 659 (not yet in force : amendment of model by-law No. VII.)

Lottery and Gaming Act, 1936.

- s. 32. Proclamations : *Gazette* 13th February, 1936, p. 398 ; 12th March, 1936, p. 593 ; 23rd July, 1936, p. 109 ; 24th December, 1936, p. 1321 ; 18th February, 1937, p. 334 ; 21st October, 1937, p. 1053.
- (For details of proclamations made prior to 20th October, 1937, see the footnote in Volume 5, p. 415 of the South Australian Statutes, 1837-1936.)
- Rules and regulations as to the totalizator : *Gazette* 27th May, 1937, p. 1207. (These rules and regulations are reprinted in volume 5, pp. 455-458 of the South Australian Statutes, 1837-1936.)
- Rules as to bookmakers : *Gazette* 5th March, 1936, p. 553 ; 30th April, 1936, p. 964 ; 16th July, 1936, p. 105 ; 3rd September, 1936, p. 487 ; 10th September, 1936, p. 542 ; 17th September, 1936, p. 622 ; 19th November, 1936, p. 1148 ; 26th November, 1936, p. 1191 ; 21st January, 1937, p. 181 ; 11th February, 1937, p. 289 ; 4th March, 1937, p. 518 ; 11th March, 1937, p. 583 ; 25th March, 1937, p. 693 ; 15th April, 1937, p. 837 ; 29th July, 1937, p. 304 ; 9th September, 1937, p. 694 ; 16th September, 1937, p. 745 ; 2nd December, 1937, p. 1570 ; 9th December, 1937, p. 1696 ; 17th February, 1938, p. 406 ; 24th March, 1938, p. 694.

Maintenance Act, 1926-1937.

- Commencement : 7th April, 1927 ; *Gazette* 7th April, 1927, p. 791.
- s. 152. Proclamations : *Gazette* 11th June, 1891, p. 1582 ; 2nd April, 1896, p. 731 ; 20th January, 1898, p. 81.
- s. 153. Proclamations : *Gazette* 13th January, 1898, p. 41 ; 3rd August, 1922, p. 217 ; 28th August, 1930, p. 407.
- s. 154. Proclamations : *Gazette* 8th November, 1900, p. 1105 ; 20th December, 1900, p. 1382.
- (For details of proclamations made under sections 152, 153, and 154, see the footnotes in Volume 5, p. 517 of the South Australian Statutes, 1837-1936.)
- Regulations : *Gazette* 24th February, 1927, p. 400 ; 7th April, 1927, p. 793.

Maintenance Orders (Facilities for Enforcement) Act, 1922-1925.

- s. 12. Proclamations : *Gazette* 7th December, 1922, p. 1458 ; 24th May, 1923, p. 1140 ; 20th March, 1924, p. 711 ; 12th November, 1925, p. 1298 ; 12th November, 1925, p. 1299 ; 17th December, 1925, p. 1606 ; 17th December, 1925, p. 1607 ; 24th December, 1925, p. 1661 ; 7th July, 1927, p. 1 ; 29th November, 1928, p. 1138 ; 15th November, 1929, p. 401.
- (For details of proclamations see the footnote in Volume 5, p. 548 of the South Australian Statutes, 1837-1936.)
- Rules made under the above Act, and the Justices Act, 1921 : *Gazette* 25th October, 1923, p. 953 ; 26th February, 1931, p. 374.
- Rules of Court made under the above Act, and the Supreme Court Acts, 1878 and 1926 : *Gazette* 16th February, 1928, p. 316.

Manufacturing Industries Protection Act, 1937.

- Administration : Committed to the Minister of Industry and Employment *Gazette* 17th February, 1938, p. 357.

Margarine Act, 1934.

- Administration : Committed to the Minister of Agriculture *Gazette* 10th January, 1935, p. 263.
- Regulations : *Gazette* 29th August, 1935, p. 509.

Marine Act, 1936.

- Commencement : 1st July, 1937 ; *Gazette* 25th March, 1937, p. 641.
 Administration : Committed to the Minister of Marine *Gazette* 25th March, 1937, p. 641.
 Regulations and rules made under the Marine Board and Navigation Acts, 1881-1933 :—
 River Murray navigation : *Gazette* 30th October, 1884, p. 1641 ; 26th January, 1893, p. 157 ; 4th October, 1906, p. 714.
 Adjustment of compasses : *Gazette* 9th August, 1900, p. 367 ; 30th May, 1935, p. 1433.
 Engagement and discharge of seamen : *Gazette* 16th April, 1883, p. 1429 ; 4th August, 1887, p. 246 ; 26th September, 1889, p. 1354.
 Receiver of Wreck : *Gazette* 26th April, 1883, p. 1429.
 Survey, &c., of Vessels : *Gazette* 15th April, 1880, p. 1259 ; 26th April, 1883, p. 1429 ; 1st July, 1886, p. 2 ; 30th November, 1899, p. 1197 ; 9th October, 1913, p. 815 ; 23rd June, 1921, p. 1318 ; 30th May, 1935, p. 1433 ; 8th August, 1935, p. 237.
 Explosives : *Gazette* 25th September, 1902, p. 625 ; 18th August, 1904, p. 336 ; 5th May, 1910, p. 802 ; 27th April, 1911, p. 729 ; 12th February, 1914, p. 386 ; 20th November, 1919, p. 1288.
 Collision regulations : *Gazette* 16th February, 1899, p. 301.
 Examination of masters and mates : *Gazette* 22nd October, 1903, p. 839 ; 7th December, 1905, p. 1214 ; 9th December, 1926, p. 1470.
 Examination of engineers : *Gazette* 16th October, 1902, p. 763 ; 16th July, 1908, p. 95.
 Court of Survey (Rules) : *Gazette* 19th November, 1885, p. 1328.
 Court of Marine Inquiry (Rules) : *Gazette* 27th February, 1936, p. 506.
 Miscellaneous : *Gazette* 11th November, 1897, p. 1446 ; 15th February, 1900, p. 302 ; 2nd November, 1911, p. 911 ; 30th November, 1911, p. 1184 ; 22nd August, 1912, p. 466 ; 10th April, 1913, p. 680 ; 8th May, 1913, p. 1002 ; 22nd January, 1914, p. 198.

The Marine Stores Act, 1898-1935.

- Commencement : 2nd March, 1899 ; *Gazette* 2nd March, 1899, p. 401.
 Regulations : *Gazette* 22nd June, 1899, p. 1357 ; 24th September, 1908, p. 632 ; 22nd December, 1921, p. 1458.
 Regulations under the Fees Regulation Act, 1927, as to fee for dealer's licence : *Gazette* 24th November, 1927, p. 1227.

The Markets Clauses Act, 1870-1937.

- s. 49. Proclamation : *Gazette* 24th October, 1889, p. 1584.

Marriage Act, 1936.

- Commencement : 1st May, 1937 ; *Gazette* 28th January, 1937, p. 187.
 Administration : Committed to the Chief Secretary *Gazette* 18th February, 1937, p. 334.

Matrimonial Causes Act, 1929-1936.

- Commencement : 20th March, 1930 ; *Gazette* 20th March, 1930, p. 561.
 Rules of Court : *Gazette* 5th December, 1935, p. 1349.
 (These rules are incorporated in the second schedule of the above Act, see Volume 5, pp. 710-728 of the South Australian Statutes, 1837-1936.)
 Rules of Court as to increase of costs : *Gazette* 17th June, 1937, p. 1312.

Medical Practitioners Act, 1919-1935.

- Regulations : *Gazette* 29th April, 1920, p. 1137 ; 26th May, 1921, p. 1111.

Mental Defectives Act, 1925-1936.

- Commencement : 2nd January, 1936 ; *Gazette* 2nd January, 1936, p. 1.
 Administration : Committed to the Chief Secretary *Gazette* 5th March, 1936, p. 537.
 s. 12. Proclamations : *Gazette* 23rd March, 1922, p. 876 ; 2nd May, 1929, p. 903.
 s. 16. Proclamation : *Gazette* 17th January, 1935, p. 293.
 s. 122. Proclamations : *Gazette* 21st January, 1915, p. 127 ; 26th October, 1922, p. 941.
 (For details of proclamations under section 12, 16, and 122, see the footnotes in Volume 5, pp. 752, 754, and 798 of the South Australian Statutes, 1837-1936.)
 Regulations relating to the Parkside Mental Hospital : *Gazette* 2nd December, 1915, p. 1559 ; 20th January, 1916, p. 94 ; 21st December, 1922, p. 1560 ; 28th June, 1923, p. 1375 ; 27th January, 1927, p. 179 ; 10th January, 1935, p. 265.
 Regulations relating to the Enfield Receiving House : *Gazette* 18th January, 1923, p. 98.
 Regulations relating to the Northfield Mental Hospital : *Gazette* 13th August, 1931, p. 255.
 Regulations relating to voluntary boarders : *Gazette* 23rd May, 1929, p. 1052.

Mental Defectives Act, 1925-1936—continued.

Regulations relating to criminal mental defectives : *Gazette* 8th February, 1934, p. 254 ; 17th January, 1935, p. 293.
 Regulations relating to powers to write off charges, &c. : *Gazette* 10th August, 1916, p. 237.
 Regulation for the alteration of forms in certain schedules to the Act : *Gazette* 27th May, 1937, p. 1206.
 Rules of Court : *Gazette* 3rd September, 1914, p. 585.

Metropolitan and Export Abattoirs Act, 1936-1937.

Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 646.
 General regulations : *Gazette* 16th January, 1913, p. 107 ; 12th June, 1919, p. 1037 ; 12th June, 1919, p. 1038 ; 13th November, 1924, p. 1329 ; 27th November, 1924, p. 1407 ; 4th October, 1934, p. 686 ; 1st April, 1937, p. 723 ; 8th April, 1937, p. 754 ; 1st July, 1937, p. 15 ; 16th December, 1937, p. 1729 ; 16th December, 1937, p. 1730.
 Regulations as to the milch cow market : *Gazette* 29th May, 1913, p. 1204 ; 2nd February, 1922, p. 509.
 Regulations as to branding of stock : *Gazette* 29th May, 1913, p. 1205.
 Regulations as to inspection of small goods : *Gazette* 4th April, 1918, p. 662.
 Regulations as to inspection of meat in shops : *Gazette* 2nd February, 1922, p. 508.
 Regulations as to muzzling of dogs and use of sticks in handling stock : *Gazette* 4th October, 1934, p. 686.

Metropolitan Infectious Diseases Hospital Act, 1922-1935.

Commencement : 17th October, 1929 ; *Gazette* 17th October, 1929, p. 889.
 Administration : Committed to the Chief Secretary *Gazette* 31st October, 1929, p. 1005.
 s. 4. Proclamations : *Gazette* 5th October, 1933, p. 738 ; 12th December, 1935, p. 1389.
 (For details of proclamations see the footnote in Volume 6, p. 84 of the South Australian Statutes, 1837-1936.)
 General regulations : *Gazette* 10th November, 1932, p. 937 ; 27th July, 1933, p. 142.
 Regulations for election of members of the board : *Gazette* 31st October, 1929, p. 1008.
 Regulations relating to instalments payable by constituent local boards for the period from 1st December, 1934, to 30th June, 1935 : *Gazette* 7th March, 1935, p. 686.

Mines and Works Inspection Act, 1920-1935.

Commencement : 20th January, 1921 ; *Gazette* 20th January, 1921, p. 106.
 Administration : Committed to the Minister of Mines *Gazette* 17th March, 1921, p. 537.
 General regulations : *Gazette* 6th February, 1930, p. 227 ; 17th November, 1932, p. 954.
 Regulations as to lead and gas poisoning : *Gazette* 19th November, 1925, p. 1343.
 Regulations as to use of electric power : *Gazette* 10th February, 1927, p. 298.
 Regulations as to miners' inspectors and inspection : *Gazette* 7th August, 1930, p. 238.

Mining Act, 1930-1931.

Regulations : 22nd March, 1934, p. 859 (Part V. disallowed *Gazette* 25th October, 1934, p. 849) ; 24th January, 1936, p. 268 ; 30th January, 1936, p. 270 ; 14th May, 1936, p. 1002 ; 24th September, 1936, p. 626 ; 17th December, 1936, p. 1282.

Mining on Private Property Act, 1909-1936.

Regulations : *Gazette* 10th July, 1919, p. 38. (These regulations are incorporated in the second schedule of the above Act, in Volume 6, p. 195 of the South Australian Statutes, 1837-1936.)

Moneylenders Act, 1924-1936.

Regulations : *Gazette* 29th January, 1925, p. 150 ; 6th August, 1925, p. 304.
 Regulations under the Fees Regulation Act, 1927, fixing the fee for registration or renewal of registration as a money-lender : *Gazette* 24th November, 1927, p. 1226.

Mortgagors Relief Act, 1931-1936.

Commencement : 5th December, 1931 ; *Gazette* 5th December, 1931, p. 1065.
 Rules of the Local Court : *Gazette* 28th January, 1932, p. 158.

Municipal Tramways Trust Act, 1935-1937.

By-laws as to fares and routes : *Gazette* 14th July, 1910, p. 47 ; 18th September, 1919, p. 665 ; 8th June, 1922, p. 1478 ; 18th October, 1923, p. 901 ; 16th April, 1925, p. 681 ; 8th August, 1929, p. 342 ; 7th November, 1929, p. 1048 ; 19th December, 1929, p. 1343 ; 26th December, 1929, p. 1362 ; 30th January, 1930, p. 186 ; 20th February, 1930, p. 374 ; 21st August, 1930, p. 357.
 By-laws regulating passenger traffic generally, and the conduct of passengers : *Gazette* 14th July, 1910, p. 47 ; 26th December, 1912, p. 1324 ; 14th January, 1915, p. 61 ; 18th September, 1919, p. 665 ; 20th January, 1921, p. 109 ; 24th March, 1921, p. 596 ; 11th August, 1921, p. 272 ; 8th June, 1922, p. 1478 ; 16th April, 1925, p. 681.

Municipal Tramways Trust Act, 1935-1937—continued.

By-laws as to tramway sections : *Gazette* 14th July, 1910, p. 47 ; 18th September, 1919, p. 665 ; 27th November, 1919, p. 1357 ; 24th May, 1923, p. 1142 ; 7th February, 1924, p. 329 ; 3rd April, 1924, p. 825 ; 29th May, 1924, p. 1210 ; 16th October, 1924, p. 957 ; 24th December, 1925, p. 1665 ; 22nd September, 1927, p. 759.
By-laws regulating ordinary traffic where tramways laid : *Gazette* 14th July, 1910, p. 47 ; 21st August, 1924, p. 436 ; 26th December, 1929, p. 1362.
General by-laws : *Gazette* 14th July, 1910, p. 47 ; 18th September, 1919, p. 665 ; 16th April, 1925, p. 681.
Regulations as to the election of members of the trust : *Gazette* 5th November, 1936, p. 1061.

The National Park Act, 1891-1935.

General by-laws : *Gazette* 17th November, 1892, p. 1298.
By-laws as to plying for hire : *Gazette* 15th March, 1906, p. 443.

The National Pleasure Resorts Act, 1914-1935.

Administration : Committed to the Minister of Immigration *Gazette* 22nd May, 1924, p. 1141.
By-laws : *Gazette* 29th October, 1925, p. 1165.

The Northern Territory Surrender Act, 1907.

Commencement : 1st January, 1911 ; *Gazette* 22nd December, 1910, p. 1299.

Northern Territory Surrender Act Amendment Act, 1919.

Commencement : 1st January, 1920 ; *Gazette* 25th December, 1919, p. 1573.

Notification of Births Act, 1926-1936.

Regulations : *Gazette* 22nd December, 1927, p. 1611.

Noxious Insects Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 10th January, 1935, p. 263.
s. 3. Proclamations : *Gazette* 10th January, 1935, p. 263 ; 21st February, 1935, p. 547.
(For details of these proclamations see the footnote in Volume 6, p. 315 of the South Australian Statutes, 1837-1936.)
Regulations : *Gazette* 10th January, 1935, p. 264.

Noxious Weeds Act, 1931-1935.

Commencement : 17th March, 1932 ; *Gazette* 17th March, 1932, p. 511.
Administration : Committed to the Minister of Agriculture *Gazette* 7th January, 1932, p. 1.
Regulations : *Gazette* 17th March, 1932, p. 512 ; 14th April, 1932, p. 664 ; 16th June, 1932, p. 1068 ; 30th June, 1932, p. 1164 ; 16th February, 1933, p. 241 ; 8th February, 1934, p. 254 ; 19th April, 1934, p. 1057 ; 25th April, 1935, p. 1195 ; 6th June, 1935, p. 1479 ; 13th June, 1935, p. 1512 ; 17th October, 1935, p. 791 ; 9th April, 1936, p. 814 ; 7th May, 1936, p. 968 ; 2nd July, 1936, p. 2 ; 24th December, 1936, p. 1344 ; 15th April, 1937, p. 790 ; 27th May, 1937, p. 1206.
(For details of these regulations see the table in Volume 6, pp. 337-339 of the South Australian Statutes, 1837-1936.)

Nurses Registration Act, 1920-1934.

Commencement : 2nd May, 1921 ; *Gazette* 28th April, 1921, p. 939.
Regulations as to the nomination of members of the board and duties of registrar : *Gazette* 7th February, 1924, p. 326.
Regulations relating to applications for registration : *Gazette* 2nd February, 1922, p. 472 ; 9th February, 1922, p. 524 ; 21st December, 1922, p. 1560.
Regulations as to training and examination of nurses : *Gazette* 5th October, 1922, p. 783 ; 7th February, 1924, p. 324 ; 10th July, 1924, p. 56 ; 12th March, 1925, p. 434 ; 20th August, 1931, p. 306 ; 17th December, 1931, p. 1116 ; 7th July, 1932, p. 1 (disallowed *Gazette* 13th October, 1932, p. 744) ; 11th August, 1932, p. 238.
Regulations as to training and examination of midwives : *Gazette* 5th April, 1923, p. 773 ; 30th October, 1924, p. 1079 ; 24th September, 1931, p. 575 ; 6th September, 1934, p. 479 ; 4th June, 1936, p. 1134.
Regulations as to the practice of midwives : *Gazette* 7th February, 1924, p. 324.
Regulations relating to the wearing of badges : *Gazette* 15th July, 1926, p. 84 ; 23rd August, 1928, p. 414.
Regulations as to the form of consent to legal proceedings : *Gazette* 11th September, 1930, p. 531.

Offenders Probation Act, 1913-1934.

Administration : Committed to the Chief Secretary *Gazette* 5th February, 1914, p. 319.
Regulations : *Gazette* 26th February, 1914, p. 516.

Opticians Act, 1920-1935.

Commencement : 23rd June, 1921 ; *Gazette* 23rd June, 1921, p. 1315.

General regulations : *Gazette* 28th February, 1929, p. 470 ; 27th June, 1929, p. 1494 ; 5th September, 1929, p. 570 ; 8th March, 1934, p. 462.

Regulations under the Fees Regulation Act, 1927, as to the fees for perusing rules of the Board of Optical Registration, and for publishing the list of registered persons : *Gazette* 19th December, 1929, p. 1311 ; 11th November, 1937, p. 1307 (not yet in force).

Pastoral Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

s. 49. Proclamations : *Gazette* 6th August, 1936, p. 207 ; 11th February, 1937, p. 286 ; 22nd April, 1937, p. 850 ; 10th June, 1937, p. 1281 ; 24th June, 1937, p. 1363 ; 5th August, 1937, p. 309 ; 16th September, 1937, p. 698 ; 18th November, 1937, p. 1345 ; 2nd December, 1937, p. 1514 ; 10th February, 1938, p. 296 ; 24th March, 1938, p. 660. (For details of proclamations made prior to 4th August, 1937, see the footnote in Volume 6, p. 426 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 18th January, 1923, p. 103 ; 20th March, 1930, p. 565 ; 17th March, 1938, p. 609.

Pest Destroyers Act, 1919-1935.

Regulations : *Gazette* 18th October, 1934, p. 774 ; 31st January, 1935, p. 372.

Pharmacy Act, 1935-1937.

Regulations : *Gazette* 21st July, 1892, p. 141 ; 4th October, 1906, p. 714 ; 29th October, 1914, p. 947 ; 8th May, 1930, p. 859 ; 29th May, 1930, p. 1009 ; 30th July, 1931, p. 165 ; 7th September, 1933, p. 467 ; 8th March, 1934, p. 474.

Regulations under the Fees Regulation Act, 1927, relating to the charges of the Crown Solicitor for perusing and settling regulations, and to the fee for publishing a list of registered chemists : *Gazette* 19th December, 1929, p. 1311 ; 11th November, 1937, p. 1307 (not yet in force).

Phylloxera Act, 1936-1937.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

Pistol Licence Act, 1929.

Commencement : 1st January, 1930 ; *Gazette* 19th December, 1929, p. 1305.

Regulations : *Gazette* 5th December, 1929, p. 1216.

The Places of Public Entertainment Act, 1913-1934.

Administration : Committed to the Chief Secretary *Gazette* 11th December, 1913, p. 1679.

s. 4. Proclamations : *Gazette* 18th December, 1913, p. 1734 ; 15th July, 1915, p. 331 ; 7th October, 1915, p. 1020 ; 8th February, 1917, p. 263 ; 9th May, 1918, p. 945 ; 24th October, 1918, p. 916 ; 21st August, 1919, p. 379 ; 24th August, 1922, p. 415 ; 24th May, 1923, p. 1137 ; 5th March, 1925, p. 390 ; 26th November, 1925, p. 1405 ; 18th March, 1926, p. 794 ; 30th September, 1926, p. 802 ; 27th September, 1928, p. 686 ; 19th September, 1929, p. 698 ; 6th August, 1931, p. 203 ; 19th April, 1934, p. 1057 ; 7th June, 1934, p. 1393 ; 1st November, 1934, p. 885 ; 13th December, 1934, p. 1186 ; 14th February, 1935, p. 463 ; 4th July, 1935, p. 1 ; 5th September 1935, p. 517 ; 14th November, 1935, p. 1133 ; 13th February, 1936, p. 397 ; 18th March, 1937, p. 586 ; 9th September, 1937, p. 639.

(For details of proclamations made prior to 8th September, 1937, see the table of proclamations in Volume 6, pp. 554-556 of the South Australian Statutes, 1837-1936.)

Regulations : *Gazette* 17th May, 1923, p. 1075 ; 14th February, 1924, p. 394 ; 22nd January, 1925, p. 102 ; 31st July, 1930, p. 186 ; 4th December, 1930, p. 1131.

Police Act, 1936.

Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 646.

s. 43. Proclamation : *Gazette* 14th June, 1934, p. 1434.

Regulations made by the Commissioner of Police for the general government of the Police Force : *Gazette* 30th September, 1920, p. 907 ; 23rd July, 1931, p. 100.

Regulations by the Governor as to promotions : *Gazette* 10th November, 1921, p. 1105.

Regulations made by the Governor as to police officers engaging in business : *Gazette* 29th August, 1935, p. 514.

Regulations made by the Governor as to appeals to the appeal board : *Gazette* 11th February, 1926, p. 265.

Police Pensions Act, 1929-1935.

Commencement : 1st January, 1930 ; *Gazette* 19th December, 1929, p. 1305.

General regulations : *Gazette* 19th December, 1929, p. 1307.

Regulations as to contributions of members on leave without pay : *Gazette* 10th October, 1935, p. 754.

Port Lincoln Abattoirs Act, 1937.

Commencement : At 4th April, 1938, this Act had not been brought into operation.

Prevention of Cruelty to Animals Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

Primary Producers Debts Act, 1935-1937.

Regulations : *Gazette* 11th July, 1935, p. 75 ; 18th June, 1936, p. 1210.

Prisons Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

General prison regulations : *Gazette* 15th October, 1936, p. 809.

Police prison regulations : *Gazette* 30th August, 1906, p. 453 ; 13th August, 1908, p. 309.

Proof of Sunrise and Sunset Act, 1923.

Administration : Committed to the Minister of Local Government *Gazette* 20th December 1923, p. 1435.

Public Charities Funds Act, 1935.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.

Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 643.

Public Library, Museum, and Art Gallery, and Institutes Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

s. 46. Proclamations : *Gazette* 8th July, 1937, p. 29 ; 30th September, 1937, p. 851 ; 18th November, 1937, p. 1346.

Regulations for the conduct of the business of the board : *Gazette* 30th March, 1911, p. 566 ; 8th September, 1921, p. 508.

Regulations for the management of the public library : *Gazette* 16th July, 1914, p. 123.

Regulations for the management of the public reading room : *Gazette* 16th July, 1914, p. 123.

Regulations for the management of the museum : *Gazette* 16th July, 1914, p. 124.

Regulations for the management of the art gallery : *Gazette* 16th July, 1914, p. 124.

Regulations for the management of the archives department : *Gazette* 5th August, 1920, p. 244.

Regulations relating to the association : *Gazette* 6th October, 1910, p. 714 ; 23rd April, 1936, p. 890.

Public Service Act, 1936-1937.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

s. 25. Proclamations : *Gazette* 14th June, 1917, p. 992 ; 30th January, 1919, p. 231 ; 4th September, 1919, p. 517 ; 4th December, 1919, p. 1411 ; 22nd July, 1920, p. 117 ; 28th October, 1920, p. 1119 ; 13th October, 1921, p. 866 ; 23rd February, 1922, p. 641 ; 29th March, 1923, p. 689 ; 31st March, 1927, p. 741 ; 7th April, 1927, p. 791 ; 16th June, 1927, p. 1301 ; 8th December, 1927, p. 1514 ; 13th December, 1928, p. 1214 ; 31st January, 1929, p. 217 ; 28th March, 1929, p. 635 ; 3rd October, 1929, p. 802 ; 13th November, 1930, p. 985 ; 20th November, 1930, p. 1025 ; 2nd April, 1936, p. 734 ; 2nd July, 1936, p. 1 ; 8th October, 1936, p. 698.

s. 45. Notices : *Gazette* 9th September, 1937, p. 667 ; 16th September, 1937, p. 699.

Regulations : *Gazette* 16th February, 1922, p. 569 ; 18th October, 1926, p. 965 (Nos. 2-10, inclusive, not now in force) ; 20th March, 1924, p. 711 ; 19th June, 1924, p. 1360 ; 10th May, 1928, p. 964 ; 1st November, 1928, p. 978 ; 14th August, 1930, p. 296 ; 3rd September, 1936, p. 418 ; 12th November, 1936, p. 1065 ; 31st March, 1938, p. 708.

Public Supply and Tender Act, 1914-1930.

Commencement : 17th December, 1914 ; *Gazette* 17th December, 1914, p. 1265.

Administration : Committed to the Commissioner of Public Works *Gazette* 17th December, 1914, p. 1265.

Regulations : *Gazette* 6th November, 1930, p. 961 ; 28th May, 1931, p. 855.

The Real Property Act, 1886-1936.

Regulations under the Fees Regulation Act, 1927, relating to fees : *Gazette* 24th November, 1927, p. 1229 ; 30th August, 1934, p. 428.

Recreation Grounds (Regulations) Act, 1931-1935.

Regulations as to the Adelaide Oval : *Gazette* 18th August, 1932, p. 273.

Regulations as to the Norwood Oval : *Gazette* 19th January, 1933, p. 70.

Regulations as to the Unley Oval : *Gazette* 15th June, 1933, p. 1007.

Regulations as to Mortlock Park : *Gazette* 2nd November, 1933, p. 931.

Redhill to Port Augusta Railway Agreement Act, 1935.

Commencement : 20th December, 1935 ; *Gazette* 19th December, 1935, p. 1445.

Registration of Business Names Act, 1928-1932.

Commencement : 1st October, 1928 ; *Gazette* 27th September, 1928, p. 686.

Regulations : *Gazette* 27th September, 1928, p. 688.

Registration of Deeds Act, 1935.

Rules : *Gazette* 13th February, 1919, p. 325.

Registration of Dogs Act, 1924-1929.

Administration : Committed to the Minister of Local Government *Gazette* 18th December, 1924, p. 1561.

s. 6. Proclamations : *Gazette* 30th March, 1933, p. 520 ; 27th April, 1933, p. 657 ; 18th January, 1934, p. 77 ; 13th June, 1935, p. 1511 ; 20th February, 1936, p. 442 ; 26th March, 1936, p. 689 ; 8th April, 1937, p. 745.

Regulations : *Gazette* 22nd January, 1925, p. 100 ; 9th February, 1928, p. 261.

Renmark Irrigation Trust Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.

Administration : Committed to the Commissioner of Public Works *Gazette* 25th March, 1937, p. 643.

By-laws : *Gazette* 15th November, 1923, p. 1177 ; 24th July, 1930, p. 180.

River Murray Waters Act, 1935.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

Regulations as to the use of surplus water : *Gazette* 23rd August, 1917, p. 481.

Notice as to records to be kept of water diverted from the River Murray : *Gazette* 22nd November, 1917, p. 1144.

Regulations (made by the River Murray Commission) as to tolls for use of lock at Blanchetown : *Gazette* 23rd March, 1922, p. 933.

River Murray traffic regulations : *Gazette* 24th September, 1936, p. 646.

River Torrens (Prohibition of Excavations) Act, 1927-1934.

Administration : Committed to the Commissioner of Public Works *Gazette* 17th June, 1937, p. 1306.

Road and Railway Transport Act, 1930-1935.

Administration : Committed to the Minister of Railways *Gazette* 12th March, 1931, p. 471.

Regulations as to the interception of vehicles and the use of discs issued to the holders of licences : *Gazette* 18th May, 1933, p. 826 ; 10th September, 1936, p. 491.

Regulations as to tickets and waybills : *Gazette* 13th July, 1933, p. 47 ; 10th January, 1935, p. 265.

Regulations under section 15 : *Gazette* 23rd May, 1935, p. 1383.

Roads (Opening and Closing) Act, 1932-1936.

Regulations : *Gazette* 30th March, 1933, p. 521.

Road Traffic Act, 1934-1936.

Commencement of the Road Traffic Act, 1934 (except section 110) : 2nd January, 1935 ; *Gazette* 20th December, p. 1217.

Commencement of section 110 of the Road Traffic Act, 1934 : 1st March, 1935 ; *Gazette* 20th December, 1934, p. 1217.

Commencement of the Road Traffic Act Amendment Act, 1936 (except sections 153 and 154) : 1st April, 1937 ; *Gazette* 18th March, 1937, p. 585.

Commencement of section 153 of the Road Traffic Act Amendment Act, 1936 : 3rd December, 1936 ; *Gazette* 3rd December, 1936, p. 1193.

Commencement of section 154 of the Road Traffic Act Amendment Act, 1936 : 1st December, 1937 ; *Gazette* 18th November, 1937, p. 1345.

Administration of Parts I., II., and III. : Committed to the Treasurer *Gazette* 20th December, 1934, p. 1217.

Administration of Parts IV. and V. : Committed to the Minister of Local Government *Gazette* 20th December, 1934, p. 1217.

Administration of Parts IIA. and VI. : Committed to the Treasurer *Gazette* 18th March, 1937, p. 586.

Administration of Part VII. : Committed to the Minister of Local Government *Gazette* 18th March, 1937, p. 586.

Road Traffic Act, 1934-1936—continued.

- s. 10. Proclamations : *Gazette* 2nd October, 1930, p. 662 ; 21st April, 1932, p. 696 ; 6th October, 1932, p. 686 ; 24th May, 1934, p. 1282 ; 20th December, 1934, p. 1219 ; 2nd May, 1935, p. 1225 ; 23rd May, 1935, p. 1383 ; 30th April 1936, p. 933 ; 4th June, 1936, p. 1133 ; 6th August, 1936, p. 207 ; 19th November, 1936, p. 1111 ; 8th April, 1937, p. 745 ; 29th April, 1937, p. 945 ; 16th September, 1937, p. 697.
- s. 71. Proclamations : 27th January, 1938, p. 165 ; 10th February, 1938, p. 293.
- s. 143. Proclamation : *Gazette* 18th March, 1937, p. 586.
(For details of this proclamation see the footnote in Volume 7, p. 443 of the South Australian Statutes, 1837-1936.)
- General regulations under Part II. and Part III. : *Gazette* 28th March, 1935, p. 943 ; 28th November, 1935, p. 1286 ; 25th March, 1937, p. 657 ; 9th September, 1937, p. 655 ; 14th October, 1937, p. 1028 ; 11th November, 1937, p. 1306 ; 18th November, 1937, p. 1355.
- Regulations as to traders' plates : *Gazette* 5th September, 1935, p. 517 ; 18th November, 1937, p. 1355.
- Regulations as to visiting motorists : *Gazette* 9th July, 1936, p. 26 ; 27th August, 1936, p. 344 ; 9th September, 1937, p. 660 ; 23rd December, 1937, p. 1808.
- Regulations as to vehicles purchased in South Australia by residents of other States : *Gazette* 27th August, 1936, p. 343 ; 14th January, 1937, p. 34.
- Regulations under Part IV. : *Gazette* 3rd October, 1935, p. 711 ; 20th August, 1936, p. 298 ; 20th May, 1937, p. 1150.
- Rules of Local Court as to appeals under section 32 : *Gazette* 4th March, 1937, p. 484.

Sale of Fruit Act, 1915-1935.

Regulations : *Gazette* 3rd December, 1936, p. 1195.

Sandalwood Act, 1930-1936.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 4th December, 1930, p. 1129.
Regulations : *Gazette* 7th July, 1932, p. 2 ; 6th December, 1934, p. 1142.

Sand Drift Act, 1923-1935.

Commencement : 8th May, 1924 ; *Gazette* 8th May, 1924, p. 1057.
Administration : Committed to the Minister of Local Government *Gazette* 24th January, 1924, p. 151.
s. 28. Proclamations : *Gazette* 14th October, 1926, p. 922 ; 24th February, 1927, p. 397 ; 5th January, 1928, p. 2 ; 23rd May, 1929, p. 1051 ; 13th August, 1931, p. 253 ; 19th September, 1935, p. 637 ; 10th October, 1935, p. 754.
(For details of proclamations see the footnote in Volume 7, p. 517 of the South Australian Statutes, 1837-1936.)
Regulations : *Gazette* 19th January, 1928, p. 91.

Scaffolding Inspection Act, 1934.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 642.
Administration : Committed to the Minister of Industry and Employment *Gazette* 25th March, 1937, p. 642.

School of Mines and Industries Act, 1892-1934.

Commencement : 1st February, 1893 ; *Gazette* 19th January, 1893, p. 96.
s. 8. Proclamation : *Gazette* 7th January, 1935, p. 407.
Rules and regulations : *Gazette* 29th September, 1927, p. 893.

Second-hand Dealers Act, 1919-1934.

Commencement : 12th August, 1920 ; *Gazette* 12th August, 1920, p. 315.
Administration : Committed to the Chief Secretary *Gazette* 19th August, 1920, p. 379.
Regulations : *Gazette* 26th March, 1936, p. 705.

The Settled Estates Act, 1880.

Rules of Court : *Gazette* 5th April, 1883, p. 1174.

Sewerage Act, 1929-1936.

s. 79. Proclamation : *Gazette* 27th May, 1926, p. 1365.
Regulations : *Gazette* 15th August, 1935, p. 359.
Regulation under the Fees Regulation Act, 1927, fixing fees for services relating to sewers : *Gazette* 20th September, 1934, p. 596.

Shearers Accommodation Act, 1922-1925.

Administration : Committed to the Minister of Industry *Gazette* 18th January, 1923, p. 93.

South Australian Housing Trust Act, 1936-1937.

Administration : Committed to the Treasurer *Gazette* 14th January, 1937, p. 33.

South Australian Railways Commissioner's Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

By-laws—

1. General by-laws governing passengers and public—By-law A : *Gazette* 16th August, 1906, p. 355 ; by-law D : *Gazette* 24th June, 1920, p. 1487.
2. Unauthorised crossings—By-law E : *Gazette* 5th March, 1931, p. 419.
3. Removal of goods from railway premises—By-law F : *Gazette* 7th January, 1932, p. 20.
4. Tickets covering combined services—By-law G : *Gazette* 12th July, 1934, p. 42.
5. Conduct of passengers—By-law H : *Gazette* 17th February, 1938, p. 359.
6. Rates and conditions for the carriage of merchandise, minerals, livestock, &c.—By-law 226 : *Gazette* 9th March, 1934, p. 541 ; by-law 229 (livestock) : *Gazette* 25th April, 1935, p. 1198 ; by-law 232 (crude oil, kerosene, and motor spirit) : *Gazette* 18th June, 1936, p. 1212 ; by-law 234 (barrier traffic) : *Gazette* 7th October, 1937, p. 917.
7. Passenger rates and conditions—By-law 228 : *Gazette* 4th January, 1935, p. 41 ; by-law 233 : *Gazette* 16th September, 1937, p. 704.
8. Use of railway facilities for loading and unloading merchandise other than rail-borne merchandise—By-law 230 : *Gazette* 23rd January, 1936, p. 218.

Regulations—

1. Employment, rules, duties, &c., of staff—Regulation No. 56 : *Gazette* 2nd November, 1922, p. 990 ; regulation No. 86 : *Gazette* 28th March, 1929, p. 652 ; regulation No. 88 : *Gazette* 27th June, 1929, p. 1495 ; regulation No. 90 : *Gazette* 23rd January, 1930, p. 139 ; regulation No. 105 : *Gazette* 7th March, 1935, p. 688 ; regulation No. 108 : *Gazette* 30th May, 1935, p. 1439.
2. Locomotive workshop rules—Regulation No. 89 : *Gazette* 21st November, 1929, p. 1125.
3. Branches of railway service—Regulation No. 99 : *Gazette* 14th January, 1932, p. 32.
4. Classification of officers—Regulation No. 111 : *Gazette* 24th September, 1936, p. 643 ; regulation No. 114 : *Gazette* 14th October, 1937, p. 1029 ; regulation No. 115 : *Gazette* 14th October, 1937, p. 1030 ; regulation No. 116 : *Gazette* 25th November, 1937, p. 1438.
5. Home stations and travelling allowances—Regulation No. 65 : *Gazette* 21st August, 1924, p. 469 ; regulation No. 67 : *Gazette* 11th September, 1924, p. 658.
6. Transfers—Regulation No. 66 : *Gazette* 11th September, 1924, p. 658.
7. Leave of absence, holidays, and sick leave—Regulation No. 68 : *Gazette* 20th November, 1924, p. 1338 ; regulation No. 69 : *Gazette* 23rd July, 1925, p. 182.
8. Injuries, sickness, and medical standards—Regulation No. 107 : *Gazette* 18th April, 1935, p. 1142.
9. Clothing and equipment—Regulation No. 91 : *Gazette* 28th August, 1930, p. 410.
10. The Railways Institute—Regulation No. 79 : *Gazette* 28th July, 1927, p. 218 ; regulation No. 84 : *Gazette* 8th March, 1928, p. 509 ; regulation No. 101 : *Gazette* 25th February, 1932, p. 381.
11. The Railways Service Appeal Board—*Gazette* 11th February, 1904, p. 253.

South-Eastern Drainage Act, 1931-1935.

Commencement : 1st January, 1932 ; *Gazette* 17th December, 1931, p. 1115.

Administration : Committed to the Minister of Irrigation *Gazette* 17th December, 1931, p. 1115.

Rules of Court as to appeals under section 53 or section 96 : *Gazette* 5th May, 1932, p. 779.

Stamp Duties Act, 1923-1937.

Regulations : *Gazette* 24th July, 1924, p. 169.

The Standard Time Act, 1898.

Commencement : 1st May, 1899 ; *Gazette* 9th February, 1899, p. 245.

State Bank Act, 1925-1936.

Commencement : 1st February, 1926 ; *Gazette* 28th January, 1926, p. 151.

Administration : Committed to the Treasurer *Gazette* 28th January, 1926, p. 151.

Regulations : *Gazette* 21st November, 1929, p. 1137.

Steam Boilers and Enginedrivers Act, 1935.

- Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.
 Administration : Committed to the Minister of Industry and Employment *Gazette* 25th March, 1937, p. 643.
 Regulations relating to the examination of boilers : *Gazette* 11th February, 1932, p. 257 ; 12th March, 1936, p. 593.
 Regulations relating to the Enginedrivers' Board and examinations : *Gazette* 2nd April, 1925, p. 578 ; 23rd September, 1937, p. 765.

Stock and Poultry Diseases Act, 1934.

- Administration : Committed to the Minister of Agriculture *Gazette* 20th December, 1934, p. 1218.
 s. 5 (1). Notice under definition of " stock " : *Gazette* 27th May, 1937, p. 1211.
 s. 6. Proclamations : *Gazette* 4th March, 1926, p. 686 ; 5th April, 1928, p. 725 ; 20th September, 1928, p. 629 ; 15th December, 1932, p. 1143 ; 3rd June, 1937, p. 1254 ; 29th July, 1937, p. 257 ; 31st March, 1938, p. 703.
 s. 29 (2). Notice : *Gazette* 6th February, 1936, p. 303.
 s. 30. Notice : *Gazette* 6th February, 1936, p. 303.
 (For details of notices and proclamations made prior to 30th March, 1938, under sections 5, 6, 29, and 30, see the footnotes in Volume 8, pp. 41, 42, and 50 of the South Australian Statutes, 1837-1936.)
 General regulations : *Gazette* 19th April, 1900, p. 939 ; 25th May, 1922, p. 1337 ; 8th February, 1934, p. 253.
 Regulations as to the introduction of stock and fodder for the prevention of anthrax : *Gazette* 30th July, 1903, p. 175.
 Regulations relating to swine : *Gazette* 3rd December, 1903, p. 1115.
 Regulations relating to returns of sheep dipped : *Gazette* 8th December, 1927, p. 1515.
 Regulations relating to stickfast flea : *Gazette* 24th March, 1938, p. 663.

Stock Licks Act, 1931.

- Commencement : 3rd April, 1932 ; *Gazette* 17th March, 1932, p. 511.
 Administration : Committed to the Minister of Agriculture *Gazette* 31st December, 1931, p. 1227.
 Regulations ; *Gazette* 17th March, 1932, p. 513.

Subdivided Land Debts Act, 1932-1934.

- s. 8. Notice : *Gazette* 26th January, 1933, p. 111.
 Regulations : *Gazette* 19th January, 1933, p. 72.

Succession Duties Act, 1929-1936.

- s. 6. Proclamations : *Gazette* 2nd July, 1925, p. 1 ; 16th June, 1932, p. 1067 ; 23rd January, 1936, p. 208.
 (For details of proclamations see the footnote in Volume 8, p. 93 of the South Australian Statutes, 1837-1936.)
 Regulations : *Gazette* 16th November, 1893, p. 1209 ; 20th October, 1898, p. 987 ; 26th August, 1920, p. 457 ; 20th November, 1930, p. 1027 ; 16th March, 1933, p. 444 ; 26th October, 1933, p. 900.
 Regulation under the Fees Regulation Act, 1912, providing for the fee payable to the Public Trustee on the preparation of a certain succession duty form : *Gazette* 3rd December, 1931, p. 1033.

Superannuation Act, 1926-1935.

- Commencement : 22nd December, 1926 ; *Gazette* 23rd December, 1926, p. 1565.
 Administration : Committed to the Treasurer *Gazette* 23rd December, 1926, p. 1565.
 s. 3. Notice of " appointed day " : *Gazette* 24th February, 1927, p. 400.
 s. 23. Notice : *Gazette* 24th February, 1927, p. 400.
 Regulations : *Gazette* 16th June, 1927, p. 1306 ; 20th December, 1928, p. 1293 ; 10th September, 1931, p. 430.
 Rules of Court : *Gazette* 12th May, 1932, p. 869.

Supreme Court Act, 1935-1936.

- Commencement : 1st November, 1937 ; *Gazette* 25th March, 1937, p. 646.
 s. 52. Proclamations : *Gazette* 21st March, 1878, p. 620 ; 14th July, 1881, p. 92 ; 3rd March, 1892, p. 527 ; 21st January, 1897, p. 92.
 (For details of proclamations see the footnote in Volume 8, p. 185 of the South Australian Statutes, 1837-1936.)
 Rules of Court—
 Actions and other proceedings in the Court : Rules of Court, 1913, dated 10th December, 1913 ; amending rules dated 27th September, 1924. These rules are not published in the *Gazette*. Rules of Court, 1937 : *Gazette* 4th November, 1937, p. 1205.

Supreme Court Act, 1935-1936—continued.

- Administration and probate : *Gazette* 24th November, 1927, p. 1255 ; 11th March, 1937, p. 537 ; 14th October, 1937, p. 1021.
- Administration of Justice Act, 1922—Procedure : Rules dated 25th October, 1922. Not published in the *Gazette*.
- Adoption of Children Act, 1925—Procedure : Rules dated 23rd December, 1926. Not published in the *Gazette*.
- Companies Act, 1892—Petitions for reduction of capital : *Gazette* 4th January, 1894, p. 3.
- Companies Act, 1892—Winding-up : Schedule VII. to the Companies Act, 1892. Amending rules *Gazette* 4th May, 1893, p. 1007.
- Compulsory Acquisition of Land Act, 1925—Procedure : *Gazette* 10th May, 1928, p. 968.
- Costs—Increase : *Gazette* 7th October, 1920, p. 953 ; 1st October, 1931, p. 622 ; 17th June, 1937, p. 1312.
- Criminal appeals : Dated 1st September, 1925. Not published in the *Gazette*.
- Criminal sittings : *Gazette* 4th August, 1932, p. 191.
- Crown practice : English rules of Hilary Term, 1844, kept alive by 8/1867, s. 28.
- Dentists Act, 1931—Appeals : *Gazette* 4th August, 1932, p. 183.
- Equitable proceedings : Rules at the end of Equity Act, 1866-7. [Probably superseded by subsequent Acts and rules.]
- Evidence on Commission Act, 1857 (Imp.) : *Gazette* 20th February, 1908, p. 313.
- Foreign tribunals—Service of citation and process : *Gazette* 23rd August, 1923, p. 418.
- Guardianship of Infants Act, 1887—Procedure : *Gazette* 1st May, 1890, p. 1215.
- Harbors Act, 1913—Appeals and other proceedings : *Gazette* 19th April, 1917, p. 639.
- Industrial and Provident Societies Act, 1924—Appeals : *Gazette* 2nd October, 1924, p. 830.
- Inebriates Act, 1908—Applications : *Gazette* 26th October, 1911, p. 864.
- Justices Act, 1921—Appeals : *Gazette* 28th September, 1922, p. 736 ; 17th June, 1926, p. 1513.
- Law Society Act, 1915—Procedure of Statutory Committee : *Gazette* 9th November, 1916, p. 943.
- Legal Practitioners—Admission : *Gazette* 19th November, 1925, p. 1359 ; 27th August, 1936, p. 357.
- Legal practitioners—Trust accounts : *Gazette* 12th March, 1931, p. 496 ; 4th June, 1931, p. 926.
- Local Courts Act, 1926—Appeals : *Gazette* 31st March, 1927, p. 745 ; rules dated 6th February, 1928 (not published in the *Gazette*) ; 22nd March, 1934, p. 853 ; 4th November, 1937, p. 1230.
- Maintenance Orders (Facilities for Enforcement) Acts, 1922 and 1925 : *Gazette* 16th February, 1928, p. 316.
- Master's jurisdiction : *Gazette* 30th May, 1929, p. 1106.
- Matrimonial Causes Act, 1929 : Rules in the second schedule to the Matrimonial Causes Act, 1929. Amendments *Gazette* 5th December, 1935, p. 1349.
- Mental Defectives Act, 1913—Applications : *Gazette* 3rd September, 1914, p. 585. [Rules made under the Lunatics Act, 1864, on 3rd September, 1869, and 10th August, 1875, may also be applied in any case where the court or judge so orders.]
- Probate and letters of administration : see administration and probate.
- Revenue jurisdiction : Schedule to Act, 7, 1867.
- Service and Execution of Process Act, 1901-1934 (Commonwealth) : *Gazette* 19th April, 1917, p. 646 ; 4th November, 1937, p. 1247.
- Settled Estates Act, 1880—Procedure : *Gazette* 5th April, 1883, p. 1174.
- Sheriff's rules : *Gazette* 4th November, 1937, p. 1234.
- Suitor's funds : *Gazette* 4th November, 1937, p. 1236.
- Superannuation Act, 1926—Appeals : Dated 26th August, 1930. Not published in the *Gazette*.
- Testators Family Maintenance Act, 1917—Applications : Dated 27th May, 1922. Not published in the *Gazette*.
- Trustee Act, 1936 : *Gazette* 4th November, 1937, p. 1225.
- Vice Admiralty Jurisdiction : Order-in-council dated 23rd August, 1883 (not published in the *Gazette*), kept alive by the (Imperial) Colonial Courts of Admiralty Act, 1890.
- Workmen's Compensation Act, 1932—Appeals : *Gazette* 4th November, 1937, p. 1229.

Surveyors Act, 1935.

- Commencement : 26th March, 1936 ; *Gazette* 26th March, 1936, p. 689.
- Regulations : *Gazette* 26th March, 1936, p. 708.
- Regulation under the Fees Regulation Act, 1927, relating to the fee payable for the publication of a list of licensed surveyors : *Gazette* 11th November, 1937, p. 1307 (not yet in force).

Swine Compensation Act, 1936.

Commencement : 1st March, 1937 ; *Gazette* 24th December, 1936, p. 1321.
Administration : Committed to the Minister of Agriculture *Gazette* 24th December, 1936, p. 1322.
Regulations : *Gazette* 25th February, 1937, p. 431.

Technical Education of Apprentices Act, 1917-1934.

Administration : Committed to the Minister of Education *Gazette* 7th February, 1918, p. 232.
s. 3. Proclamations : *Gazette* 29th May, 1919, p. 951 ; 12th January, 1922, p. 41.
s. 5. Proclamations : *Gazette* 29th May, 1919, p. 953 ; 28th October, 1920, p. 1125 ; 21st July, 1921, p. 99.
Regulations : *Gazette* 18th July, 1918, p. 94.

Testator's Family Maintenance Act, 1918.

Rules of Court were made 27th May, 1922, but have not been published in the *Gazette*.

Tobacco Industry Protection Act, 1934.

Administration : Committed to the Minister of Agriculture *Gazette* 28th February, 1935, p. 591.
Regulations : *Gazette* 28th February, 1935, p. 592 ; 2nd May, 1935, p. 1225.

Town Planning Act, 1929.

Commencement : 15th January, 1930 ; *Gazette* 16th January, 1930, p. 69.
Administration : Committed to the Attorney-General *Gazette* 20th February, 1930, p. 369.
Regulations : *Gazette* 13th March, 1930, p. 526.

The Travelling Stock Waybills Act, 1911-1936.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd June, 1937, p. 1254.

Trespassing on Land Act, 1928.

Administration : Committed to the Minister of Agriculture *Gazette* 20th December, 1928, p. 1277.
s. 2. Proclamation : *Gazette* 20th December, 1928, p. 1278.
(For details of proclamation see the footnote in Volume 8, p. 295 of the South Australian Statutes, 1837-1936.)

Trustee Act, 1936.

Commencement : 1st November, 1937 ; *Gazette* 25th March, 1937, p. 646.
s. 5 (1) (f). Proclamations : *Gazette* 21st June, 1894, p. 1381 ; 8th February, 1900, p. 228 ; 21st February, 1901, p. 367 ; 6th October, 1904, p. 635 ; 7th June, 1906, p. 996 ; 1st June, 1911, p. 1071 ; 21st May, 1914, p. 1105 ; 17th August, 1922, p. 333 ; 7th September, 1922, p. 545 ; 1st March, 1928, p. 453 ; 19th May, 1932, p. 899.
s. 5 (2). Proclamations : *Gazette* 15th May, 1902, p. 1025 ; 17th August, 1922, p. 333 ; 11th October, 1923, p. 834.
(For details of proclamations made under section 5, see the footnotes in Volume 8, pp. 306 and 307 of the South Australian Statutes, 1837-1936.)
Rules of Court : *Gazette* 4th November, 1937, p. 1225.

Unemployment Relief Council Act, 1930.

Administration : Committed to the Minister of Industry and Employment *Gazette* 11th May, 1933, p. 789.
Regulations : *Gazette* 9th July, 1931, p. 33 ; 12th November, 1936, p. 1066.

Use of Firearms Restriction Act, 1917-1934.

Administration : Committed to the Chief Secretary *Gazette* 20th December, 1917, p. 1319.

Vaccination Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.
Regulations : *Gazette* 17th May, 1894, p. 1112 ; 29th January, 1903, p. 186 ; 7th August, 1913, p. 301 ; 18th December, 1913, p. 1734.

Venereal Diseases Act, 1920-1935.

Commencement : At 4th April, 1938, this Act had not been brought into operation.

Vermin Act, 1931-1936.

- s. 20 (3). Notices : *Gazette* 13th December, 1923, p. 1395 ; 15th May, 1924, p. 1112 ; 20th November, 1924, p. 1370 ; 21st May, 1925, p. 974 ; 26th November, 1925, p. 1448 ; 27th May, 1926, p. 1393 ; 19th May, 1927, p. 1131 ; 24th November, 1927, p. 1284 ; 17th May, 1928, p. 1062 ; 15th May, 1930, p. 900 ; 22nd December, 1932, p. 1217 ; 18th May, 1933, p. 827 ; 21st December, 1933, p. 1243 ; 1st February, 1934, p. 196 ; 8th February, 1934, p. 256 ; 9th May, 1935, p. 1283 ; 16th May, 1935, p. 1312 ; 17th September, 1936, p. 604 ; 4th March, 1937, p. 482.
- s. 23 (3). Notice : *Gazette* 9th May, 1935, p. 1288.
- s. 43 (1). Notice : *Gazette* 9th May, 1935, p. 1288.
- Regulations relating to making of loans, &c. : *Gazette* 1st April, 1926, p. 926 ; 27th January, 1927, p. 180.

Veterinary Surgeons Act, 1935-1936.

- Commencement : 1st February, 1936 ; *Gazette* 16th January, 1936, p. 89.
- Administration : Committed to the Minister of Agriculture *Gazette* 11th February, 1937, p. 286.
- Regulations : *Gazette* 27th February, 1936, p. 501 (of which regulations 40-51, 55, and 56 were disallowed : *Gazette* 10th December, 1936, p. 1243) ; 24th December, 1936, p. 1343.

Vine, Fruit, and Vegetable Protection Act, 1885-1936.

- ss. 3 and 4. Proclamations : *Gazette* 3rd December, 1885, p. 1407 ; 25th September, 1890, p. 781 ; 12th February, 1891, p. 450 ; 21st June, 1894, p. 1381 ; 7th March, 1895, p. 605 ; 12th May, 1898, p. 994 ; 11th May, 1905, p. 898 ; 18th April, 1907, p. 768 ; 2nd May, 1907, p. 837 ; 14th August, 1909, p. 365 ; 2nd February, 1911, p. 196 ; 11th July, 1912, p. 41 ; 6th August, 1914, p. 346 ; 6th August, 1914, p. 346 ; 31st October, 1918, p. 963 ; 1st September, 1921, p. 441 ; 17th March, 1927, p. 625 ; 15th September, 1927, p. 652 ; 8th October, 1931, p. 691 ; 21st April, 1932, p. 695 ; 22nd December, 1932, p. 1183 ; 27th July, 1933, p. 141 ; 3rd August, 1933, p. 197 ; 20th December, 1934, p. 1219 ; 7th March, 1935, p. 685 ; 12th December, 1935, p. 1390 ; 16th January, 1936, p. 89 ; 24th December, 1936, p. 1322.
- (For details of proclamations see the table of proclamations in Volume 8, pp. 532-533 of the South Australian Statutes, 1837-1936.)

War Funds Regulation Act, 1916-1935.

- Regulations : *Gazette* 16th August, 1917, p. 417.

Water Conservation Act, 1936.

- Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.
- s. 6. Proclamations : *Gazette* 20th January, 1927, p. 121 ; 8th August, 1929, p. 330 ; 6th February, 1930, p. 226 ; 23rd October, 1930, p. 834 ; 13th November, 1930, p. 986.
- s. 53. Proclamations : *Gazette* 23rd April, 1931, p. 682 ; 7th May, 1931, p. 741 ; 7th May, 1931, p. 742 ; 21st May, 1931, p. 805 ; 11th June, 1931, p. 974 ; 25th June, 1931, p. 1045 ; 25th June, 1931, p. 1046 ; 25th June, 1931, p. 1048 ; 25th June, 1931, p. 1049 ; 25th June, 1931, p. 1050 ; 25th June, 1931, p. 1051 ; 2nd July, 1931, p. 1 ; 2nd July, 1931, p. 2 ; 16th July, 1931, p. 62 ; 16th July, 1931, p. 63 ; 16th July, 1931, p. 64 ; 30th July, 1931, p. 158 ; 30th July, 1931, p. 161 ; 6th August, 1931, p. 201 ; 21st July, 1932, p. 91 ; 20th October, 1932, p. 799 ; 5th January, 1933, p. 2 ; 24th August, 1933, p. 353 ; 16th November, 1933, p. 1003 ; 7th December, 1933, p. 1127 ; 7th December, 1933, p. 1128 ; 14th December, 1933, p. 1167 ; 25th January, 1934, p. 131 ; 22nd March, 1934, pp. 844-845 ; 14th June, 1934, p. 1433 ; 30th August, 1934, p. 426 ; 6th September, 1934, p. 478 ; 1st November, 1934, p. 886 ; 17th January, 1935, p. 292 ; 4th July, 1935, p. 2 ; 30th January, 1936, p. 270 ; 20th February, 1936, p. 442 ; 16th July, 1936, pp. 65-66 ; 8th October, 1936, p. 697 ; 3rd December, 1936, p. 1194 ; 22nd April, 1937, p. 850.
- (For details of proclamations under sections 6 and 53, see the footnotes in Volume 8, pp. 551 and 567 of the South Australian Statutes, 1837-1936.)
- By-laws and regulations : *Gazette* 2nd April, 1925, p. 583 ; 28th July, 1927, p. 242 ; 1st March, 1928, p. 457 ; 21st May, 1936, p. 1050.

Waterworks Act, 1932-1936.

- s. 94. Proclamations : *Gazette* 1st June, 1922, p. 1393 ; 29th June, 1922, p. 1576 ; 29th May, 1924, p. 1208 ; 21st May, 1925, p. 946 ; 7th January, 1926, p. 1 ; 27th May, 1926, p. 1365 ; 16th December, 1926, p. 1510 ; 27th January, 1927, p. 177 ; 1st December, 1927, p. 1457 ; 10th May, 1928, p. 963 ; 29th November, 1928, p. 1138 ; 13th June, 1929, p. 1398 ; 17th July, 1930, p. 86 ; 26th February, 1931, p. 374 ; 10th September, 1936, p. 490 ; 19th November, 1936, p. 1110.
- s. 102. Proclamations : *Gazette* 10th September, 1936, p. 490 ; 19th November, 1936, p. 1110.
- s. 108. Proclamation : *Gazette* 31st October, 1895, p. 957.
- s. 109. Proclamation : *Gazette* 17th September, 1936, p. 546.
- By-laws : *Gazette* 25th May, 1933, p. 897 ; 13th July, 1933, p. 49.

Weights and Measures Act, 1934.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 25th March, 1937, p. 643.

s. 8 (3). Notice : *Gazette* 27th January, 1938, p. 175.

Regulations relating to fees : *Gazette* 7th January, 1932, p. 2 ; 3rd May, 1934, p. 1142.

Regulations relating to the licensing of petrol pumps : *Gazette* 31st March, 1932, p. 612 (regulation 6 disallowed, *Gazette* 27th October, 1932, p. 842) ; 8th December, 1932, p. 1080 (regulation 6 disallowed, *Gazette* 23rd November, 1933, p. 1056) ; 3rd May, 1934, p. 1142.

General regulations : *Gazette* 23rd June, 1932, p. 1123 ; 8th December, 1932, p. 1080 ; 3rd May, 1934, p. 1142 ; 19th September, 1935, p. 638.

Regulations made under the Fees Regulation Act, 1927, relating to the fees payable for the testing of standard weights : *Gazette* 24th November, 1927, p. 1225 ; 12th July, 1928, p. 46.

Whaling Act, 1937.

Commencement : At 4th April, 1938, this Act had not been brought into operation.

Wild Dogs Act, 1931.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 1st July, 1937, p. 2.

Wills Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

The Woods and Forests Act, 1882-1935.

Regulations for the management and administration of forest reserves : *Gazette* 12th April, 1883, p. 1255 ; 10th December, 1925, p. 1529.

Mineral regulations : *Gazette* 31st January, 1889, p. 215.

Regulations as to visitors to caves on forest reserves : *Gazette* 29th August, 1895, p. 463.

Regulations as to gold mining on forest lands : *Gazette* 26th November, 1903, p. 1083.

Regulations as to visitors on forest reserves : *Gazette* 10th February, 1916, p. 267.

Regulations as to conditions for leasing forest lands : *Gazette* 21st July, 1927, p. 123.

Workmen's Compensation Act, 1932-1935.

Commencement : 3rd May, 1933 ; *Gazette* 27th April, 1933, p. 657.

General regulations : *Gazette* 4th May, 1933, p. 697.

Regulations as to compulsory insurance : *Gazette* 29th August, 1935, p. 513.

Rules of Local Court : *Gazette* 4th May, 1933, p. 723.

Rule of the Supreme Court as to appeals : *Gazette* 4th November, 1937, p. 1229.

The Workmen's Liens Act, 1893-1936.

Commencement : 27th January, 1894 ; *Gazette* 25th January, 1894, p. 173.

Regulations : *Gazette* 21st February, 1895, p. 453.

TABLE OF ACTS AFFECTED BY AMENDMENT
OR JUDICIAL DECISION.

TABLE OF ACTS AFFECTED BY AMENDMENT OR JUDICIAL DECISION.

This table contains a list of Acts which have been amended by Acts passed since the publication in April, 1937, of the South Australian Statutes, 1837-1936. Under the title of every Act so amended are shown the sections affected, the number and section of the amending Act, and the page of the Annual Volume of Statutes in which the section of the amending Act is printed.

The table also contains notes, placed against references to the appropriate sections of the Acts affected, of the reported decisions of the Privy Council, the High Court of Australia, the Supreme Court of South Australia, and the Industrial Court of South Australia, relating to the interpretation of those sections. The cases so noted are those comprised in reports published since 1st April, 1937, and include the cases reported up to the end of the following volumes, namely, 1937 Appeal Cases, 1937 South Australian State Reports, and 14 South Australian Industrial Reports, and the cases reported up to page 297 of 58 Commonwealth Law Reports. Cases comprised in reports published before 1st April, 1937, are noted in footnotes to the relevant sections in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

Act Affected.	How Affected.
Acts Interpretation Act, 1915-1936 (Vol. 1, p. 55)	s. 37 <i>Day v. Hunkin</i> (1937) S.A.S.R. 453
Administration and Probate Act, 1919-1936 (Vol. 1, p. 79)	s. 61. Amended by No. 2368, s. 2 (1), 1937, p. 102 s. 70. <i>In re Babbage. Cave v. Babbage</i> (1936) S.A.S.R. 356 s. 112. Substituted by No. 2368, s. 3, 1937, p. 102 s. 113. Repealed by No. 2368, s. 3, 1937, p. 102 s. 122. Amended by No. 2368, s. 4, 1937, p. 103 Second schedule. Repealed by No. 2368, s. 5, 1937, p. 103
Bread Act, 1936 (Vol. 1, p. 418)	s. 6. <i>Shephard v. Cashmore</i> (1937) S.A.S.R. 525
The Companies Act, 1934-1935 (Vol. 1, p. 597)	s. 53. <i>Smith v. Commonwealth Homes Limited</i> (1937) S.A.S.R. 337, affirmed by <i>Commonwealth Homes and Investment Company Limited v. Smith</i> , 11 A.L.J. 348 s. 76. <i>In re Colton, Palmer & Preston, Limited</i> (1936) S.A.S.R. 434 s. 133. <i>South Norseman Gold Mines No Liability v. MacDonald</i> (1937) S.A.S.R. 53
Constitution Act, 1934-1936 (Vol. 2, p. 1)	s. 28. Amended by No. 2381, s. 3, 1937, p. 134 s. 55. Amended by No. 2381, s. 4, 1937, p. 134
Control of Advertisements Act, 1916-1935 (Vol. 2, p. 40)	s. 4. <i>Miller v. Penfolds Wines Limited</i> (1937) S.A.S.R. 11 s. 10. <i>Miller v. Penfolds Wines Limited</i> (1937) S.A.S.R. 11

Table of Amendments and Cases.

Act Affected.	How Affected.
Criminal Law Consolidation Act, 1935 (Vol. 2, p. 81)	s. 195. <i>Brook v. Crafter</i> (1937) S.A.S.R. 366 s. 300. <i>R. v. Costello and others</i> (1937) S.A.S.R. 150 s. 319. <i>R. v. Martin</i> (1937) S.A.S.R. 70 <i>Rex v. Tregaskis</i> (1937) S.A.S.R. 358 s. 353. <i>R. v. Semaschko</i> (1936) S.A.S.R. 337 s. 367. <i>Rex v. Tregaskis</i> (1937) S.A.S.R. 358
Crown Lands Act, 1929-1936 (Vol. 2, p. 219)	s. 5. Amended by No. 2363, s. 2, 1937, p. 88 s. 31. Amended by No. 2363, s. 3, 1937, p. 88 s. 174a. Enacted by No. 2363, s. 4, 1937, p. 89 s. 220. Amended by No. 2363, s. 5, 1937, p. 90 s. 262a. Amended by No. 2363, s. 6, 1937, p. 91
Dairy Industry Act, 1928-1935 (Vol. 2, p. 349)	s. 4. Amended by No. 2378, s. 3, 1937, p. 129
Dairy Produce Act, 1934-1935 (Vol. 2, p. 336)	s. 15a. Enacted by No. 2345, s. 3, 1937, p. 12. s. 26. Amended by No. 2345, s. 4, 1937, p. 13
Early Closing Act, 1926-1935 (Vol. 2, p. 477)	s. 72. <i>Gurry v. Badenoch</i> (1936) S.A.S.R. 441
Electoral Act, 1929-1934 (Vol. 2, p. 567)	s. 13. Amended by No. 2379, s. 2, 1937, p. 130 s. 71. Amended by No. 2379, s. 3, 1937, p. 130 s. 73. Amended by No. 2379, s. 4, 1937, p. 131 s. 96. Amended by No. 2379, s. 5, 1937, p. 131 s. 103. Amended by No. 2379, s. 6, 1937, p. 131
Fibre and Sponges Act, 1909-1935 (Vol. 3, p. 27)	s. 7a. Enacted by No. 2369, s. 3, 1937, p. 104
Financial Emergency Act, 1931-1936 (Vol. 3, p. 46)	s. 14. Repealed by No. 2342, s. 3, 1937, p. 11 s. 15. Repealed by No. 2342, s. 3, 1937, p. 11
Friendly Societies Act, 1919-1936 (Vol. 3, p. 178)	s. 10. Amended by No. 2374, s. 3, 1937, p. 121 s. 18. Amended by No. 2374, s. 4, 1937, p. 122
Highways Act, 1926-1936 (Vol. 3, p. 483)	s. 31a. Amended by No. 2350, s. 4, 1937, p. 40 s. 35. Amended by No. 2350, s. 5, 1937, p. 40 s. 36. Amended by No. 2350, s. 6, 1937, p. 41
Immigration Act, 1923-1935 (Vol. 3, p. 554)	s. 10. Amended by No. 2344, s. 2, 1937, p. 14
Industrial Code, 1920-1936 (Vol. 3, p. 733)	s. 17 (1) (b). <i>In re The Industry of Carpenters and Joiners</i> (1936) S.A.S.R. 417 : 14 S.A.I.R. 18 <i>In re The Industry of Plastering</i> (1937) S.A.S.R. 217 : 14 S.A.I.R. 38 s. 21. <i>Whyalla and Iron Knob Case</i> (1937) 14 S.A.I.R. 141 <i>Saddlery, Leatherware, &c., Board Case</i> (1937) 14 S.A.I.R. 156 <i>Coopers Case</i> (1937) 14 S.A.I.R. 200 s. 21 (1) (o). <i>Cleaners Case</i> (1936) 14 S.A.I.R. 63 s. 40. <i>In re The Industry of Plastering</i> (1937) S.A.S.R. 217 : 14 S.A.I.R. 38 s. 41 (g). <i>In re The Industry of Plastering</i> (1937) S.A.S.R. 217 : 14 S.A.I.R. 38 s. 43. <i>Cleaners Case</i> (1936) 14 S.A.I.R. 63 s. 57. <i>Municipal Corporations and District Councils Board Case</i> (1936) S.A.I.R. 6 <i>Hydraulic Engineer's Departments Board Case</i> (1937) 14 S.A.I.R. 132 s. 167. <i>Painters and Decorators' &c., Board Case</i> (1936) 14 S.A.I.R. 74

Act Affected.	How Affected.
Industrial Code, 1920-1926 (Vol. 3, p. 733)— <i>continued</i> .	s. 167 (a). <i>Hydraulic Engineer's Department Board Case</i> (1937) 14 S.A.I.R. 132 <i>Retail Pharmaceutical Chemists' Board (Interpretation) Case</i> (1937) 14 S.A.I.R. 180 <i>Building Board Case</i> (1937) 14 S.A.I.R. 189 s. 167 (b). <i>Saddlery, Leatherware, &c., Board Case</i> (1937) 14 S.A.I.R. 156 s. 167 (c). <i>Municipal Corporations and District Councils Board Case</i> (1936) 14 S.A.I.R. 6 s. 186 (3). <i>Painters and Decorators' &c., Board Case</i> (1936) 14 S.A.I.R. 74 s. 218. Amended by No. 2346, s. 4, 1937, p. 22 s. 321. <i>Kerr v. Leahey</i> (1937) S.A.S.R. 495
Juries Act, 1927 (Vol. 4, p. 112)	s. 55a. Enacted by No. 2356, s. 3, 1937, p. 54 s. 56. Amended by No. 2356, s. 4, 1937, p. 54 Third schedule. Amended by No. 2356, s. 5, 1937, p. 55
Justices Act, 1921-1936 (Vol. 4, p. 138)	s. 56. <i>S.A. Asbestos Syndicate N.L. v. Coala Products Limited</i> (1937) S.A.S.R. 1 s. 125. <i>Mines v. Doddrell</i> (1937) S.A.S.R. 406 s. 182. <i>Johnson v. Miller</i>, 11 A.L.J. 344, reversing <i>Miller v. Johnson</i> (1937) S.A.S.R. 323, which affirmed <i>Miller v. Johnson</i> (1937) S.A.S.R. 171
Land Agents Act, 1925-1936 (Vol. 4, p. 217)	s. 30. <i>Juttner v. Reidel</i> (1937) S.A.S.R. 466
Landlord and Tenant Act, 1936 (Vol. 4, p. 241)	s. 10. <i>Briggs v. Pinchbeck</i> (1937) S.A.S.R. 30
Land Tax Act, 1936 (Vol. 4, p. 274)	s. 62. <i>In re a petition by the Commissioner of Taxes</i> (1937) S.A.S.R. 356
Legal Practitioners Act, 1936 (Vol. 4, p. 354)	s. 24. <i>In re . . . a practitioner of the Supreme Court</i> (1937) S.A.S.R. 316
Licensing Act, 1932-1936 (Vol. 4, p. 375)	s. 77 (7). <i>Hann v. Arthur</i> (1936) S.A.S.R. 344 s. 209. <i>Johnson v. Miller</i>, 11 A.L.J. 344, reversing <i>Miller v. Johnson</i> (1937) S.A.S.R. 323, which affirmed <i>Miller v. Johnson</i> (1937) S.A.S.R. 171 s. 270. <i>Ex parte Bickford</i> (1937) S.A.S.R. 128
Limitation of Actions Act, 1936 (Vol. 4, p. 582)	s. 35. <i>Hillier v. Leitch</i> (1936) S.A.S.R. 490 <i>Smith v. Commonwealth Homes Limited</i> (1937) S.A.S.R. 337, affirmed by <i>Commonwealth Homes and Investment Co., Limited v. Smith</i> 11 A.L.J. 348 s. 36. <i>Hillier v. Leitch</i> (1936) S.A.S.R. 490
Local Courts Act, 1926-1936 (Vol. 4, p. 623)	s. 42. <i>Elder's Trustee and Executor Company, Limited v. Jones</i> (1937) S.A.S.R. 184 s. 271. <i>Copeland v. Buck</i> (1937) S.A.S.R. 518
Local Government Act, 1934-1936 (Vol. 5, p. 1)	s. 5. <i>The University of Adelaide v. The District Council of Mitcham</i> (1937) S.A.S.R. 288 s. 99. <i>Wache v. Parham</i> (1937) S.A.S.R. 116 s. 117. <i>Wache v. Parham</i> (1937) S.A.S.R. 116 s. 314. <i>Bowden v. The Corporation of the Town of Murray Bridge</i> (1936) S.A.S.R. 451 s. 328. <i>Bowden v. The Corporation of the Town of Murray Bridge</i> (1936) S.A.S.R. 451 s. 348. <i>Bowden v. The Corporation of the Town of Murray Bridge</i> (1936) S.A.S.R. 451 s. 623. <i>McCarty and another v. Leeming and another</i> (1937) S.A.S.R. 432 s. 709. <i>Wache v. Parham</i> (1937) S.A.S.R. 116 s. 710. <i>Wache v. Parham</i> (1937) S.A.S.R. 116 s. 730. <i>The University of Adelaide v. The District Council of Mitcham</i> (1937) S.A.S.R. 288

Act Affected.	How Affected.
Maintenance Act, 1926-1936 (Vol. 5, p. 461)	This Act as amended by No. 2360, 1937, p. 63, and No. 2380, 1937, p. 132, and with notes of judicial decisions, is reprinted in this volume, p. 137
The Markets Clauses Act, 1870-1935 (Vol. 5, p. 639)	s. 13. <i>Tucker v. Bishop</i> (1936) S.A.S.R. 345 s. 26a. Enacted by No. 2370, s. 2, 1937, p. 105 s. 31. <i>Tucker v. Bishop</i> (1936) S.A.S.R. 345 s. 36. <i>Tucker v. Bishop</i> (1936) S.A.S.R. 345 s. 38. <i>Tucker v. Bishop</i> (1936) S.A.S.R. 345 s. 40. Repealed by No. 2370, s. 3, 1937, p. 106
Matrimonial Causes Act, 1929-1935 (Vol. 5, p. 693)	s. 6 (a). <i>Craske v. Craske</i> (1936) S.A.S.R. 439 <i>Carter v. Carter</i> (1937) S.A.S.R. 16 s. 6 (c). <i>Lawlor v. Lawlor and Freeman</i> (1937) S.A.S.R. 44 <i>The Crown Solicitor for the State of South Australia v. Gilbert</i>, 11 A.L.J. 347, reversing <i>Gilbert v. Gilbert</i> (1937) S.A.S.R. 79 <i>Hamilton v. Hamilton</i> (1937) S.A.S.R. 162 s. 7 (a). <i>Barber v. Barber and Greenfield</i> (1937) S.A.S.R. 383 s. 11 (a). <i>Haeveker v. Haeveker</i> (1937) 57 C.L.R. 639; 10 A.L.J. 469 s. 11 (b). <i>Amber v. Amber</i> (1937) S.A.S.R. 27 <i>Barlow v. Barlow and Flemich and Angus</i> (1937) S.A.S.R. 246 s. 12. <i>The Crown Solicitor for the State of South Australia v. Gilbert</i>, 11 A.L.J. 347, reversing <i>Gilbert v. Gilbert</i> (1937) S.A.S.R. 79 <i>Haeveker v. Haeveker</i> (1937) 57 C.L.R. 639; 10 A.L.J. 469 s. 15. <i>Harris v. Harris and Dayman</i> (1937) S.A.S.R. 512 s. 33. <i>Gray v. Gray</i> (1937) S.A.S.R. 181 Second schedule, rule 24. <i>Henderson v. Henderson and Bengel</i> (1937) S.A.S.R. 68 Second schedule, rule 47. <i>Ford v. Ford and Moodie</i> (1936) S.A.S.R. 463
Medical Practitioners Act, 1919-1935 (Vol. 5, p. 729)	s. 35. <i>Becker v. Miller</i> (1936) S.A.S.R. 125. Leave to appeal to the High Court refused, 57 C.L.R. 780 (note)
Metropolitan and Export Abattoirs Act, 1936 (Vol. 6, p. 23)	s. 41. Amended by No. 2373, s. 3, 1937, p. 116 s. 52a. Enacted by No. 2373, s. 4, 1937, p. 116 s. 59a. Enacted by No. 2373, s. 5, 1937, p. 117 s. 65a. Enacted by No. 2373, s. 6, 1937, p. 118 s. 77. Substituted by No. 2373, s. 7, 1937, p. 118 s. 77a. Enacted by No. 2373, s. 7, 1937, p. 119 s. 86. Amended by No. 2373, s. 8, 1937, p. 120 s. 87. Amended by No. 2373, s. 9, 1937, p. 120
Mining Act, 1930-1931 (Vol. 6, p. 116) . .	s. 21. <i>S.A. Asbestos Syndicate N.L. v. Coala Products Limited</i> (1937) S.A.S.R. 1
Mortgagors Relief Act, 1931-1936 (Vol. 6, p. 215)	s. 6. <i>Peeks Limited v. Adelaide Oil Exploration Company Limited</i> (1937) S.A.S.R. 154
The Municipal Tramways Trust Act, 1935 (Vol. 6, p. 227)	s. 68. <i>Henwood and another v. The Municipal Tramways Trust</i> (1937) S.A.S.R. 390 s. 86a. Enacted by No. 2366, s. 2, 1937, p. 98 s. 86b. Enacted by No. 2366, s. 2, 1937, p. 99
Pharmacy Act, 1935-1936 (Vol. 6, p. 501)	s. 33a. Enacted by No. 2354, s. 2, 1937, p. 51
Phylloxera Act, 1936 (Vol. 6, p. 518) . .	s. 5. Amended by No. 2367, s. 2, 1937, p. 100 s. 12. Repealed by No. 2367, s. 3, 1937, p. 100 s. 16. Substituted by No. 2367, s. 4, 1937, p. 101 s. 29a. Enacted by No. 2367, s. 5, 1937, p. 101

Act Affected.	How Affected.
Police Act, 1936 (Vol. 6, p. 557)	s. 93. <i>Harrison v. Trotter</i> (1937) S.A.S.R. 7 s. 98 (1) (c). <i>Wise v. Musolino</i> (1936) S.A.S.R. 447 s. 145. Amended by No. 2346, s. 4, 1937, p. 22
Primary Producers Debts Act, 1935-1936 (Vol. 6, p. 656)	s. 34a. Enacted by No. 2358, s. 3, 1937, p. 57
Public Service Act, 1936 (Vol. 7, p. 1) . .	s. 28. <i>Day v. Hunkin</i> (1937) S.A.S.R. 453 s. 40. Amended by No. 2377, s. 3, 1937, p. 126 s. 42. Amended by No. 2377, s. 4, 1937, p. 126 s. 49. Amended by No. 2375, s. 3, 1937, p. 123 s. 52. Amended by No. 2377, s. 5, 1937, p. 127 s. 56. <i>Morley v. Hunkin</i> (1937) S.A.S.R. 427 s. 57a. Enacted by No. 2377, s. 6, 1937, p. 127 s. 70. Amended by No. 2377, s. 7, 1937, p. 127 s. 74. Amended by No. 2375, s. 4, 1937, p. 123 s. 75. Amended by No. 2377, s. 8, 1937, p. 128 s. 75a. Enacted by No. 2377, s. 9, 1937, p. 128
The Real Property Act, 1886-1936 (Vol. 7 p. 59)	s. 97. <i>The English, Scottish, and Australian Bank, Limited v. Phillips</i> (1936-1937) 57 C.L.R. 302; 10 A.L.J. 458 s. 151. <i>The English, Scottish, and Australian Bank, Limited v. Phillips</i> (1936-1937) 57 C.L.R. 302; 10 A.L.J. 458
Road and Railway Transport Act, 1930-1935 (Vol. 7, p. 320)	s. 14. <i>Miller v. Hilton</i> (1937) 57 C.L.R. 400; 11 A.L.J. 74
Road Traffic Act, 1934-1936 (Vol. 7, p. 359)	s. 48. <i>Hennig v. Robertson. Robertson v. Hennig</i> (1937) S.A.S.R. 400 s. 131. <i>Rake v. Adelaide Co-operative Society Limited</i> (1937) S.A.S.R. 281 <i>Drew v. Gleeson</i> (1937) S.A.S.R. 380 <i>Dunn v. Beevor</i> (1937) S.A.S.R. 386 <i>Pearce v. Bourke</i> (1937) S.A.S.R. 404 <i>Ellis v. Hoepner and another</i> (1937) S.A.S.R. 461 s. 132. <i>Bond v. Goudie</i> (1937) S.A.S.R. 416, reversing <i>Bond v. Goudie</i> (1937) S.A.S.R. 371
The Sale of Goods Act, 1895-1936 (Vol. 7, p. 474)	s. 4. <i>Clements v. Hoppe</i> (1937) S.A.S.R. 231 s. 57a. Amended by No. 2357, s. 4, 1937, p. 56
South Australian Housing Trust Act, 1936 (Vol. 7, p. 653)	s. 25. Substituted by No. 2371, s. 3, 1937, p. 107 s. 27. Amended by No. 2371, s. 4, 1937, p. 108 s. 29a. Enacted by No. 2371, s. 5, 1937, p. 108
South-Eastern Drainage Act, 1931-1935 (Vol. 7, p. 721)	s. 90. <i>In re Cameron and Ryder</i> (1937) S.A.S.R. 143 s. 98. <i>In re Cameron and Ryder</i> (1937) S.A.S.R. 143 s. 101. <i>In re Cameron and Ryder</i> (1937) S.A.S.R. 143
Stamp Duties Act, 1923-1936 (Vol. 7, p. 762)	This Act as amended by No. 2359, 1937, p. 59, and with notes of judicial decisions, is reprinted in this volume, p. 221
Statute Law Revision Act, 1937 (1937, p. 20)	s. 5. Repealed by No. 2368, s. 2 (2), 1937, p. 102
Succession Duties Act, 1929-1936 (Vol. 8, p. 90)	s. 20. <i>In re Bowman</i> (1937) S.A.S.R. 274
Testators Family Maintenance Act, 1918 (Vol. 8, p. 253)	s. 3. <i>In re Harris</i> (1936) S.A.S.R. 497
Trustee Act, 1936 (Vol. 8, p. 303)	s. 91. Amended by No. 2346, s. 4, 1937, p. 22
University of Adelaide Act, 1935-1936 (Vol. 8, p. 352)	s. 25. Amended by No. 2340, s. 2, 1937, p. 3 s. 26. Amended by No. 2340, s. 3, 1937, p. 3 s. 27. Repealed by No. 2340, s. 4, 1937, p. 4 Third schedule. Repealed by No. 2340, s. 5, 1937, p. 4

INDEX TO ACTS PASSED IN THE YEAR 1937.

INDEX TO ACTS PASSED IN THE YEAR 1937.

Administration and Probate Act Amendment Act, 1937 (No. 2368, p. 102)

Administration and Probate Act, 1919, repeal of second schedule, 103, s. 5
 insolvent estates, rules as to the rights of creditors in administration by the Court, 102,
 Public Trustee, commission of, 102, s. 3 [s. 2 (1)]
 rules of court as to the Public Trustee's commission, power of judges to make, 103, s. 4
 Statute Law Revision Act, 1937, repeal of s. 5, 102, s. 2 (2)

Air Navigation Act, 1937 (No. 2352, p. 47)

air navigation regulations, application to South Australia, 48, s. 5
 definition of, 48, s. 4
 powers and authorities exercised under, 48, s. 6
 certificates, granting cancellation and suspension of, 48, s. 7
 commencement of Act, 47, s. 2
 Commonwealth authorities, exercise of powers in South Australia, 48, s. 6
 Commonwealth Powers (Air Navigation) Act, 1921, repeal of, 47, s. 3
 definitions, 47, s. 4
 fees, payment of to the Commonwealth, 48, s. 8
 licences, granting cancelling and suspension of, 48, s. 7
 offences, proceedings for, 48, s. 9
 registration, granting cancelling and suspension of, 48, s. 7

Amendments Incorporation Act, 1937 (No. 2353, p. 49)

Acts, reprinting of, 49, s. 3
 Amendments Incorporation Act, 1914, repeal of, 49, s. 2
 amendments, incorporation in reprinted Acts, 49, s. 3
 Attorney-General, powers of, 49, s. 3
 proclamations, incorporation in reprinted Acts, 49, s. 3
 regulations, incorporation in reprinted Acts, 49, s. 3
 reprinted Acts, judicial notice of, 50, s. 6
 powers with respect to the reprinting of, 50, s. 4
 references to amending Acts in, 50, s. 5

Angas Recreation Park Act, 1937 (No. 2347, p. 23)

Angas Recreation Park, council to hold as park lands, 23, s. 3 (1)
 name of, 23, s. 3 (2)
 vesting of in District Council of Angaston, 23, s. 2
 District Council of Angaston, transfer of personal property to, 24, s. 5
 vesting of land in, 23, s. 2
 Real Property Act, 1886-1936, applications under, 24, s. 6
 schedules of land vested, 24
 trusts, determination of, 23, s. 4

Anzac Highway Agreement Act, 1937 (No. 2348, p. 25)

agreement, granting of powers to carry out, 25, s. 3
 ratification of, 25, s. 2
 schedule of, 27-35
 amending agreements, requirements of, 26, s. 6
 plantations, payment of expenses for, 26, s. 5
 returned soldiers and sailors, employment of, 25, s. 4
 schedule of agreement, 27-35

Broken Hill Proprietary Company's Indenture Act, 1937 (No. 2362, p. 75)

blast furnace, minimum capacity of, 77, s. 6
 indenture, schedule of, 79-87
 validation and effect of, 75, s. 2
 jetties, wharves, works, &c., plans to be deposited, 77, s. 6
 leases, definition of, 78, s. 9
 mineral leases, company not to be entitled to acquire fee simple in, 76, s. 5
 pilotage fees, saving of rights of Harbors Board to charge, 76, s. 5
 port dues, saving of rights of Harbors Board to charge, 76, s. 5
 Public Debt Commission, payment of certain royalties to, 76, s. 4
 Railways Commissioner, rights of with respect to tramways of company, 77, s. 7
 Rapid Bay, limitation of powers to construct jetties, wharves, works, &c. at, 77, s. 6
 rights of company, saving of, 78, s. 8
 royalties, amount of, 76, s. 4 (1)
 application of, 76, s. 4
 saving of rights of company, 78, s. 8
 schedule of indenture, 79-87
 water supply, duty of Public Works Committee to inquire into, 75, s. 3

Consolidation of Regulations Act, 1937 (No. 2376, p. 124)

- Acts Interpretation Act, 1915-1936, non application of s. 38 to certain consolidations of [regulations, rules, and by-laws, 124, s. 2 (1)
- Attorney-General, certificates of on consolidation of regulations, rules, or by-laws, 124, s. 2 (1)
- by-laws, application of Act to, 125, s. 2 (3)
 - consolidation of, 124, s. 2
- certificate necessary on consolidation of regulations, rules and by-laws, 124, s. 2 (2)
- regulations, application of Act to, 125, s. 2 (3)
 - consolidation of, 124, s. 2
- rules, application of Act to, 125, s. 2 (3)
 - consolidation of, 124, s. 2

Constitution Act Amendment Act, 1937 (No. 2381, p. 134)

- House of Assembly, term of, 134, s. 3
- joint standing committee to examine and report on regulations &c., power to make standing [orders for, 134, s. 4
- quinquennial Parliament, provision for, 134, s. 3
- standing orders for the establishment of a joint standing committee to examine and report on [regulations &c., power to make, 134, s. 4

Crown Lands Act Amendment Act, 1937 (No. 2363, p. 88)

- agreement, power to grant in excess of £5,000 unimproved value, 88, s. 3
 - power to grant of unimproved closer settlement blocks, 89, s. 4
- aviation stations, power to reserve Crown lands for, 88, s. 2
- closer settlement blocks, power to grant special agreement of unimproved blocks, 89, s. 4
- landing grounds, power to reserve Crown lands for, 88, s. 2
- leases, limitation of holding granted on surrender of, 90, s. 5
 - power to grant in excess of £5,000 unimproved value, 88, s. 3
- surplus lands, power to dispose of, 91, s. 6
- surrender, limitation of unimproved value of leases and agreements granted on, 90, s. 5

Dairy Industry Act Amendment Act, 1937 (No. 2378, p. 129)

- factory, definition of, 129, s. 3

Dairy Produce Act Amendment Act, 1937 (No. 2343, p. 12)

- butter, duty of board to report on wholesale price of, 12, s. 3
 - fixing of quotas for, 12, s. 3
- butter-fat, duty of board to report on price of, 12, s. 3
- Dairy Produce Act, 1934-1935, duration of, 13, s. 4

Electoral Act Amendment Act, 1937 (No. 2379, p. 130)

- absent voting, extension of rights of, 131, s. 6
- ballot-papers, method of printing groups in, 131, s. 5
- deposits by candidates, provisions relating to, 130, s. 3
- groups in ballot-papers, method of printing, 131, s. 5
- postal voting, restriction of rights of, 131, s. 4
- subdivisions, power to proclaim, 130, s. 2
- voting, absent, extension of rights of, 131, s. 6
 - by post, restriction of rights of, 131, s. 4

Federal Aid Roads Agreement Act, 1937 (No. 2341, p. 5)

- agreement, ratification of, 5, s. 2
 - schedule of, 5-10
- moneys for purpose of Act, 5, s. 3
- schedule of agreement, 5-10

Fibre and Sponges Act Amendment Act, 1937 (No. 2369, p. 104)

- royalty, exemption from, 104, s. 3

Financial Emergency Act Amendment Act, 1937 (No. 2342, p. 11)

- pensions reductions, repeal of provisions relating to, 11, s. 3

Friendly Societies Act Amendment Act, 1937 (No. 2374, p. 121)

- insurance against defalcations, power of Public Actuary to exempt from duty to take out, [122, s. 4
- rules, power to make creating reserves to make good losses by defalcation, 121, s. 3

Highways Act Amendment Act, 1937 (No. 2350, p. 40)

- commencement of Act, 40, s. 3
- councils, abolition of contributions to Main Roads Fund by, 40, s. 5
 - appropriation of moneys payable by, 41, s. 6
- general revenue, payment of motor taxation into, 40, s. 4
- motor taxation, diversion of from Main Roads Fund, 40, s. 4

Immigration Act Amendment Act, 1937 (No. 2344, p. 14)

- Immigrants' Sickness and Accident Fund, application of, 14, s. 2

Income Tax (Rates) Act, 1937 (No. 2351, p. 42)

- administrators, income tax rates payable by, 45, s. 8 (2)
- assessments to which income tax rates apply, 42, s. 3
- basic wage earner, exemption of from tax, 46, s. 10
- brothers, income tax rates of taxpayers supporting, 44, s. 6 (2)
- companies, income tax rates payable by, 45, s. 9 (1)
- executors, income tax rates payable by, 45, s. 8 (2)
- exemption from tax of basic wage earner with spouse and dependent child, 46, s. 10
- income tax rates, to what assessments applicable, 42, s. 3
- interest paid by companies to non-residents, income tax rates on, 45, s. 9 (2)
- male divorced person without children, special income tax rates for, 43, s. 6
- minimum income tax, 46, s. 11
- parents, income tax rates of taxpayers supporting, 44, s. 6 (2)
- personal exertion and property, income tax rates on income derived from, 45, s. 7
- personal exertion, income tax rates on income derived from, 43, s. 4
- property and personal exertion, income tax rates on income derived from, 45, s. 7
- property, income tax rates on income derived from, 43, s. 5
- returned soldiers, sailors, and nurses, exemptions as to income tax rates of, 44, s. 6
- sisters, income tax rates of taxpayers supporting, 44, s. 6 (2)
- trustees, income tax rates payable by, 45, s. 8 (1)
- unmarried persons, special income tax rates for, 43, s. 6
- widowers without children, special income tax rates for, 43, s. 6

Institute of Medical and Veterinary Science Act, 1937 (No. 2372, p. 109)

- Adelaide Hospital, duty of the council to provide services for, 114, s. 17
- audit of accounts of council, 113, s. 14
- casual vacancies in council, 111, s. 6 (1)
- chairman, appointment of, 110, s. 5 (2)
 - retiring age of, 111, s. 6 (2)
 - term of office of, 110, s. 5 (3)
- commencement of Act, 109, s. 2
- Commission of Charitable Funds, power to grant moneys for use of institute, 115, s. 19
- council, annual report by, 115, s. 20
 - audit of accounts of, 113, s. 14
 - body corporate, to be, 110, s. 4 (4)
 - business of, 111, s. 8 (2)
 - casual vacancies in, 111, s. 6 (1)
 - definition of, 109, s. 3
 - director and deputy director of, 111, s. 9
 - duties with regard to research, 114, s. 17
 - meetings of, 111, s. 8 (1)
 - membership of, 110, s. 5
 - name of, 109, s. 4 (3)
 - officers and employees of, 112, s. 10
 - power to charge fees for services, 114, s. 17 (2)
 - power to employ officers in the public service, 112, s. 11
 - power to grant leave of absence to officers, 112, s. 12
 - power to hold property, 110, s. 4 (6)
 - quorum of, 111, s. 7
 - seal of, 110, s. 4
- deputy chairman, appointment of, 110, s. 5 (2)
 - powers of, 110, s. 5 (4)
- deputy director, appointment of, 111, s. 9 (1)
 - remuneration of, 111, s. 9 (4)
- definitions, 109, s. 3
- director, appointment of, 111, s. 9 (1)
 - definition of, 109, s. 3
 - remuneration of, 111, s. 9 (4)
- employees, appointment of, 112, s. 10
 - power to grant leave of absence to, 112, s. 12
- equipment, power of a Minister of the Crown to grant the use of to the council, 113, s. 15 (2)

Institute of Medical and Veterinary Science Act, 1937 (No. 2372, p. 109)—*continued*.

- fees, power of council to charge for services, 114, s. 17 (2)
 - power to make regulations prescribing, 115, s. 21 (b)
 - to be paid into the trust fund, 114, s. 17 (3)
- fund, constitution and purposes of, 112, s. 13
- Hurst, Edward Weston, appointed as first director, 111, s. 9 (2)
 - remuneration of, 111, s. 9 (4)
- institute, control of, 109, s. 4 (2)
 - definition of, 109, s. 3
 - establishment of, 109, s. 4 (1)
- land, power of the Governor to grant the use of to the council, 113, s. 15 (1)
- meetings of council, 111, s. 8
- members, appointment of, 110, s. 5
 - retiring age of, 111, s. 6 (2)
 - term of office of, 110, s. 5 (3)
- Minister of the Crown, duty of the council to provide services for, 114, s. 17
- officers, appointment of, 112, s. 10
 - in public service, employment of by council, 112, s. 11
 - power to grant leave of absence to, 112, s. 12
- plant, power of a Minister of the Crown to grant the use of to the council, 113, s. 15 (2)
- Public Service Act, 1936, application to officers and employees, 112, s. 10 (2)
- Public Supply and Tender Act, 1914-1930, application to the council, 114, s. 16
- quorum of council, 111, s. 7
- regulations, power of the Governor to make, 115, s. 21
- research, duty of board to conduct, 114, s. 17
- retiring age of chairman and members, 111, s. 6 (2)
- trust fund, constitution and purposes of, 112, s. 13
- University of Adelaide, power of council to grant the use of premises &c., and services for,
 - proceedings on failure to nominate member, 110, s. 5 (5) [114, s. 18]

Juries Act Amendment Act, 1937 (No. 2356, p. 54)

- aircraft navigators, exemption from jury service, 55, s. 5
- aircraft pilots, exemption from jury service, 55, s. 5
- aircraft radio operators, exemption from jury service, 55, s. 5
- jurors, power to of judge excuse from further attendance, 54, s. 3
- jury reduced, power to continue trial with, 54, s. 4

Maintenance Act, 1937 (No. 2360, p. 63)

See the index to the Maintenance Act, 1926-1937, on p. 361

Maintenance Act Amendment Act, 1937 (No. 2380, p. 132)

See the index to the Maintenance Act, 1926-1937, on p. 361

Manufacturing Industries Protection Act, 1937 (No. 2355, p. 52)

- noise in factories, protection in proceedings in respect of, 52, s. 4
- proclamation of protected area, effect of, 52, s. 4
 - power to make, 52, s. 3
 - revocation of, 53, s. 5
- protected area, definition of, 52, s. 2
 - power to extend, 52, s. 3 (2)
 - power to proclaim, 52, s. 3 (1)
 - revocation of, 53, s. 5
- vibration in factories, protection in proceedings in respect of, 52, s. 4

The Markets Clauses Act Amendment Act, 1937 (No. 2370, p. 105)

- approaches to market places, liability of persons selling or delivering goods in, 105, s. 2
- Markets Clauses Act, 1870, repeal of s. 40, 106, s. 3
- market places, liability of persons selling or delivering goods in, 105, s. 2

Metropolitan and Export Abattoirs Act Amendment Act, 1937 (No. 2373, p. 116)

- auditors, councillors may be appointed as, 116, s. 3 (1)
 - term of office of, 116, s. 3 (2)
- board, borrowing powers of, 117, s. 5
- carcasses, conditions under which may be brought into the metropolitan abattoirs area,
 - unbranded, evidentiary provisions relating to, 120, s. 9 [118, s. 7]
- compensation, barring of certain claims by councils for, 118, s. 6
- councillors, may be appointed auditors, 116, s. 3 (1)
- councils, barring of certain claims by, 118, s. 6
- dogs, permits to bring carcasses into the metropolitan abattoirs area for consumption by,
 - permits to slaughter stock for consumption by, 119, s. 7 [118, s. 7]
- Dogs Rescue Home Incorporated, permit to slaughter stock for consumption of dogs at,
 - evidentiary provisions, 120, s. 9 [119, s. 7]

Metropolitan and Export Abattoirs Act Amendment Act, 1937 (No. 2373, p. 116)—*continued*.

- export meat works, licensing of, 116, s. 4
- hounds, permit to slaughter stock for consumption by, 119, s. 7
- loans, power of board to fund, 117, s. 5
 - power of board to raise, 117, s. 5
- meat, conditions under which may be brought into the metropolitan abattoirs area, 118, s. 7
 - evidentiary provisions relating to the sale of, 120, s. 9
- meat works, export, licensing of, 116, s. 4
- Minister of Agriculture, power to license export meat works, 116, s. 4
- permits, to bring carcasses or meat into the metropolitan abattoirs area, 118, s. 7
 - to slaughter stock for consumption by dogs, 119, s. 7
- smallgoods, evidentiary provisions relating to the sale of, 120, s. 9
- stock dying, duties of owners of, 120, s. 8
- unbranded carcasses, presumptions in proceedings in respect of, 120, s. 9

Municipal Tramways Trust (Leases) Act, 1937 (No. 2366, p. 98)

- Hackney, power to grant lease to trust of certain land at, 99, s. 2
- leases, power to grant to trust, 98, s. 2
- Port Adelaide, power to grant lease to trust of certain land at, 98, s. 2

Pharmacy Act Amendment Act, 1937 (No. 2354, p. 51)

- apprentices to pharmaceutical chemists, non-application of s. 223 of the Industrial Code,
 - [1920, to, 51, s. 2]
- Industrial Code, 1920, non-application of section 223 to apprentices to pharmaceutical
 - [chemists, 51, s. 2]

Phylloxera Act Amendment Act, 1937 (No. 2367, p. 100)

- board, payment of members of, 101, s. 4
 - repeal of provisions relating to the first meeting of, 100, s. 3
- chairman, payment of fees to and expenses of, 101, s. 4
- members, payment of fees to and expenses of, 101, s. 4
- owner, definition of, 100, s. 2
- rates, to be a charge on land rated, 101, s. 5
- vineyards, rates to be a charge on, 101, s. 5

Port Lincoln Abattoirs Act, 1937 (No. 2365, p. 95)

- abattoirs, definition of, 95, s. 3
 - power of Minister to establish, 96, s. 5
 - when deemed to be available for slaughtering, 96, s. 7
- abattoirs area, constitution of, 96, s. 4
 - permits to import meat into, 97, s. 10
 - private slaughterhouses not to be licensed within, 97, s. 8 (1)
- bacon, exemption of place used for curing, 97, s. 8 (2)
- carcass, definition of, 95, s. 3
 - prohibition on dressing or selling unless slaughtered at the abattoirs, 95, s. 6
 - provisions when sold not for human consumption, 97, s. 9
- commencement of Act, 95, s. 2
- councils, restrictions on powers of to license slaughterhouses, 97, s. 8 (1)
- definitions, 95, s. 3
- export meat, exemption of place used for slaughtering, 97, s. 8 (2)
- ham, exemption of place used for curing, 97, s. 8 (2)
- local board of health, restrictions on powers of to license slaughterhouses, 97, s. 8 (1)
- meat, definition of, 95, s. 3
 - exemption of, when slaughtered for export, 97, s. 8 (2)
 - permit to bring within abattoirs area, 97, s. 10
 - prohibition on selling unless slaughtered at the abattoirs, 96, s. 6
 - provision where sold not for human consumption, 97, s. 9
- Minister, definition of, 95, s. 3
 - power to establish abattoirs, 96, s. 5
 - power to construct works, 96, s. 5
 - power to declare when abattoirs is available for slaughtering, 96, s. 7
 - power to permit meat to be brought within abattoirs area, 97, s. 10
- permits, grant of, to bring meat within abattoirs area, 97, s. 10
 - penalties for failure to observe terms of, 97, s. 10 (3)
- Port Lincoln Abattoirs Area, constitution of, 96, s. 4 (1)
 - power to alter, 96, s. 4 (2)
- regulations, power of Governor to make, 97, s. 11
- slaughterhouses, not to be licensed within abattoirs area, 97, s. 8 (1)
- slaughter of stock within abattoirs area, restrictions on, 96, s. 6
- small goods, definition of, 96, s. 3
- stock, definition of, 96, s. 3
 - exemption of when slaughtered for export, 97, s. 8 (2)
 - restriction on slaughtering in abattoirs area, 96, s. 6

Primary Producers Debts Act Amendment Act, 1937 (No. 2358, p. 57)

administrators of applicant, power to grant application to, 57, s. 3
 applicant, provision on death of, 57, s. 3
 executors of applicant, power to grant application to, 57, s. 3

Public Purposes Loan Act, 1937 (No. 2345, p. 15)

advances by the Treasurer, may be made for purposes for which money may be borrowed, application of moneys borrowed, 15, s. 4 [16, s. 6]
 authority to borrow, £1,600,000, 15, s. 3
 Baltic Wharf, power to apply moneys for, 16, s. 8 (3)
 expenses of borrowing, charging of, 16, s. 7
 power to borrow to recoup, 16, s. 7
 financial agreement, definition of, 15, s. 2
 repaid loan moneys, application of, 16, s. 8
 entries of, 16, s. 9
 salaries, paid out of moneys borrowed, to be submitted to Parliament, 15, s. 5
 schedules, 17-19

Public Service Act Amendment Act, 1937 (No. 2375, p. 123)

leave of absence for recreation, provision on appointment to the public service of a person [employed as a daily paid employee, 123, s. 4]
 temporary employees, provision as to long service leave for, 123, s. 3

Public Service Act Amendment Act (No. 2), 1937 (No. 2377, p. 126)

appointments for fixed term of years, 127, s. 6
 appointments to the public service, of persons in Government employ, 126, s. 4
 without examination or probation in special cases, 126, s. 3
 elections, officers resigning to contest, payments to, 127, s. 7
 leave, special, power to grant to officers, 128, s. 9
 officers resigning to contest elections, payment to, 127, s. 7
 pensioners under the Superannuation Act, 1926, provision relating to the continuity of the [service thereof, 128, s. 8]
 public service, appointments in to offices for fixed term of years, 127, s. 6
 appointments to of persons in Government employ, 126, s. 4
 appointments to without examination or probation in special cases, 126, s. 3
 vacancies in, method of filling, 127, s. 5
 special leave, power to grant to officers, 128, s. 9
 Superannuation Act, 1926, provision relating to the service of officers retired on pension
 vacancies in public service, method of filling, 127, s. 5 [under, 128, s. 8]

Sale of Goods Act Amendment Act, 1937 (No. 2357, p. 56)

Sale of Goods Act, 1936, commencement of s. 57a, 56, s. 4
 Sale of Goods Act Amendment Act, 1936, repeal of s. 2, 56, s. 3

South Australian Housing Trust Act Amendment Act, 1937 (No. 2371, p. 107)

gifts, devises and bequests to trust, power of trust to carry out conditions of, 108, s. 5
 group A houses, maximum rentals chargeable therefor, 108, s. 4
 tenants maximum income, 108, s. 4
 houses, maximum cost of, 107, s. 3
 living wage, definition of, 108, ss. 3, 4
 trust, power to carry out conditions of gifts, devises and bequests, 108, s. 5

Stamp Duties Act Amendment Act, 1937 (No. 2359, p. 59)

See the index to the Stamp Duties Act, 1923-1937, on p. 370

Statute Law Revision Act, 1937 (No. 2346, p. 20)

Acts Interpretation Act, 1915, application of to repeals, 20, s. 3 (2)
 amendment of certain Acts, 21, s. 4
 repeal of certain Acts, 20, s. 2
 saving provisions, 20, s. 3
 schedules of Acts repealed and amended, 22
 Supreme Court Act, 1878, saving of, s. 6 i., 21, s. 5

University of Adelaide Act Amendment Act, 1937 (No. 2340, p. 3)

agricultural research grants, 3, s. 2
 conditions of 3, s. 3
 agricultural science degree, 3, s. 3 (2)
 agricultural science graduates, repeal of provision as to employment, 4, s. 4
 Waite Agricultural Research Institute, duty of director to report to the Minister of
 repeal of provisions relating to grants to, 4, s. 5 [Agriculture, 4, s. 3 (3)]

Whaling Act, 1937 (No. 2361, p. 68)

- application of Act, 69, s. 4
- calf whales, penalty for taking or killing, 69, s. 5
- commencement of Act, 68, s. 2
- crew, may be required to produce licences, records, &c., 73, s. 15
 - remuneration of, not to depend on results, 73, s. 13
- definitions, 68, s. 3
- factory, definition of, 68, s. 3
 - conditions of licensing of, 71, s. 10
 - grant of licences to, 70, s. 9
 - not to be used for treating whales without a licence, 69, s. 6
 - occupier of, to furnish returns, 73, s. 12
- fees, payable for licences, 70, s. 9 (4)
- female whale accompanied by calf or suckling whale, penalty for taking or killing, 69, s. 5
- immature whale, penalty for taking or killing, 69, s. 5
- licence to engage in taking or killing whales or treating whales, 70, s. 9
 - cancellation of, 72, s. 10 (3)
 - conditions of, 71, s. 10
 - definition of, 68, s. 3
 - fees payable on, 70, s. 9 (4)
 - grant of, 70, s. 9
 - royalties payable on, 71, s. 9 (5)
 - security for compliance with conditions of, 72, s. 10 (4)
- master, definition of, 68, s. 3
 - may be required to produce licences, records, &c., 73, s. 15
- offences, penalties for where not otherwise provided, 74, s. 17
 - proceedings for, 74, s. 19
- officer, definition of, 68, s. 3
 - may board and search ship, 74, s. 16
 - payment for subsistence and accommodation of, 74, s. 16 (2)
 - refusal to produce document to, 74, s. 15 (2)
- owner, definition of, 68, s. 3
 - of ship, not to engage in taking, killing or treating whales without a licence, 69, s. 6
 - to furnish returns, 73, s. 12
- penalties for offences, where not otherwise provided, 74, s. 17
- permits, to take kill and treat whales for scientific purposes, 72, s. 11
- port or place, definition of, 68, s. 3
 - unlicensed ships not to enter, 70, s. 7
- possession of whales, &c., illegally killed, an offence, 70, s. 8
- proceedings for offences, 74, s. 19
- product of whale illegally taken, forfeiture of, 70, s. 8
- records, duty of licensees to keep, 71, s. 10
- regulations, power of Governor to make, 74, s. 18
- returns, duty to furnish, 73, s. 12
- right whale, definition of, 69, s. 3
 - taking or killing prohibited, 69, s. 5
- royalties on licences, 71, s. 9 (5)
- ship, grant of licence to owner or charterer of, 70, s. 9
 - not to be used for taking, killing or treating whales without a licence, 69, s. 6
 - officers may board ship and remain on board, 73, 74, ss. 15, 16
 - owner of, to furnish returns, 73, s. 12
 - presumed to be used for taking whales in certain cases, 70, s. 6 (2)
 - unlicensed, entering port or place, 70, s. 7
- suckling whale, penalty for taking or killing, 69, s. 5
- treating whales, definition of, 69, s. 3
 - licence to engage in, 70, s. 9
 - power of officer to be present at, 74, s. 16
- whale, definition of, 69, s. 3
 - forfeiture of, 73, s. 14
 - licence to engage in taking or killing or in treating, 70, s. 9
 - permits to take, kill or treat for scientific purposes, 72, s. 11
 - taking or killing of certain kinds prohibited, 69, s. 5
 - unlawful to take, kill or treat, without a licence, 69, s. 6

INDEX TO ACTS REPRINTED PURSUANT TO THE
AMENDMENTS INCORPORATION ACT, 1937.

INDEX TO ACTS REPRINTED PURSUANT TO THE AMENDMENTS INCORPORATION ACT, 1937.

1937 MAINTENANCE ACT, 1926-1938 (p. 137)

- Acts Interpretation Act, 1915, application of, to repeals, 138, s. 3 (2)
- adoption. *See* foster-parent
- adultery, by husband, application by wife for summary protection, 168, s. 66. *See* married
by wife, effect of, in proceedings for summary protection, 171, s. 70 [woman]
- affiliation case, complaint in, 161, 214, s. 53, second sched., No. 6
 - confinement expenses, before birth, to be paid to board, 162, s. 56
 - order for, 161, 162, ss. 54-56
 - before birth, 162, s. 56
 - corroboration required in, 165, s. 60
 - defendant a compellable witness in, 162, s. 58
 - defendant in, may be adjudged father of child, 160, s. 52
 - definition of, 139, s. 5
 - evidence in, 162-165, ss. 55, 58-60
 - father of child, court may adjudicate defendant to be, 160, s. 52
 - liability of, for confinement expenses, 161, s. 54
 - liability of persons admitting intercourse with mother, 163, 164, ss. 59, 59a
 - maintenance of child, order for, 163, 164, ss. 59, 59a
 - order in, form of, 161, 215, s. 53 (2), second sched., No. 7
 - persons permitted to be present during hearing, 162, s. 57
 - pregnancy, proof of, 162, s. 55
 - prostitute, effect where mother is, 160, s. 52
 - settlement in full, board may accept, 166, s. 61
- age of child, 139, s. 5
- agent, power of board to appoint, 147, s. 20
- apprenticeship. *See* State child
- arrest. *See* police
- asylum, admission to, of necessitous persons, 148, s. 22
 - definition of, 139, s. 5
 - inmate of, complaint against, place of hearing of, 203, s. 183
 - property of, under control of board, 146, s. 16 (1) ix.
 - return of convictions against, 203, s. 184
 - regulations with respect to, 210, s. 203 (1) (c), (e), (k), (m), (n)
- attachment of property of persons against whom maintenance order is sought, 172, 173, [ss. 77-80]
- attorney, power of board to appoint, 147, s. 20
- begging, child habitually begging is "neglected child", 141, s. 5
- board, definition of, 139, s. 5. *See* Children's Welfare and Public Relief Board
- brothel, child residing or found in, is "neglected child", 141, 142, s. 5
- caveat. *See* Real Property Act, 1886
- chairman, definition of, 139, s. 5. *See* Children's Welfare and Public Relief Board
- Chief Secretary, approval by, of appointments by board, 146, s. 16 (1), x.
 - of child under control being placed in institution, 184, s. 109
 - of places for hearing proceedings against children, 180, s. 100
- Chief Secretary, power of, as to complaints and convictions against inmates, 203, ss. 183, 184
 - as to extension of detention of female State child, or mentally defective female, to give directions as to reports by board, 145, s. 15 (1) [188, s. 126]
- child. *See also* convicted child; destitute child; illegitimate child: State child
 - control of, by board, duration of, 185, ss. 114, 115
 - conviction of, powers of court on, 184, s. 113
 - custody of and access to, may be provided for by order for protection of wife, 170, s. 68
 - definition of, 139, s. 5
 - in Part II., Division III., 149, s. 27
 - detention of in institution, 184, ss. 111, 112
 - by direction of board, 184, s. 109
 - mandate for, 186, ss. 116-120
 - pending trial, 203, s. 181
 - period of, 185, ss. 114, 115
 - detention of, mandate for, to be defence to actions, 207, s. 193
 - privilege of persons in charge of, 207, s. 192
 - leaving without means of support, &c., an offence, 160, ss. 50, 51

1937

MAINTENANCE ACT, 1926-~~1936~~ (p. 137)—*continued*.

- maintenance of. *See also* affiliation case
 - by board, illness or death of mother, 152, s. 36
 - liability of father, 153, s. 38
 - limitations as to, 151, s. 34
 - powers of entry and inspection as to, 153, s. 37
 - regulations as to, 154, s. 39
 - complaint for, 158, 212, s. 47, second sched. No. 1
 - liability for, of near relatives, order of, 158, s. 46
 - order for, form of, 213, second sched. No. 2
 - power to make and effect of, 159, s. 48
 - penalties for neglect, &c., in respect of, 160, ss. 50, 51
 - proceedings for, 158-160, ss. 47-49
 - to be taken by board in case of State child, 159, s. 47 (2)
 - maintenance order may include provision for, 156, s. 43 (3)
 - mental condition of, examination of, 183, s. 107
 - neglected, arrest of, without warrant, 181, s. 101
 - child in certain employment deemed to be, 208, s. 196
 - complaint against, 181, 215, s. 102, second sched. No. 8
 - definition of, 141, s. 5
 - detention of, in institution, order for, 181, s. 102
 - guardian of, liability of, in certain cases, 183, s. 105
 - notice to, of proceedings, 183, s. 106
 - mandate to be sent to institution, 215, second sched., No. 9
 - may be placed under control of board, 181, s. 102 (b)
 - proceedings against, notice of, to guardian, 183, s. 106
 - place of hearing of, 180, s. 100
 - proceedings relating to, secondary evidence in, 183, s. 108
 - summons or warrant for arrest of, 182, s. 103a
 - powers and functions of board as to, generally, 145, s. 16
 - proceedings against, Crown Solicitor or officer of board may appear in, 5, 202, s. 179
 - place of hearing of, 180, s. 100
 - power to exclude persons from court, 201, s. 177
 - removal of, from one institution to another, 184, s. 112
 - order for, form of, 218, second sched., No. 17
 - uncontrollable, detention of, in what institutions, 184, s. 112
 - uncontrollable or incorrigible, arrest of, entry into premises for, 184, s. 110
 - complaint against, 181, 215, s. 103, second sched., No. 8
 - how dealt with, 181-183, ss. 103-105
 - mandate for, to be sent to institution, 216, second sched., No. 11
 - order for release on probation, 216, second sched., No. 12
 - proceedings relating to, place of hearing of, 180, s. 100
 - secondary evidence in proceedings as to, 183, s. 108
 - under seven years, foster-mother of. *See* foster-mother
 - homes of certain persons having charge of, to be open to inspection, 205, s. 188
 - under ten years selling articles during certain hours is "neglected child", 141, s. 5
 - under fourteen years, habitually wandering during certain hours is "neglected child",
 - relief to, power of board to grant, 149-154, ss. 27-39 [142, s. 5]
 - under sixteen years, in or about licensed premises, is "neglected child", 142, s. 5
- Children's Welfare and Public Relief Board, actions against, 208, s. 194
- acts and proceedings of, not invalidated by defects, &c., 144, s. 11
 - casual vacancies on, 142, s. 10
 - chairman of, 143, 145, ss. 8, 12, 13
 - may act in case of emergency, 146, s. 16 (2)
 - powers of, on illness or death of mother of child being relieved, 152, s. 36
 - confinement expenses before birth to be paid to, 162, s. 56
 - constitution and incorporation of, 143, s. 6
 - control by, of child, duration of, 185, ss. 114, 115
 - release from, by order of Governor, 188, s. 125
 - control, of children may be vested in by order of court, 181, s. 102 (b)
 - of incorrigible child, &c., may be vested in, 181, s. 103 (b)
 - convicted children may be placed under control of, 184, s. 113
 - duty of, to keep record of persons admitted to asylum, 148, s. 22 (2)
 - to report annually, as to convictions against State children, 203, s. 184
 - to Governor, 145, s. 15
 - expenses of members, 145, s. 14
 - instruments, execution of, by, 143, s. 7
 - investigation by, as to application by female relative of child, 149-151, ss. 29-33
 - members of, appointment and number of, 143, 144, ss. 8-11
 - meetings of, 145, s. 13
 - meetings and proceedings of, regulations as to, 210, s. 203 (1) (b)
 - notice to, of proceedings to vary maintenance order in respect of child, 167, s. 62 (1)
 - officer of, dismissal of, for breach of duty, &c., 207, s. 191

1937
MAINTENANCE ACT, 1926-1937 (p. 137)—*continued*.

- officers of, may appear in certain proceedings, 202, s. 179
- orders of, to be in duplicate and to be judicially noticed, 209, s. 197
- power of, to accept sum in settlement in affiliation proceedings, 166, s. 61
 - to admit necessitous persons to asylum, 148, s. 22
 - to appoint attorneys and agents, 147, s. 20
 - to apprentice State children, 189, s. 127. *See* State child
 - to authorise entry into premises for arrest of child, 184, s. 110
 - to enter premises for arrest of child, 184, s. 110
 - to detain State child committing certain offences, 187, s. 124
 - to grant relief to necessitous persons, 148, ss. 22-24
 - to inspect homes of certain children, 205, 206, ss. 188, 189
 - to inspect lying-in homes and residences of licensed foster-mothers, 200,
 - to license foster-mothers and revoke licenses, 198, s. 168 [ss. 172, 173]
 - to license lying-in homes and revoke licenses, 198, s. 165
 - to lodge caveat against party liable under maintenance order, 174, s. 82
 - to manage lands and other property of inmates, 147, ss. 17-21
 - to permit adoption by foster-parent, 198, s. 169
 - to place child under its control in institution, 184, s. 109
 - to place out State children, 189, s. 128. *See* State child
 - to recover past relief from relatives, 148, ss. 23-25
 - to remove inmates from one institution to another, 187, s. 122
 - to require confidential information, 206, s. 189a
 - to sell or take land or property of party liable under maintenance order,
 - to take proceedings, 201, s. 178 [174, 175, ss. 83-89]
 - to visit children in respect of whom relief granted, 153, s. 37
- powers and functions of, generally, 145, s. 16
- powers of, as to relief of children under fourteen years, 149-154, ss. 27-39
 - as to State children. *See* State child
- privilege and protection of persons authorised by, to take charge of child, 207, s. 192
- proceedings by, for variation of certain maintenance orders, 167, 168, ss. 64, 65
 - on behalf of inmates, 147, s. 19
- Public Service Act, 1916, application to, 144, 145, ss. 9 (3), 12 (2)
- quorum of, 145, s. 13
- recommendation by, of extension of detention of female State child, or mentally
 - as to establishment, &c., of institutions, 196, ss. 153, 154, 158
- recovery by, from father, of sums paid for relief of child, 153, s. 38
 - of past relief granted to necessitous persons, 148, 149, ss. 23-26
- references to State Children's Council or Destitute Board deemed to refer to, 211, s. 208
- regulations as to, 210, s. 203 (1) (b), (j), (r)
- reports by, annually, 145, s. 15
- seal of, to be judicially noticed, 143, s. 7
- transfer to, of matters from Destitute Board and State Children's Council, 138, s. 3
 - of property of State Children's Council and Destitute Board, 146, s. 16 (3)
- vacancies on, how filled, 144, ss. 9 (2), 10
- condonation. *See* married woman
- confinement expenses. *See* affiliation case
 - definition of, 140, s. 5
- convicted child, definition of, 140, s. 5
 - detention in reformatory school, 184, s. 113
 - form of mandate for detention, 217, second sched. No. 13
- corroboration. *See* affiliation case
- costs, of agent, &c., appointed by board, 147, s. 20
 - of warrant of execution in enforcement of maintenance order, 175, s. 89
 - order for, in respect of matters not proved in application for protection by wife, 170,
- Crown Solicitor, right to appear in trials of children, 202, s. 179 (2) [s. 69]
- cruelty, married women may receive protection for, 168, s. 66. *See* married women
- death of member of board, 144, s. 10 (a)
 - of person in receipt of maintenance from board for child, 153, s. 36 (2)-(4)
- desertion, 155-158, 168, ss. 43-45, 66. *See* married woman
- Destitute Board, definition of, 143, s. 5
 - matters pending, transfer of, to Children's Welfare, &c., Board, 138, s. 3
 - references to, in other Acts, deemed to be to Board, 211, s. 208
- destitute child, apprehension of, entry into premises for, 184, s. 110
 - apprehension of, without warrant, 181, s. 101
 - complaint against, 181, 215, s. 102, second sched. No. 8
 - definition of, 140, s. 5
 - detention of, in institution, order for, 181, s. 102
 - in reformatory school, 184, ss. 111, 112
 - guardian of, liability of, in certain cases, 183, s. 105
 - mandate to be sent to institution, 216, second sched. No. 10
 - may be placed in custody of board, 181, s. 102

1937

MAINTENANCE ACT, 1926-1937 (p. 137)—*continued*.

- proceedings against, place for hearing of, 180, s. 100
- proceedings relating to, secondary evidence in, 183, s. 108
- summons or warrant for arrest of, 182, s. 103a
- destitute person, admission of, into asylum, 148, s. 22
 - complaint by, summons to relative and hearing, 154, 155, ss. 41, 42
 - maintenance of, liability of certain relatives for, 154, s. 40
 - liability of married woman for, 154, s. 40 (1a)
 - penalty for leaving without adequate means, 158, s. 45 (1), (3)
 - property of, while inmate of asylum, under control of board, 146, s. 16 (1) ix.
 - relief of, applications for, regulations as to, 210, s. 203 (1) (l)
- divorce, effect on maintenance order, 177, s. 93a
- evidence, as to age of boy or girl, absence of positive, 139, s. 5
 - as to detention of child in institution, &c., 187, s. 121
 - certificate on mandate to be, as to detention, &c., 187, s. 121
 - defendant in proceedings for disobedience of maintenance order to be compellable, *Gazette* to be, 209, s. 198 [179, s. 97]
 - husbands and wives competent and compellable, 202, s. 180
 - in affiliation cases, 162-165, ss. 55, 58-60
 - in proceedings, by board for maintenance of legitimate child, 159, s. 49
 - by board for recovery of past relief, 148, s. 25
 - relating to enforcement of maintenance orders, 159, 179, 180, ss. 49, 97-99
 - relating to unlicensed foster-mothers, 199, s. 170 (4)
 - in trials of children, Crown Solicitor or officer of board may examine witnesses, etc., of age of child, 186, ss. 119, 120 [202, s. 179]
 - of appointment of officer by board to take proceedings, 202, s. 178 (2)
 - of appointments, establishment of institutions, &c., 209, s. 198
 - of earnings of party liable under maintenance order, 179, s. 98
 - of keeping lying-in home, 198, s. 166 (2)
 - of mental condition of child, 183, s. 107
 - of payment, or non-payment, under maintenance order, 180, s. 99
 - of religion of child placed in institution, 186, s. 120
 - of wilful neglect by husband, 171, s. 72
 - on investigation by board, 150, s. 30
 - orders of board to be, 209, s. 197
 - seal of board to be judicially noticed, 143, s. 7
 - secondary, receivable in certain cases, 183, s. 108
- father. *See also* affiliation case
 - liability of, for maintenance of child paid by board, 153, s. 38
 - for relief given by board to child, 148, 149, ss. 23-26
- fees, regulations may prescribe, 210, s. 203 (1) (p)
- forms, 209, 212-220, ss. 200, 202, second sched., third sched.
- forms of proceedings, 209, s. 200
 - regulations may prescribe, 210, s. 203 (1) (o)
- foster-mother. *See also* foster-parent
 - definition of, 140, s. 5
 - licensed, regulations as to, 210, s. 203 (1) (k)
 - to keep register and records and give information, 200, 201, ss. 175, 176
 - licensing of, form of, 219, second sched., No. 21
 - number of children fixed in licence not to be exceeded, 199, s. 171
 - provision for, 198, 199, ss. 167-170
 - revocation of licence, 198, s. 168
 - place of residence of, to be open to inspection, 200, s. 172, 173
 - powers of board in respect of, 145, s. 16 (1) i., iii.
- foster-parent. *See also* foster-mother
 - adoption by, of foundling child, 198, s. 169
 - assignment by, of indentures or licence, 190, 192, ss. 136, 141
 - complaint by, against child, 192, s. 143
 - death of, 191, s. 137
 - definition of, 140, s. 5
 - duty of, to notify death, illness, &c., of child, 191, s. 140
 - to notify change of address, 191, s. 139
 - to permit visitation and inspection of State child, &c., 193, 194, ss. 147-149
 - to send State child to school regularly, 189, s. 129
 - insolvency, incapacity, &c., of, 191, s. 138
 - offences by. *See* offences and penalties
 - payment to, for maintenance of State child, 195, s. 150
 - recovery of wages due from, 190, s. 135
- foundling child, adoption of. *See* foster-parent
- Governor, annual report to, by board, 145, s. 15
 - approval by, of institutions, 146, s. 16 (1) v.

1937

MAINTENANCE ACT, 1926-1937 (p. 137)—*continued*.

- power of, to appoint chairman and members of board, 143-145, ss. 8, 9, 12
 - to extend period of detention of female State child, or mentally defective to make general regulations, 209, s. 203 [female, 188, s. 126]
 - to make regulations as to relief by board, 154, s. 39
 - to order release of State child, 188, s. 125
 - with respect to the establishment and abolition of institutions, &c., 195-197,
- guardian, application by, to set aside order in respect of child, 186, s. 117 [ss. 152-159]
 - definition of, 140, s. 5
 - liability of, in certain cases, for offence by child, 183, s. 105
 - notice to, of certain proceedings against child, 183, s. 106
 - unfit, child under guardianship of, is "neglected child", 142, s. 5
- husband. *See also* married woman : wife
 - liability of, for relief granted to wife, 148, 149, ss. 23-26
 - maintenance of, by wife, 156, s. 43a
 - order against, for summary protection of wife, 168-172, ss. 66-76
 - to be competent and compellable witness against wife, 202, s. 180
- illegitimate child, in certain cases is "neglected child", 142, s. 5
 - maintenance of. *See* affiliation case
 - who liable for, 158, s. 46 II.
 - supervision of, powers of board as to, 145, s. 16 (1) IV.
 - under seven years, homes of, to be open to inspection, 206, s. 189
- incorrigible child. *See* child
- inmate, complaints against, place of hearing of, 203, ss. 183, 184
 - definitions of, 140, 147, ss. 5, 21
 - of asylum, property of, to be under control of board, 146, s. 16 (1) IX.
 - property of, powers of board in respect of, 147, ss. 17-21
 - removal of, from one institution to another, 187, s. 122
- insolvency, vacation of seat on board on insolvency, assignment, &c., 144, s. 10 (a)
- institution. *See also* asylum
 - abolition of, 195-197, ss. 152, 158, 159
 - definition of, 140, s. 5
 - detention in, mandate for, 186-187, ss. 116-121
 - of child, duration of, 185, s. 114, 115
 - of child, pending trial, 203, s. 181
 - of child under control of board, 184, s. 109
 - of destitute or neglected child, order for, 181, s. 102 (a)
 - of female State child or mentally defective female, extension of, 188, s. 126
 - of incorrigible child, &c., order for, 181, s. 103 (a)
 - of State child, for additional period, 187, s. 124
 - to what institutions children to be sent, 184, ss. 111, 112
 - establishment and abolition of, 195-197, ss. 152-159
 - ex officio* visitors to, 197, s. 161
 - governing authority of, change in, to be notified, 196, s. 156
 - inmate of, complaints against, where to be heard, 203, ss. 183, 184
 - inmates of, to be sent to other institutions on abolition, 197, s. 159
 - officers of, dismissal of, for breach of duty, 207, s. 191
 - offences in relation to. *See* offences and penalties
 - private, maintenance of State children in, payment for, 195, s. 151
 - superintendent, &c., of, to be approved by board, 197, s. 160
 - proceedings against, 208, s. 194
 - records of convictions by, 203, s. 184
 - regulations as to, 210, s. 203 (1) (c), (e), (f), (k)
 - release from, of State child, on Governor's order, 188, s. 125
 - removal of inmates of, to other institutions, 187, s. 122
 - return to, may be ordered, on insolvency, &c., of foster-parent, 191, s. 138
 - on cancellation of indentures, &c., of State child, 193, ss. 144, 145
 - visitors books, 197, s. 162
- instrument, execution of, by board, 143, s. 7
 - references in, to boards under repealed Acts, 138, s. 3
- interpretation, 139, s. 5
- judicial separation, effect of order for on maintenance order, 177, s. 93a
 - order for relief from cohabitation to have effect of decree for, 171, s. 71 (3)
- lease of estate of inmate, power of board to grant, 147, ss. 17-19, 21
- lunacy of member of board, 144, s. 10 (a)
- lying-in home, definition of, 140, s. 5
 - inspection of, provision for, 200, ss. 172, 173
 - licensee of, to keep register and records, etc., 200, 201, ss. 174-176
 - licensing and control of, &c., powers of board as to, 146, s. 16 (1) VII.
 - licensing of, continuance of existing licences, 198, s. 164
 - form of, 219, second sched. No. 20
 - provision for, 197, 198, ss. 163-166
 - revocation of licence, 198, s. 165
 - regulations as to, 210, s. 203 (1) (c), (k)

1937

MAINTENANCE ACT, 1926-1937 (p. 137)—*continued*.

- maintenance. *See also* maintenance order
 - definition of, 141, s. 5
 - of child under fourteen years, provision for, 149-154, ss. 27-39
 - of children, by relatives, 158-168, ss. 46-65. *See* child
 - of destitute persons, 154, 155, 157, 158, ss. 40-42, 44, 45. *See* destitute person
 - of husband, by wife, 156, s. 43a
 - of illegitimate child. *See* affiliation case
 - of State child, payment of, by board, 195, ss. 150, 151. *See* State child
 - of wife, by husband, 155, 158, ss. 43, 45. *See* married woman : wife
- maintenance order, definitions of, 141, 202, ss. 5, 179
 - determination on judicial separation or divorce, 177, s. 93a
 - disobedience of, penalties for, 176, 177, 178, 179, ss. 91-93, 94-96
 - proceedings for, 176-180, ss. 91-99
 - divorce, effect of, 177, s. 93a
 - enforcement of, attachment of property of party liable, 172, 173, 5, ss. 77-80
 - form of order, 213, second sched. No. 3
 - caveat against real estate, 174, s. 82
 - collection of moneys by police, 174, s. 81
 - evidence in proceedings, 159, 179, 180, ss. 49, 97-99
 - general provisions as to, 172-180, ss. 77-99
 - imprisonment, 176, 177, s. 91, 92
 - in case of absconding party, 177, 178, 179, ss. 93, 94-96
 - warrant of execution against property, 174-176, ss. 83-90
 - judicial separation, effect of, 177, s. 93a
 - proceedings relating to, Crown Solicitor or officer of board may appear in, 202, s. 179
 - security for compliance with, 176, s. 90
 - Supreme Court order, effect of on, 177, s. 93a
 - warrant for arrest of absconding debtor and securities, 178, 179, ss. 95, 96
- Maintenance Orders (Facilities for Enforcement) Act, 1922, right of Crown Solicitor or officer
 - [of board to appear in certain proceedings under 202, s. 179]
- mandate for detention of child in institution, 186, 187, ss. 116-121
- married woman. *See also* wife
 - duty to maintain relatives, 154, s. 40 (1a)
 - liability to maintain husband, 156, s. 43a
 - summary protection of, 168-172, ss. 66-76
 - adultery by applicant, 171, s. 70
 - application for, 168, 172, ss. 66, 74
 - condonation by applicant, 171, s. 70
 - constitution of court, 169, s. 67
 - costs of matters not proved, 170, s. 69
 - forms in proceedings for, 172, 219, s. 76, third sched.
 - grounds for, 168, s. 66
 - immediate order for, on conviction in certain cases, 172, s. 74
 - maintenance, 170, s. 68 iv.
 - order for, contents of, 170, ss. 68, 69
 - disobedience of, penalty for, 172, s. 75
 - effect of, 171, s. 71
 - not to be granted in certain cases, 171, s. 70
 - security for compliance with, 176, s. 90
 - variation and discharge of, 171, s. 73
 - what may be provided by, 170, ss. 68, 69
 - presumption of wilful neglect, 171, s. 72
 - procedure on application for, 168, 169, ss. 66, 67
- Married Women's Property Act, 1883-4, variation of orders made under s. 20, 157, s. 43a (4)
- member, definition of, 141, s. 5. *See* Children's Welfare and Public Relief Board
- mental defective, certain female persons becoming, extension of detention of, 188, s. 126 (5)
- Minister, power of, as to application for maintenance of child, or mother, 151, 152, ss. 32-35
 - as to maintenance of State child, 195, ss. 150, 151
 - as to relief of necessitous persons by board, 148, s. 22 (1)
 - to direct payment of higher sum than maximum for child, 151, s. 34
 - to discontinue and vary payments by board for child, 152, s. 35
 - to discontinue and vary payments by board for mother, 152, s. 34a
 - to refer application for maintenance of child for rehearing, 151, s. 33
 - recommendation by, of relief, to child, 150, 151, ss. 31-33
- mother, application by for maintenance of child, 149-154, ss. 27-39
 - of child maintained by board, illness or death of, 152, s. 36
 - payments to, in certain cases, 152, s. 34a
- near relative, definition of, 141, s. 5
 - liability of certain near relatives for past relief by board, 148, 149, ss. 24-26
 - of child, liability of, for maintenance, 158, s. 46
 - undertaking by, to punish convicted child, 185, s. 113 (1) (d)
- neglected child. *See* child

1937

MAINTENANCE ACT, 1926-1937—continued.

- notice, by foster-parent of change of address, 191, s. 139
- of attachment of moneys due by party liable under maintenance order, 172, 173,
- of cancellation of apprenticeship, &c., of State child, 193, s. 144 [ss. 77-80]
- of change in governing authority of institution, 196, s. 156
- of intended action against board, institution, officer, &c., 208, s. 194
- of issue of warrant of execution to party liable, 175, s. 87 (1)
- to guardian, of certain proceedings against child, 183, s. 106
- to parent of child charged as incorrigible, &c., 182, s. 103
- to parent or guardian, of female State child, of intention to extend detention, 188,
 - of proceedings as to child, failure to give, 186, s. 117 [s. 126 (2)]
 - of proceedings against child, failure to give, &c., 203, s. 182
- offences and penalties, by child, powers of court in respect of, 184, s. 113
- by child, proceedings for, to be heard in appointed places, 180, s. 100
 - liability of guardian in certain cases, 183, s. 105
- communicating with child in institution, &c., 205, s. 186
- conviction of husband for offence involving cruelty to wife, &c., 172, s. 74
- desertion of child by near relative leaving State, 178, 179, ss. 94-96
- failing to furnish information to board on request, 206, s. 189a
- false pretences, obtaining assistance, &c., by, 205, s. 187
- father or mother failing to provide for child, 160, s. 50
- foster-mother, licensed, not keeping records, &c., 201, s. 176
 - licensed, taking more children than number fixed, 199, s. 171
 - unlicensed, 199, s. 170
- foster-parent, breach of contract, &c., by, 192, s. 142
 - failing to deliver State child on board's order, 193, s. 146
 - failing to notify change of address, 191, s. 139
 - failing to notify illness, &c., of child, 191, s. 140
 - failing to permit inspection, &c., 193, 194, ss. 147, 149
 - ill-treating or neglecting child, 192, s. 142
 - not sending State child to school, 189, s. 129
 - transferring or dismissing child without board's consent, 192, s. 141
- husband deserting wife in certain cases, 158, s. 45 (2), (3)
 - disobeying order for summary protection of wife, 172, s. 75
- inmate damaging board's property, &c., 205, s. 187
- inspection of homes of illegitimate and other children, &c., refusal of, 205, 206,
 - institution, refusing to leave, &c., 205, s. 186 [ss. 188, 189]
- keeping unlicensed lying-in home, 198, s. 166
- lying-in home, licensee of, not keeping records, &c., 201, s. 176
- maintenance order, disobedience of, 176, 177, ss. 91, 92
 - disobedience of and leaving State, 177-179, ss. 93, 95, 96
- mother or father permitting child to be in custody of unlicensed foster-mother, 199,
- near relative, leaving child without adequate means, 160, s. 51 [s. 170]
- leaving unsupported destitute person, 158, s. 45
- obstructing inspection of lying-in home or residence of licensed foster-mother, 200,
- officer of board or institution, breach of duty, &c., 207, s. 191 [s. 173]
- penalties, disposal of, 211, s. 206
- permitting escape from institution, 207, s. 190
- proceedings for. *See* proceedings
 - allegations in, 211, s. 207
 - (except for misdemeanours) to be summary, 211, s. 204
 - regulations may impose penalties, 210, s. 203 (1) (g)
 - removing, harbouring, &c., of State child, 204, s. 185
 - State child absconding, &c., 187, ss. 123, 124
 - State child refusing to obey orders, &c., 187, ss. 123, 124
 - superintendent, or officer, &c., permitting escape, 207, s. 190
 - visitors' book, defacing observations in, &c., 197, s. 162
- officers, power of board to appoint, 146, s. 16 (1) x.
- order, against child, application to set aside, 203, s. 182
 - as to child, proceedings to set aside, 186, s. 117
 - as to uncontrollable or incorrigible child, 181-183, ss. 103-105
 - by board, form of, 209, s. 197
 - definition of, 141, s. 5
 - existing, deemed to provide for payment to board, 138, s. 3
 - for detention or control of neglected or destitute child, 181, s. 102
 - for maintenance of child, 159, s. 48
 - by near relatives, variation of, 167, 168, ss. 62-65
 - for maintenance of destitute person by relative, 155, s. 42
 - variation of, 157, s. 44
 - for maintenance of husband, 156, s. 43a
 - variation of, 157, s. 44
 - for maintenance of wife, 155, s. 43
 - variation of, 157, s. 44

MAINTENANCE ACT, 1926 ¹⁹³⁷ (p. 137)—*continued*.

- for summary protection of married woman, 168-172, ss. 66-76
- in affiliation proceedings, 160-165, ss. 52, 54-56, 59-60
- service of, unnecessary, 209, s. 201
- to be defence to actions, 207, s. 193
- parent, application by, for setting aside of order as to child, 186, s. 117
 - of child charged as incorrigible, &c., notice to, of charge, 181, s. 103
 - of convicted child, may be ordered to give security, 185, s. 113 (1) (c)
- Parliament, members of, not eligible as members of board, 144, s. 8 (3)
 - reports by board to be laid before, 145, s. 15 (2)
- police, collection by, of moneys due to board, 174, s. 81
 - constable, arrest of State child by, 193, s. 146 (2)
 - may arrest destitute or neglected child without warrant, 181, s. 101
 - power of, to arrest absconding State child, &c., 187, s. 123
 - to enter premises for arrest of children, 184, s. 110
- pregnancy, proof of in affiliation cases, 162, s. 55
- private institution, definition of, 142, s. 5
- private reformatory school, definition of, 142, s. 5
- probation, release of incorrigible child, &c., on, 181, ss. 103 (c)
- probationary school, incorrigible child, &c., may be committed to, 182, s. 103 (d)
- proceedings. *See also* evidence
 - against board, institution, or officer, &c., 208, s. 194
 - against child, detention pending trial, 203, s. 181
 - officer of board or Crown Solicitor may appear in, 202, s. 179
 - place of hearing of, 180, s. 100
 - power to exclude persons from hearing of, 201, s. 177
 - against children, orders in, setting aside of, 203, s. 182
 - against inmate of asylum or institution, hearing of, 203, ss. 183, 184
 - affiliation cases, 160-168, ss. 52-65
 - as to incorrigible or uncontrollable child, 181, 183, ss. 103-105, 108
 - board, power of, to take, on behalf of inmate, 147, ss. 18, 19
 - by board, for recovery of wages due to State child, 190, s. 135
 - by deserted husband, 156, 157, s. 43a, 44
 - by deserted wife, 155, 157, ss. 43, 44
 - defence to, mandate or order to be, 207, s. 193
 - destitute person, by, for maintenance, 154, 155, ss. 41, 42
 - for enforcement, &c., of maintenance orders, 172-180, ss. 77-99
 - for maintenance of child by near relatives, 158-160, ss. 46-51
 - for recovery of maintenance by board from father of child, 153, s. 38
 - for offences, 211, s. 204
 - form of allegations, &c., 211, s. 207
 - for variation, of maintenance order, 157, s. 44
 - of orders under Part III., Div. II. 167, 168, ss. 62-65
 - forms for, 214, second sched. Nos. 4, 5
 - of orders under Part III., Div. III., 171, s. 73
 - forms for use in, 209, 212-220, s. 200, second sched., third sched.
 - in respect of destitute, neglected, uncontrollable or incorrigible children, 180-184
 - power of board to take, by any officer, 201, s. 178 [ss. 100-112]
 - privilege of persons in charge of children ordered to be detained, 207, s. 192
 - protection of board, institutions and officers, 208, s. 194
 - to set aside order in respect of child, 186, s. 117
 - warrants, issue of, 211, s. 205
- property, of Destitute Board and State Children's Council, transfer of, to board, 146, s. 16 (3)
 - of inmates, powers of board in respect of, 147, ss. 17-21
- prostitute, common, mother of illegitimate child, effect of, 160, s. 52
- public place, child wandering about is "neglected child", 141, s. 5
 - definition of, 142, s. 5
- Public Service Act, 1916, application of, to chairman and members of board, extent of, [144, 145, ss. 9 (3), 12 (2)]
- Real Property Act, 1886, registration under, of caveats, warrants, of execution, etc., 174, 175,
- receiving depot, included in "institution", 140, s. 5. *See* institution [ss. 82, 84, 86 (2)]
- reformatory school. *See* institution
 - detention in, of convicted children, order for, 184, s. 113
 - mandate for, 217, second sched. No. 13
 - imprisonment in, of State child, in certain cases, 187, s. 123 (2)
 - included in "institution", 140, s. 5
 - private, maintenance of State children in, payment for, 195, s. 151
 - what children to be sent to, 184, ss. 111, 112
- regulations, as to granting of relief by board, 154, s. 39
 - general, 209, s. 203
- relatives, duty of, to maintain destitute persons, 154, s. 40. *See also* destitute person
 - payment to, for maintenance of children, 149-154, ss. 27-39

MAINTENANCE ACT, 1926-1937 (p. 137)—*continued*.

- repeal, Acts repealed, 138, 212, s. 2, first sched.
- continuance of existing licence in respect of lying-in homes, 198, s. 164
- saving provisions, 138, s. 3
- saving provision, 138, s. 3
- service, regulations as to, 210, s. 203 (1) (o)
- State child, apprenticing of, power of board as to, 145, s. 16 (1) II.
 - apprenticeship of, assignment by foster-parent, 190, 192, ss. 136, 141
 - cancellation of, 192, 193, ss. 143, 144
 - by board, 193, ss. 145, 146
 - order for, form of, 218, second sched., Nos. 18, 19
 - not permitted until child fourteen years of age, 190, s. 130
 - period of, 189, s. 127
 - power of board as to, 189, s. 127
 - board to have general supervision of, 194, s. 149
 - change of address to be notified, 191, s. 139
 - child, maintained by board to become, on death of mother, 153, s. 36 (3)
 - placed in institution by board to be, 184, s. 109
 - control of, and of property, a function of the board, 145, 146, s. 16 (1) I., II., V.
 - convictions against, annual report of, 203, s. 184
 - death of foster parent, 191, s. 137
 - definition of, 143, s. 5
 - detention of, for excess period for certain offences, 187, s. 124
 - in institution, duration of, 185, s. 115
 - discharge of from apprenticeship or licence, by court, 192, s. 142 (2)
 - dismissal by foster-parent, 192, s. 141
 - education, provision for, 189, s. 129
 - female, becoming mental defective, detention of, 188, s. 126 (5)
 - detention of, until majority, 188, s. 126
 - foster-parents, duties of. *See* foster parent
 - free railway passes to, 208, s. 195
 - illness, death, &c., of child to be notified, 191, s. 140
 - indentures or agreements for, 190, s. 131
 - insolvency, inability, &c., of foster-parent, 191, s. 138
 - maintenance of, by near relatives, 158-160, ss. 46-51
 - may be paid by board, 195, ss. 150, 151
 - offences by. *See* offences and penalties
 - proceedings on, 192, 193, ss. 143, 144
 - placing out of, agreement for, forms of, 217, 218, second sched., Nos. 14, 15, 16
 - period of, 189, s. 128 (2)
 - power of board as to, 189, s. 128
 - to what places, 189, s. 128 (1)
 - regulations may be made with respect to, 210, s. 203 (1) (d), (f)-(i)
 - release of, on Governor's order, 188, s. 125
 - removing, harbouring, &c., penalty for, 204, s. 185
 - supervision of, 194, s. 149
 - visitation and inspection, 193, 194, ss. 147-149
 - visitors to, appointment and powers of, 194, s. 149
 - wages may be made payable to board, 190, ss. 132-135
- State Children's Council, definition of, 143, s. 5
 - matters pending, transfer of, to Children's Welfare, &c., Board, 138, s. 3
 - references to, in other Acts, deemed to be to board, 211, s. 208
- Supreme Court, power of, to order removal of caveat lodged by board, 174, s. 82 (2) (b)
- uncontrollable child. *See* child
- visitors, observations by, in visitors' book, 197, s. 162
 - of State children, 194, s. 149
 - to institutions, *ex officio*, 197, s. 161
- warrant, issue of, 211, s. 205
- wife. *See also* married woman
 - complaint by, against husband leaving without support, 155, s. 43
 - desertion of, 155, 158, ss. 43, 45
 - desertion of husband by, 156, s. 43a
 - husband leaving, without adequate means, 155, s. 43
 - maintenance by, of relatives, 154, s. 40 (1a)
 - offer of home to, effect of, 157, s. 44 (2)
 - penalty for leaving without support, and leaving State, 158, s. 45 (2), (3)
 - relief to, liability of husband for, 148, 149, ss. 23-26
 - summary protection of. *See* married woman
 - to be competent and compellable witness against husband, 202, s. 180
 - variation of order for maintenance of, or by, 157, s. 44

1937

STAMP DUTIES ACT, 1923-1937 (p. 221)

- account, of moneys received for payment of duty, 263, s. 111
- adhesive stamps. *See* stamp
- affidavit, duty on, 264, second sched.
 - may be denoted by adhesive stamp, 231, s. 28
- agreement, annulment of, refund of *ad valorem* duty, 233, s. 31 (4)
 - duty on, may be denoted by adhesive stamp if not under seal, 232, s. 29
 - not under seal, 264, second sched.
 - under seal, 267, second sched.
 - for lease, chargeable with duty as lease, 248, s. 72
 - for mortgage, 250, s. 76 (c)
 - rescission of, refund of *ad valorem* duty, 233, s. 31 (4)
 - receipt, when deemed to be, 232, s. 31 (3)
 - sale, for, in certain cases to be stamped as conveyance, 232, s. 31
 - several letters constituting, how stamped, 232, s. 30
- amusements, admission to, by means of automatic barriers, &c., 258, ss. 97, 98
 - by means of mechanical contrivance, 256, s. 94 (2)
 - duty payable on, 255, 270, s. 92, fourth sched.
 - how calculated, 256, s. 94 (2a)
 - to be refused unless duty paid, 255, s. 93
 - penalty for unless duty paid, 256, s. 93 (2)
- amusements duty, amounts of 270, fourth sched.
 - definition of terms, 254, s. 91
 - exemptions from, 257, s. 96
 - how calculated, 256, ss. 94, 95
 - members' tickets and season tickets, 256, s. 95
 - recovery of, 256, s. 94 (3)
 - when payable, 256, s. 94 (3)
- amusements, police, arrangements for exercise of Commissioner's powers by, 260, s. 103
 - powers of Commissioner as to entry and inspection, 260, s. 102
- amusements promoter, arrangement by, for furnishing returns, 255, s. 93 (1)
 - duty of, to deliver up used tickets, 259, s. 100
 - liability for duty, 256, s. 94
 - refund to, of value of unused tickets, 259, s. 101
 - returns by, 258, 259, ss. 98, 99
 - security by, for duty, 256, s. 93 (1)
- annual licences. *See* assurance and insurance
- annuity. *See* mortgage
- appeal from Commissioner's assessment of duty, 229, s. 24
- assessment. *See* stamp duty
- assignment, inclusion of, in "conveyance", 243, s. 60. *See* conveyance
- assurance and insurance, annual licences required by persons, firms, and companies in business
 - annual licence, application for, how made, 234, s. 35 [of, 234, s. 33]
 - Commissioner's power of inquiry, in respect of duty, 236, ss. 37, 38
 - company not to be registered until duty paid, 236, s. 40
 - duty payable on, 234, 265, ss. 33, 34, second sched.
 - duty on, where premium not in policy, 235, s. 36
 - effect of, 236, s. 39
 - form of, 270, third sched.
 - penalty for carrying on business without, 237, s. 41
 - time for issue and duration of, 234, s. 34
 - business of, penalty for carrying on, without licence, 237, s. 41
 - definition of terms in respect of provisions as to, 233, s. 32
 - refund of overpaid duty, 233, s. 42
- Attorney-General, proceedings by, for recovery of penalties, 263, s. 110
- bank notes, definition of "bank" and "bank note", 237, s. 43
 - duty payable by banks in respect of, 238, 266, ss. 44, 45, second sched.
 - not bills of exchange, 238, s. 46
- bills of exchange and promissory notes, bills in sets, duty in respect of, 241, s. 52
 - definitions of, 238, s. 46
 - duty on, 266, second sched.
 - how denoted, 239, s. 47
 - time for paying 239, s. 48
 - unstamped, penalties for issuing, using, &c., 240, 241, ss. 49, 51
 - where deemed drawn, 241, s. 50
- bill of lading, duty on, 266, second sched.
 - time for payment of duty on, 241, s. 53
- bond, duty on, 268, second sched.
- broker's note. *See* contract note
- broker, not to recover brokerage on unstamped contract note, 242, s. 58
- cheque, inclusion of, in "bill of exchange", 238, s. 46. *See* bills of exchange and promissory
- Commissioner. *See* Commissioner of Stamps [notes]
 - means Commissioner of Stamps, 222, s. 4

1937

STAMP DUTIES ACT, 1923-1937 (p. 221)—*continued*.

- Commissioner of Police, may agree with Commissioner for exercise of functions as to amuse-
 Commissioner of Stamps, appointment of, 223, s. 6 [ments duty, 260, s. 103
 appeal against assessment of, 229, s. 24
 deputy, 223, s. 6
 duty of, to assess amount of duty if required, 228-230, ss. 23-25
 to denote payment of duty and penalty when made in court, 228, s. 21 (4)
 to denote that conveyance duly stamped, 232, s. 31 (2)
 to retain possession of instruments not duly stamped, 231, s. 27b
 to state case on appeal if required, 229, s. 24 (5)
 opinion of, as to duty, 228-230, ss. 23-25
 power of, to charge on value instead of consideration, on conveyance, 245, s. 66b
 to denote payment of duty on dependent instruments, 226, s. 18
 to hold inquiries, summon witnesses, &c., 230, s. 27a
 to inspect public records, &c., 230, s. 26
 to refund value of spoiled stamps and overpaid duty, 233, 237, 259, 261, ss. 31
 to remit penalty for not duly stamping, 227, s. 20 (3) [(4), 42, 101, 106
 to require abstract and evidence when opinion sought, 230, s. 25
 to require instrument to be submitted for opinion, 230, s. 27a
 powers and duties of, with respect to insurance licences, 233-237, ss. 32-42
 powers of, with respect to amusements duty, 254-260, ss. 91-103.
 proceedings by and against, 223, s. 6 (3)
 recovery of stamp duty may be in name of, 223, s. 5 (2)
 security by, 223, s. 6 (2)
 company, definition of, 233, s. 32. *See also* assurance and insurance
 consideration, foreclosure application, how estimated, 244, s. 63
 inquiry as to, may be held by Commissioner, 230, s. 27a
 instalments, when payable in, 245, s. 66
 instrument for more than one, duty on, 225, s. 14 II.
 lease, in case of, other than rent reserved, 244, s. 64
 life or lives, consideration payable during, duty on, 245, s. 66
 parcels, conveyance of one property in several, 246, s. 68
 property, conveyed for debt, 246, s. 67
 other than money, value of, 244, s. 65
 re-conveyance to third party, duty in case of, 246, s. 68 (3)-(5)
 several instruments of conveyance for one sale, 247, s. 69
 shares, consisting of, how value estimated, 244, s. 61
 value of property conveyed may be charged if higher than, 245, s. 66b
 voluntary disposition *inter vivos*, 247, s. 71
 consolidation, Acts consolidated and repealed, 222, 264, s. 3, first sched.
 contract. *See* agreement : contract note : conveyance : sale
 contract note, addition of duty on, to brokerage, 242, s. 57
 definition of, 241, s. 54
 definition of "stock", 222, s. 4
 duty on, 266, second sched.
 may be denoted by adhesive stamp, 242, s. 55
 inclusion in, of several transactions, 242, s. 54 (2), (3)
 options, contracts for, application of provisions to, 243, s. 59
 stamped, to be made in all cases of dealing with stock, &c., 242-243, ss. 56-59
 unstamped, brokerage, &c., not recoverable in case of, 242, s. 58
 convey. *See* conveyance
 definition of, 243, s. 60
 conveyance, agreement for sale stampable as, in certain cases, 232, s. 31
 chargeable on value of property if exceeds consideration, 245, s. 66b
 consideration for, how estimated in certain cases, 244-247, ss. 61-71. *See* consideration
 definition of terms, 243, s. 60
 double, 246, s. 68
 duty on, 267, second sched.
 instruments to evade or avoid duty on, to be void, 247, s. 70
 not stampable where agreement stamped *ad valorem*, 232, s. 31 (2)
 several instruments completing purchaser's title, 247, s. 69
 several instruments under one contract of sale, 246, s. 68
 sub-purchaser, to, 246, s. 68
 transfer of stamped security, 251, s. 81
 voluntary, 247, s. 71
 costs, of appeal from assessment, 229, 230, s. 24 (7), (8)
 of proceedings for recovery of duty or penalty, 263, ss. 110, 111
 counterpart, stamping of, 226, s. 17
 coupons and interest warrants, duty on, 266, second sched.
 duty on, may be denoted by adhesive stamp, 239, s. 47
 time for stamping, 239, s. 48
 unstamped, penalty for issuing, taking, &c., 241, s. 51
 covenant, duty on, 268, second sched.

STAMP DUTIES ACT, 1923-¹⁹³⁷~~1936~~ (p. 221)—*continued*.

- Crown, stamp duties to be debt due to, 223, s. 5 (2)
 debenture, duty on, 268, second sched.
 debt, conveyance in consideration of, 246, s. 67
 declaration, duty on, 264, second sched.
 may be denoted by adhesive stamp, 231, s. 28
 declaration of trust, inclusion of, in "conveyance", 243, s. 60. *See* conveyance
 decree, inclusion of, in "conveyance", 243, s. 60. *See* conveyance
 deeds, duty on, 267, second sched.
 Deputy Commissioner, 223, s. 6. *See* Commissioner of Stamps
 die, definition of, 222, s. 4
 dies, provision of, 223, s. 8
 distributors of stamps, 223, s. 7
 document, inclusion of, in "instrument", 222, s. 4. *See* instrument
 draft, inclusion of in "bill of exchange", 238, s. 46. *See* bills of exchange and promissory
 duplicate, stamping of, 226, s. 17 [notes
 duty, definition of term, 222, s. 4. *See* stamp duty
 evidence, admissibility of instruments unstamped, or insufficiently stamped, 227, 228, ss. 21,
 all facts, &c., affecting duty, to be stated in instruments, 226, s. 19 [22, 23 (4)
 Commissioner may inspect public records, &c., 230, s. 26
 Commissioner may require in certain cases, 230, s. 25
 Commissioner may take, on inquiry by him, 230, s. 27a
 of due licensing of person or company carrying on insurance business, 237, s. 41 (3)
 of intent to evade duty, &c., on instruments, 226, s. 19 (2)
 of payment of duty for annual licence, 236, s. 40 (2)
 exchange, rate of, for ascertainment of value in British currency, 225, s. 15
 executed, definition of term, 222, s. 4
 execution, definition of term, 222, s. 4
 exemptions, from amusements duty, 257, s. 96
 from stamp duties, 223, 264-269, s. 5 (1), (3), second sched.
 from totalizator duties, 253, s. 89a
 general, from all stamp duties, 269, second sched.
 firm of persons, definition of, 233, s. 32. *See* assurance and insurance
 forge, definition of, 222, s. 4
 foreclosure. *See* mortgage
 Governor, power of, to appoint Commissioner, officers and distributors of stamps, 223, ss. 6,
 to make regulations as to totalizators, &c., 254, s. 90 [7
 to make regulations generally, 263, s. 112
 to make regulations under Part IV. (amusements duty), 260, s. 104
 inquiry, may be held by Commissioner in certain cases, 230, s. 27a
 instrument. *See also* stamp: stamp duty: and under particular headings
 abstract of, for purposes of assessing duty, 230, s. 25
 avoidance of instruments executed to avoid or evade duty on conveyance, 247, s. 70
 considerations for, two or more, duty in case of, 225, s. 14 II.
 definition of, 222, s. 4
 duplicates and counterparts, provision for, 226, s. 17
 duty chargeable dependent on other instruments, provision as to, 226, s. 18
 execution of, definition of, 222, s. 4
 facts affecting duty on, to be fully contained in, 226, s. 19
 not to be stamped except in accordance with assessment, 228, s. 23 (5)
 party executing, to be liable for duty, 223, s. 5 (2)
 power of Commissioner to require instrument to be assessed, 230, s. 27a
 several matters in one instrument, each chargeable, 225, s. 14
 stamp duties chargeable on, 223, 264-269, s. 5, second sched.
 stamping of. *See* stamp duty
 time for stamping, 226, s. 20 (1)
 two instruments on one piece of material, to be stamped separately, 225, s. 13 (2)
 unstamped or insufficiently stamped, admissibility in proceedings, 227, 228, ss. 21,
 not to be registered, &c., 230, s. 27 [22, 23 (4)
 penalty and interest on stamping, 226, s. 20
 penalties for. *See* offences and penalties
 to be retained by Commissioner, 231, s. 27b
 writing of, on stamped material, mode of, 225, s. 13
 insurance. *See* assurance and insurance
 interest on unpaid duty in certain cases, 226, s. 20
 interest warrant. *See* coupons and interest warrants
 interpretation, generally, 222, 233, ss. 4, 32
 "bank" and "bank note", 237, s. 43
 "bill of exchange" and "promissory note", 238, s. 46
 "contract note", s. 54
 "conveyance", "convey", "conveyance on sale", 243, s. 60
 "mortgage", 249, s. 76
 of terms in Part IV. (amusements duty), 254, s. 91

STAMP DUTIES ACT, 1923-1937 (p. 221)—*continued*.

- of terms relating to annual licences, 233, s. 32
- “prescribed” in Part IV. (amusements duty) implies power to make regulations, 260,
- “racing club”, 252, s. 85 [s. 104 (1)]
- “receipts”, 251, s. 82
- lease, agreement for, chargeable as, 248, s. 72
 - consideration other than rent payable for, 244, s. 60
 - consideration for, where in addition to rent, duty on, 244, ss. 60, 64
 - covenant for improvements not chargeable, 249, s. 74 (2)
 - duty on, 267, second sched.
 - how chargeable where consideration consists of produce, &c., 248, s. 73
 - penal rent, not dutiable, 249, s. 74 (1)
 - surrender of, to Crown, in certain cases is conveyance, 243, s. 60
- letter, agreement comprised in several letters, how stamped, 232, s. 30
- letter of credit, inclusion of, in “bill of exchange”, 238, s. 46. *See* bills of exchange and [promissory notes]
- letters of allotment, scrip certificates and scrip, duty on, 268, second sched.
 - penalty for non-stamping, 249, s. 75
- licence, annual. *See* assurance and insurance
- life interest. *See* consideration
- material, definition of, 222, s. 4
 - stamped, how instruments to be written upon, 225, s. 13
 - stamping of instruments on, 225, s. 13 (2)
- memorandum of agreement. *See* agreement
- money, definition of, 222, s. 4
- mortgage, annuity chargeable as, 251, s. 80
 - collateral or additional security not dutiable, 250, 251, ss. 77, 81
 - definition of, 249, s. 76
 - duty on, 268, second sched.
 - for payment of rentcharge, annuity, &c., how charged, 251, s. 80
 - foreclosure application, duty on, 244, s. 63
 - in certain cases is conveyance on sale, 244, s. 60
 - future advances, for, how charged, 250, s. 79
 - rentcharge, chargeable as, 251, s. 80
 - several instruments, 250, s. 77
 - stock, security for, how charged, 250, s. 78
 - transfer of, 251, s. 81
- note. *See* bills of exchange and promissory notes : contract note
- offences and penalties, adhesive stamp, failure to cancel, 224, s. 12
 - adhesive stamp, on contract note, failure to cancel, 242, s. 55
 - fraudulent use of, &c., 262, s. 109
- amusement, admission to, without payment of duty, 256, s. 93 (2)
 - certificate of exemption from duty, exceeding estimate of expenses, 257, s. 96
 - promoter of, failing to deliver up used tickets, 259, s. 100 [(2)]
 - promoter of, not making due returns, 258, 259, ss. 98, 99
- assurance or insurance business, carrying on, without licence, 237, s. 41 (1)
- bill of exchange, coupon, &c., unstamped, 240, 241, ss. 49, 51
- bill of lading, not duly stamped, making or using, 241, s. 53
- evasion of duty, device tending to, &c., 263, s. 109 (c)
- false application for annual licence, executing or preparing, 235, s. 35 (4)
- forgery, mutilation of stamps, &c., 262, s. 108
- fraudulent misstatement with intent to evade duty, 261, s. 107
- informers may be rewarded, 263, s. 110 (2)
- instrument in which all facts affecting duty not stated, preparation or execution of, [226, s. 19 (2)]
- letter of allotment, scrip certificate or scrip, issue of, unstamped, 249, s. 75
- penalty on unstamped or insufficiently stamped instrument, 226, s. 20
- proceedings for, 263, s. 110
- racing club, &c., failing to render statements as required, 253, s. 89
- receipt, non-stamping, refusal to give, &c., 252, s. 84
- regulations may fix penalties for breach thereof, 263, s. 112
- regulations under Part IV. (amusements duty) may fix penalties for breach, 261, s. under Part IV. (amusements duty), 261, s. 105 [104 (2)]
- unstamped bill of exchange, coupon, &c., 240, 241, ss. 49, 51
- unstamped contract note, 242, ss. 56, 58
- witness summoned by Commissioner not attending, &c., 231, s. 27a (3)
- witness summoned by Commissioner (under annual licence provisions) failing to [attend, 236, s. 37 (2)]
- option, contract note for. *See* contract note
- order, inclusion of, in “bill of exchange”, 238, s. 46. *See* bills of exchange and promissory Parliament, general regulations to be laid before, 263, s. 112 (3) [notes]
- police, authority of, to exercise powers as to amusements duty, 260, s. 103
- policy, definition of, 233, s. 32. *See* assurance and insurance
- power of attorney, duty on, 268, second sched.

STAMP DUTIES ACT, 1923-¹⁹³⁷~~1936~~ (p. 221)—*continued*.

- prescribed, in Part IV. (amusements duty) implies power to make regulations, 260, s. 104
 proceedings. *See also* evidence [(1)]
 by or against Commissioner, 223, s. 6 (3)
 duty of officer of court, in as to instruments not duly stamped, 227, s. 21
 for recovery of stamp duty, 223, s. 5 (2)
- promissory note. *See* bills of exchange and promissory notes
- promoter. *See* amusements promoter
- public records, instruments, &c., not to be registered or entered in, unless duly stamped, to be open to inspection by Commissioner, 230, s. 26 [230, s. 27]
- racing club, duty of, to forward statements of takings, 253, ss. 88, 89
 includes trotting club, 252, s. 85
 regulations as to, with respect to duty, 254, s. 90
 totalizator duty, on gross takings of, 252, 268, ss. 86, 87, second sched.
 exemption from duty in certain cases, 253, s. 89a
- Real Property Act, 1886, certain proceedings under deemed conveyances, 243, s. 60
- receipt, definition of, 251, s. 82
 duty on, 268, second sched.
 duty on, how denoted, 252, s. 83
 offences in relation to, 252, s. 84
 purchase moneys for, when chargeable *ad valorem*, 232, s. 31 (3)
- reconveyance on discharge of mortgage, not to be registered unless stamped for highest rentcharge. *See* mortgage [amount, 251, s. 79 (3)]
- repeal, Acts consolidated and repealed, 222, 264, s. 3, first sched.
- regulations, amusements duty, as to, 260, s. 104
 general, 263, s. 112
 totalizator duty, as to, 254, s. 90
- sale, agreement for, stampable as conveyance in certain cases, 232, s. 31
- scrip certificate, duty on, 268, second sched.
 penalty for non-stamping, 249, s. 75
- seal, contract not under, may be stamped by adhesive stamp, 232, s. 29
- shipping note, duty on, 266, second sched.
- stamp. *See also* stamp duty
 adhesive, cancellation of, 224, 231, 232, 239, 242, 252, ss. 12, 28, 29, 48, 55, 83
 form of, 224, s. 11 (3)
 how used, 224, s. 12
 in what cases may be used, 231, 232, 239, 242, 252, ss. 28, 29, 47-8, 55, 83
 when may be used, 224, s. 10
 appropriate, to be used, 224, s. 11
 definition of, 222, s. 4
 denoting, payment of penalty and interest, 227, s. 20 (2)
 that instrument duly stamped, 228, s. 23 (3), (4)
 that instrument not dutiable, 228, s. 23 (2), (4)
 that original instrument stamped, 226, s. 17
 distributors of stamps, 223, s. 7
 failure to stamp, effect of, as to evidence, 227, 228, ss. 21, 22
 impressed, use of, 224, ss. 10, 11
 when to be used, 234, 252, ss. 33 (3), 83
 position of, 225, s. 13
 provision of stamps, 223, s. 8
 spoiled or unused, refund of, 233, 237, 259, 261, ss. 31 (4), 42, 101, 106
- stamped, definition of, 222, s. 4
- stamp duty, adhesive stamps. *See* stamp
 admissibility of instruments not duly stamped, 227, 228, ss. 21, 22
 ad valorem, to be calculated on value in British currency, 225, s. 15
 amount of, assessment of, 228-230, ss. 23-25
 facts, &c., affecting, to be fully set out, 226, s. 19
 in particular cases, 264-270, second sched., fourth sched.
 appropriate stamps to be used for, 224, s. 11
 assessment of, abstract of instrument for purposes of, 230, s. 25
 appeal from, 229, s. 24
 by Commissioner, 228-230, ss. 23-25
 may be required by him, 230, s. 27a
 objection to Treasurer, 229, s. 24 (1)-(3)
 Commissioner, powers and duties as to. *See* Commissioner of Stamps
 consideration, more than one, in case of, 225, s. 14 II.
 denotation of, mode of, 224, s. 10
 duplicates and counterparts, on, 226, s. 17
 exemptions from, 223, 264-269, s. 5 (1), (3), second sched.
 exemptions, general, from all stamp duties, 269, second sched.
 facts affecting, to be fully stated in instruments, 226, s. 19
 how denoted, 224, ss. 10, 11
 imposition of, 223, s. 5

STAMP DUTIES ACT, 1923-1937 (p. 221)—*continued*.

- insufficient, penalty in respect of, 226, s. 20
- liability for, 223, s. 5 (2)
- misappropriation of moneys received for, remedy for, 263, s. 111
- mode of stamping, position of stamp, 225, s. 13
- objection to assessment of, 229, s. 24 (1)-(3)
- payment of, time for, 226, s. 20
 - to be made in accordance with Act, 224, s. 9
- rate of, in force when instrument produced for stamping, to apply, 225, s. 16
- recovery of, 223, s. 5 (2)
- several matters in one instrument, 225, s. 14
- time within which instruments to be stamped, 226, s. 20
- to be debt due to Crown, 223, s. 5 (2)
- two instruments on one material to be stamped separately, 225, s. 13 (2)
- unpaid, payment of, to officer of court in course of civil proceedings, 227, s. 21
- where dependent on duty paid on another instrument, 226, s. 18
- stock, contract note for. *See* contract note
 - definition of, 222, s. 4
- summons by Commissioner, to witness, 231, s. 27a (2), (3)
- Supreme Court, power of, to order account and payment of moneys received for duty, 263,
 - powers of, on appeal from Commissioner's assessment, 229, s. 24 [s. 111]
 - proceedings in, for recovery of penalties, 263, s. 110
- surrender, inclusion of, in "conveyance" in certain cases, 245, s. 60. *See* conveyance
- totalizator. *See* racing club
- transfer, inclusion of in "conveyance", 243, s. 60. *See* conveyance
- Treasurer, duty of, to provide stamps, dies, &c., 223, s. 8
 - power of, on objection to Commissioner's assessment, 229, s. 24 (1)-(3)
 - to compound proceedings for penalties, 263, s. 110 (2)
 - to reward informers, 263, s. 110 (2)
- trotting club. *See* racing club
- unstamped instruments. *See* instrument
- value. *See also* consideration
 - of property conveyed, &c., inquiry by Commissioner as to, 230, s. 27a
- warrant of attorney, duty on, 268, second sched.
- writing, definition of "write", "written", writing", 222, s. 4