



ANNO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1958.

No. 13 of 1958.

An Act to amend the Inter-State Destitute Persons Relief Act, 1910-1955.

[Assented to 23rd October, 1958.]

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 "Inter-State Destitute Persons Relief Act Amendment Act, 1958".

(2) The Inter-State Destitute Persons Relief Act, 1910-1955, as amended by this Act, may be cited as the "Inter-State Destitute Persons Relief Act, 1910-1958".

(3) The Inter-State Destitute Persons Relief Act, 1910-1955, 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.

Enactment of section 18a of principal Act—

3. The following section is enacted and inserted in the principal Act after section 18 :—

Variation, suspension or discharge of interstate order being enforced in this State.

Cf. Vict. No. 6118, 1957, s. 58.

18a. (1) Where an order has been served on any person in South Australia pursuant to section 16, that person may apply in the prescribed form to a Court of Summary Jurisdiction in South Australia for an order that such order should be varied, suspended, or discharged.

(2) Notice of every such application shall be served personally or by post not less than fourteen days before the date of the hearing of the application on—

(a) the collector for the State in which the original order was made ; and

(b) the collector for the State of South Australia.

(3) Where on the hearing of the application it appears to the court that it is just that such original order should be varied, suspended, or discharged, it may make such order varying, suspending, or discharging the original order as it thinks fit but any such order shall be provisional only and shall have no effect unless and until confirmed by a court which has power to vary, suspend, or discharge the original order.

(4) The evidence of any witness who is examined on such application shall be put into writing and such deposition shall be read to and signed by the witness.

(5) Where any provisional order is made under this section a copy of such order certified by the clerk of the court to be a true copy together with the depositions in respect thereof shall be forwarded by the clerk of such court to the collector for the State in which the original order was made.

(6) Subject to the provisions of subsection (7), where the collector for South Australia receives a provisional order and depositions made and taken under any corresponding provision in any State other than South Australia, he shall apply on behalf of the applicant to a court which has power to vary, suspend, or discharge the original order for an order confirming the provisional order.

(7) Where the collector for South Australia is acting for the person in whose favour the original order was made, the Crown Solicitor for the State of South Australia shall carry out the collector's duties under subsections (6) and (8).

(8) Notice in the prescribed form of any such application shall be served by the collector not less than fourteen days before the date of the hearing of the application on the person in whose favour the original order was made either personally or by post addressed to his last known place of residence.

(9) Upon the hearing of any such application the court may confirm or discharge the provisional order with or without any modification or may remit such provisional order to the court which made it for the purpose of taking such further evidence as such court requests.

(10) When a provisional order has been remitted to a court in South Australia for the purpose of taking further evidence it shall take such further evidence and any other evidence it thinks fit and may either discharge the provisional order or transmit the provisional order together with depositions of the further or other evidence to the court which requested the taking of further evidence.

(11) Any party shall have the same right of appeal or to obtain an order to review against an order confirming or discharging a provisional order as he would have had on the making of or on the refusal to make the original order.

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

R. A. GEORGE, Governor.