

6 GEO. V. No. 2, 1915. *Sugar Acquisition Act.*

5. Notwithstanding any of the provisions of this Act, for the purpose of fixing the rate of succession duty, if any, chargeable under the said section twelve in respect of any succession, the value of the whole succession or successions passing upon the death of the deceased shall be ascertained without taking into consideration any allowances provided for by this Act.

Rate of duty not to be affected by this Act.

SUGAR.

<i>Sugar Acquisition Act of 1915</i>	6 Geo. V. No. 2
<i>Regulation of Sugar Cane Prices Act of 1915</i>	6 Geo. V. No. 5
<i>Local Sugar Cane Prices Boards Confirmation Act of 1915..</i>	6 Geo. V. No. 20

An Act to Ratify and Confirm a certain Proclamation relating to the Compulsory Acquisition by the Government of Raw Sugar ; to Authorise the Compulsory Acquisition by the Government of other Commodities ; and for other incidental purposes.

6 Geo. V. No. 2.
THE SUGAR ACQUISITION ACT OF 1915.

[ASSENTED TO 4TH AUGUST, 1915.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as "*The Sugar Acquisition Act of 1915.*" Short title.

2. This Act shall have effect notwithstanding anything to the contrary, whether express or implied, in any Act, rule, or regulation, or in any judgment or order, or in any contract or agreement whether oral or written, or in any deed, document, security, or other writing whatsoever ; and nothing contained in any of the aforesaid matters or things shall be construed to prejudice or affect the full and immediate operation of this Act. Operation of Act.

3. In this Act the following terms have the meanings respectively set against them, that is to say :— Interpretation.

" Place"—Any mill, refinery, works, factory, warehouse, wharf, building, structure, ship, vessel, barge, punt, boat, room, chamber, railway, Place.

tramway, siding, land, station, farm, holding, road, highway, or other place whatsoever where raw sugar or any other commodity to which this Act has been extended is prepared, treated, packed, stored, conveyed, held, or had in possession, or is in course of preparation, treatment, packing, storage, delivery, or transit;

Owner.

“Owner” includes the owner of, and also all persons having any interest in or mortgage, charge, lien, or other encumbrance on or over raw sugar or any other commodity to which this Act has been extended.

Administra-
tion of Act.

Validation
of Proclama-
tion of 30th
June, 1915.
Schedule.

4. This Act shall be administered by the Treasurer.

5. (1.) The Proclamation made and published in the *Gazette* on the thirtieth day of June, one thousand nine hundred and fifteen, a copy whereof is set forth in the Schedule to this Act, is hereby ratified and confirmed as from the said thirtieth day of June, one thousand nine hundred and fifteen, and it is hereby declared that such Proclamation was on that date, and has been and shall continue to be, valid and binding on all persons whomsoever and for all purposes; and to that extent this Act shall have retrospective operation.

(2.) Any person who after the said date—

(a) Refuses to deliver, or delays or obstructs or hinders the delivery of, raw sugar, mentioned or claimed to be mentioned in any demand or authority under the said Proclamation; or

(b) Does any act or makes any omission contrary to the prohibition in paragraph four of the said Proclamation, or knowingly enters into, gives, carries out, or acts under any contract, agreement, security, mandate, authority, order, or direction in paragraph five thereof mentioned,

shall be liable to a penalty not exceeding one thousand pounds and to be imprisoned for any period not exceeding one year. If such person is a company, the individual person guilty of the offence, and also the managing director or other manager in Queensland of the company, shall each of them be liable to the like punishment.

(3.) In the event of this Act being extended to any other commodity, the provisions of the last preceding

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subsection shall, upon the making of the Proclamation by which any such commodity has been acquired, be applicable to every person.

6. (1.) In any Proclamation under this Act, the prices of raw sugar or other commodity acquired under and for the purposes of this Act may be different for the same commodity, having regard to different qualities or to market conditions, or to localities of delivery, or to circumstances or conditions of production or manufacture, or to any other fact or circumstance which the Governor in Council thinks it proper to take into consideration; and the prices so fixed and no other prices shall be payable to the late owners respectively concerned.

Payment of
price.

(2.) In the event of any doubt or dispute as to the person legally entitled to receive any moneys, being the price of sugar or other commodity acquired under and for the purposes of this Act, the Treasurer may pay the same into the Supreme Court to abide the orders of that Court.

(3.) The receipt given by any person to the Treasurer for any moneys so paid shall be a sufficient discharge to the Government in respect of the liability to make payment therefor; but nothing herein shall prejudice or affect the right of any person claiming to be entitled to receive any such money to recover the same from the person to whom the Treasurer has paid the same.

(4.) Without prejudice to any other remedy which the Treasurer may have, there may in his discretion be deducted from the amount of any moneys which would otherwise be payable to the late owner of any such sugar or other commodity as the price thereof any expenses which the Treasurer has incurred by reason of any failure to give immediate and peaceable possession of the same to him.

7. No action, claim, or demand whatsoever shall lie, or be made or allowed by or in favour of any person whomsoever, against His Majesty or the Treasurer, or any officer or person acting in the execution of the Proclamation hereby ratified and confirmed, or any other Proclamation made under this Act, or of this Act, for or in respect of any damage or loss or injury sustained or alleged to be sustained by reason of the making of the said or any such Proclamation or the passing of this Act, or of the operation thereof, or of anything done or purporting to be

No remedy
except for
value of
commodity.

done thereunder, save only for or in respect of the value as ascertained under this Act of any raw sugar (or other commodity) acquired by His Majesty thereunder.

Refining and disposal of commodity.

8. The Treasurer may, on behalf of the Government, cause such raw sugar (or other commodity) to be refined or treated, prepared, or manufactured as may be necessary and thereafter to be sold or disposed of, at such times, at such prices, and on such terms of payment as may be thought fit.

For this purpose the Treasurer is hereby authorised to enter into any agreement or engagement with the Commonwealth of Australia or any person.

Evidence.

9. In any proceeding under or for the purposes of this Act—

(a) Any direction or other document in writing purporting to be signed by the Treasurer or the Under Secretary to the Treasurer, and any telegram purporting to be a demand or authority under the Proclamation hereby ratified and confirmed, or any other Proclamation made under this Act, or under this Act, shall be judicially noticed.

(b) The averment on behalf of His Majesty in any information, complaint, pleading, summons, or writ that any raw sugar (or other commodity) was or is raw sugar (or such other commodity) subject to this Act, or was or is raw sugar (or other commodity) mentioned in any demand or authority made under the Proclamation hereby ratified and confirmed, or any other Proclamation made under this Act, or that any place is a place in Queensland and is a place within the meaning of this Act, shall be sufficient evidence of the fact.

Power to extend operation of Act.

10. The operation of this Act may at any time and from time to time be extended by the Governor in Council, by Proclamation published in the *Gazette*, so as to authorise the acquisition by His Majesty of raw sugar to be manufactured in any future year, or of any food-stuffs, commodities, goods, chattels, live stock, or things whatsoever (in this Act referred to as commodities) in such Proclamation mentioned.

Thereupon any such commodity may be acquired by a Proclamation containing provisions similar to those of

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the Proclamation set forth in the Schedule to this Act, [Sch.] with such modifications as may be deemed necessary, and this Act shall extend and apply to the commodity mentioned in such Proclamation to the same extent and in the same manner as if such commodity were expressly mentioned in this Act.

11. Any Proclamation under this Act may order that all persons having or having had in their possession or control any quantity of sugar or other commodities shall furnish to the Treasurer returns with respect to such sugar or other commodities, or the production or manufacture thereof, within such time and at such intervals and in such form as may be therein prescribed. Returns of commodities.

Any such order may be of a general nature or a particular order directed to any one person or class of persons.

12. (1.) All offences against this Act or any Proclamation made thereunder may be prosecuted and punished, at the option of the Treasurer, either by complaint under "*The Justices Acts, 1886 to 1909*,"* or by action in the Supreme Court before a Judge thereof sitting without a jury. Recovery of penalties.

(2.) In case of any conviction, the adjudicating court may in its discretion order the forfeiture of all or any part of any raw sugar (or other commodity) with respect to which the offence was committed, or of the value thereof.

13. (1.) The Governor in Council may from time to time make and publish in the *Gazette* all such Proclamations as he thinks fit for giving full effect to this Act, and may in any such Proclamation impose a penalty not exceeding one hundred pounds for any contravention thereof. Proclamations.

(2.) Every Proclamation made under this Act shall be read as one with this Act and construed as being of equal validity, and shall be judicially noticed.

14. All moneys that may be required for carrying this Act into full execution, and for the payment of the value of raw sugar, or any other commodity to which this Act has been extended, shall be paid out of the Consolidated Revenue Fund, which is hereby appropriated for the purpose. Appropriation.

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

SCHEDULE.

A PROCLAMATION

By the Honourable Sir POPE ALEXANDER COOPER, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Chief Justice of the State of Queensland, acting as Deputy for and on behalf of His Excellency Sir HAMILTON JOHN GOOLD-ADAMS, Major on the Retired List of His Majesty's Army, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Companion of the Most Honourable Order of the Bath, Governor of the State of Queensland and its Dependencies, in the Commonwealth of Australia.

[L.S.]

POPE A. COOPER,

Deputy Governor.

WHEREAS, by reason of the continued existence of the present war and the unexpected partial failure of the sugar crop during the present season and other causes, it has become necessary to take such action as appears to be most conducive towards safeguarding of the interests of the public: And whereas I am advised that it is necessary to take such action without any delay: And whereas it is proposed that the declaration hereby made and all action hereby directed to be taken pursuant thereto shall, if and so far as the same may be necessary to ratify the same, be fully ratified by an Act of the Parliament of Queensland passed in the next ensuing Parliament of Queensland, summoned to meet on the Twelfth day of July instant: Now, therefore, I, Sir POPE ALEXANDER COOPER, Deputy Governor, acting for and on behalf of His Excellency the Governor, and by and with the advice of the Executive Council, do, by this my Proclamation, hereby declare and direct, as follows:—

1. All raw sugar, the product of the 1915 crop of sugarcane, now in existence at any mill, factory, refinery, or other place whatsoever in Queensland, or hereafter during the year 1915 to be manufactured within Queensland, is and has become and shall remain and be held for the purposes and shall be kept for the disposal of His Majesty's Government of the State of Queensland by all persons in whose possession the same is or hereafter during the said year shall be for the time being, and all the title and property of the existing owners thereof or of the owners thereof for the time being, as the case may be, are and shall be divested from such owners, and are and shall be vested in His Majesty's said Government absolutely freed from any mortgage, charge, lien, or other encumbrance thereon whatsoever, and all the title and property of such owners are and shall be changed into a right to receive payment of the value thereof in the manner and to the extent to be hereafter determined and declared by a further proclamation or proclamations, and all such owners and all and every such

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owners, their agents, managers, attorneys, servants, and workmen shall without any delay, hindrance, obstruction, claim, demand, or objection whatsoever give immediate and peaceable possession to the Chief Secretary of Queensland, or to such person authorised by him to demand and take delivery and possession of the same.

2. The production of any document or telegram purporting to be a demand or an authority to demand any such raw sugar and to be signed or sent by the said Chief Secretary or his Under Secretary shall be sufficient authority for the delivery of possession of the raw sugar to which such document or telegram relates.

3. All raw sugar referred to or claimed to be referred to in any such document or telegram may without any warrant other than this my Proclamation be seized and taken possession of by any State officer, and such officer with any necessary assistance may, for the purposes of such seizure and taking possession or of making any such demand, enter any place at any time and use any force that may be necessary.

4. All persons whosoever, including the owners, consignors, consignees, bailees, shippers, vendors, and purchasers of any such raw sugar and their and each of their agents, attorneys, servants, and workmen, are hereby warned and inhibited against and prohibited from selling, offering for sale, disposing of, forwarding, consigning, shipping, exporting, delivering, removing, or in any manner whatsoever dealing with any such raw sugar except only in pursuance of and under direction and order of the said Chief Secretary.

5. Every contract, agreement, security, mandate, authority, order, or direction, whether oral or in writing, and whether express or implied, which is in any way whatsoever contrary to this my Proclamation or which prejudices or which may have the effect of prejudicing His Majesty in the full and unrestricted use, control, and disposal of any such raw sugar, whether now in existence or hereafter during the said year so to be, and whether made, entered into, given, or executed before or after the date of this my Proclamation, is hereby declared to be and shall be void and of no effect whatsoever.

Given under my Hand and Seal, at Government House, Brisbane, this thirtieth day of June, in the year of our Lord one thousand nine hundred and fifteen, and in the sixth year of His Majesty's reign.

By Command, T. J. RYAN.
GOD SAVE THE KING!