



ANNO SEXTO

GEORGII V REGIS.

A.D. 1915.

No. 1229.

An Act to enable the Government to Enter into Contracts relating to the Marketing of Wheat and to enable the Government to Compulsorily Acquire Wheat in South Australia; to provide for Compensation for Wheat so acquired and for its Sale and Distribution; to provide for Cancelling Certain Contracts for the Sale and Delivery of Wheat and for purposes consequent thereon or incidental thereto.

[*Assented to, December 23rd, 1915.*]

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 "Wheat Harvest (1915-1916) Act, 1915." Short title.

2. In this Act—

Definitions.

"Prescribed" means prescribed by this Act or regulations made thereunder:

"Minister" means the Minister of Agriculture or any other Minister to whom the administration of this Act is for the time being committed by the Governor:

"Government" means His Majesty's Government of the State of South Australia.

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Minister may make contracts.

3. (1) The Minister for and on behalf of the Government may enter into contracts with such companies, firms, or individuals as he may think fit, under which contracts such companies, firms, and individuals shall act as agents for and on behalf of the Government in receiving, stacking, storing, protecting, ^{and} _{or} delivering such wheat as the owners thereof may desire to deliver to the Government for sale by the Government on account of such owners.

(2) The terms and conditions of such contracts may be mutually agreed between the parties thereto.

(3) Any such contracts entered into with a company, firm, or individual carrying on the trade or business of a miller, may contain provisions dealing with the purchase by such company, firm, or individual from the Government of wheat for gristing purposes.

Agreement with owners of wheat.

4. Every owner of wheat who desires so to do may deliver his wheat to the Government for sale on his behalf and shall sign an agreement in the form set out in the Schedule hereto.

Conditions relating to sale of wheat by the Government.

5. (1) All wheat delivered to the Government for sale by the Government on account of the owners may be sold at such time or times and at such place or places as the Minister may decide and at the best price obtainable at the time.

(2) The price to be received by the owners of wheat delivered to the Government for sale shall be ascertained in the following manner:—

From the aggregate of the returns for wheat sold by the Government plus the total dockages shall be deducted all expenses and expenditure incurred in or about the marketing of the wheat and certified by the Minister as being approved by him. The amount arrived at after making such deductions shall be divided by the number of bushels of wheat received for sale. The result will show the F.O.B. price of F.A.Q. wheat, and settlements will be made on that basis. The decision of the Minister as to the amount to be so deducted for expenses and expenditure shall be final and bind all parties.

(3) The Minister may enter into financial arrangements with such banking institutions as he may think fit for the purpose of making advances on account of wheat delivered to the Government for sale.

(4) The Minister may, in pursuance of any such arrangements, make advances to owners on account of any wheat delivered to the Government for sale.

Minister empowered to acquire wheat.

6. The Minister is hereby empowered to acquire on behalf of His Majesty all or any quantity of wheat now or hereafter within the State: Provided that the power hereby conferred shall not be exercisable after the thirty-first October, nineteen hundred and sixteen.

7. (1) The

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7. (1) The power of acquisition conferred on the Minister may be exercised in either of the following manners:—

Method of acquiring wheat.

(a) Any person thereunto authorised by the Minister may take possession (with or without the consent of the owner or any other person) of any wheat wherever it may be found:

(b) The Minister may give to the owner of any wheat or to the person apparently having the custody thereof or in the occupation of the premises where it is, notice in writing under his hand that the wheat described in such notice is acquired by him on behalf of His Majesty. In such notice it shall be sufficient to describe the wheat so acquired as wheat in a certain locality or place or owned by or in the disposal of a certain person or in any other manner by which the wheat may be identified.

(2) Upon possession thereof being taken, as provided in subparagraph (a) of subsection (1) of this section, or upon the notice in respect thereof being given, as provided in subparagraph (b) of subsection (1) of this section, such wheat shall become the absolute property of His Majesty, freed from all mortgages, charges, liens, pledges, interests, and trusts affecting the same, and the rights and interests of every person in the wheat at the date of such publication shall be taken to be converted into a claim for compensation in pursuance of the provisions of this Act.

(3) Notice shall be forthwith given in the *Government Gazette* of any such seizure, or of the giving of any such notice, and the production of a copy of the *Gazette* containing such first mentioned notice shall be conclusive evidence that on the date appearing in the *Gazette* as the date of seizure, or of giving notice, the wheat therein described or referred to was the absolute property of His Majesty.

(4) The Minister shall, as soon as practicable after the publication in the *Gazette* of any such notification, cause notice thereof to be given to any person who to his knowledge had any interest in the wheat immediately before it became the property of His Majesty, and shall also cause notice thereof to be published in one or more newspapers circulating in the district in which the wheat described or referred to in such notification was situated at the time when it became the property of His Majesty.

(5) Failure to give or publish any such notice shall not give any right of action against the Crown, or the Minister, or against any other person acting on the authority of either of them.

(6) If any person hinders or obstructs any person authorised to seize wheat in the exercise of the powers under this section, he shall be liable to a penalty not exceeding Two Hundred Pounds.

8. (1) All

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Disposal of wheat
compulsorily
acquired.

8. (1) All wheat acquired by the Minister on behalf of His Majesty under this Act shall be sold and disposed of in the same manner and subject to the same conditions in every respect as if such wheat had been delivered by the owner thereof to the Government for sale on his account under the provisions of section 4 of this Act: Provided, however, that the amount of dockage shall be fixed by a person appointed by the Minister for that purpose.

(2) The amount of compensation to be paid for any wheat acquired by the Minister under this Act shall be ascertained and shall be paid in the manner and at the times in which the owner of such wheat would have received his purchase-money had he delivered such wheat to the Government for sale on his account under the provisions of section 4 of this Act.

(3) Within a period of fourteen days after the date of publication in the *Gazette* of the notice of the acquiring by the Minister on behalf of His Majesty of any wheat, claims to payment of the compensation in respect thereof may be made in manner prescribed.

(4) At the expiration of such period the Minister, or any person appointed by him for such purpose, shall ascertain from the claims made, in case such claims agree and are consistent with each other, who are the persons entitled to receive such compensation, and all payments on account of such compensation may be made to the persons so ascertained; but if such claims do not agree, or any doubt exists as to person or persons entitled to such compensation, or if any claimant is incapable of giving a valid discharge for payment, or if no claim is made, the Minister, as the same becomes payable, may pay the whole or any part of such compensation into the Supreme Court, or where the amount of any payment to be made in respect of such compensation does not exceed Four Hundred and Ninety Pounds, into the Local Court of Full Jurisdiction nearest to where such wheat was at the date of notification of the acquirement thereof by the Minister on behalf of His Majesty.

(5) Money so paid into the Supreme Court may, upon order of a Judge of such Court made in Court or in Chambers on summons or motion, be applied as the said Judge thinks just. Money so paid into a Local Court may, upon order of the Special Magistrate made in Court or in Chambers, be applied as the said Special Magistrate thinks just.

(6) The payment of compensation in pursuance of this Act shall discharge the Crown and the Minister, and all persons acting under the authority of either of them, from all claims to compensation for any wheat acquired under this Act, and it shall not be necessary in any case for the Minister to see to the application of any compensation moneys paid hereunder, or to see to the performance of any trusts:

Provided that nothing herein shall affect any claim which may be made against any person who has received such compensation or any part thereof, and if any compensation money is paid by the Minister

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to any person not entitled to the same it may be recovered from such person by the person who but for such payment would have been entitled to such compensation.

9. (1) Every contract made in the State of South Australia, whether prior to or after the passing of this Act, so far as it relates to the sale of any South Australian 1915-16 wheat to be delivered in the said State and which wheat is acquired by the Minister on behalf of His Majesty under section 6 hereof, is hereby declared to be and to have been void and of no effect so far as such contract has not prior to the date of such acquirement been completed by delivery.

Cancellation of contracts.

(2) Any transaction or contract with respect to any wheat which is the subject matter of any contract or part of a contract which is hereby declared to be void shall also be void and of no effect, and any money paid in respect of any contract hereby made void or of any such transaction shall be repaid.

10. (1) The Minister may, by notice published in the *Gazette* and in a newspaper circulating in the locality, require all or any persons having within a locality therein mentioned any wheat owned by them or in their disposal or under their control, to make returns of such wheat. Such returns shall be in the form, shall contain the particulars, and shall be made to the persons prescribed.

Minister may require returns.

(2) If any person to whom such notice applies fails to make such return as aforesaid, he shall be liable to a penalty not exceeding Two Hundred Pounds.

11. Any person authorised by the Minister may, at any time in the day or night, enter and search any premises or vessel, or part thereof, where any wheat which under this Act is vested in His Majesty, or as to which a return is required under this Act, is or is supposed to be, and, if necessary for that purpose, may break into and use force to enter such premises or vessel or part.

Power to enter and search.

12. (1) The Governor may make regulations for carrying out the provisions of this Act and in particular for—

Regulations.

(a) Prescribing the duties of persons appointed by the Minister to exercise powers conferred by this Act:

(b) Regulating the making of claims to compensation:

(c) Regulating the delivery of wheat acquired under this Act:

(d) Prescribing the conditions subject to which wheat acquired may be sold or disposed of:

(e) Prescribing forms which may be used under this Act.

(2) Every such regulation—

(a) shall be published in the *Government Gazette*;

(b) shall, subject to subsection (3) hereof, take effect from the date of such publication, or from a later date fixed by the order making such regulation; and

(c) shall

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(c) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session of Parliament.

(3) If either House of Parliament passes a resolution disallowing any regulation, of which resolution notice has been given at any date within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before such House.

(4) When a resolution has been passed as mentioned in subsection (3) hereof, notice of such resolution shall be published in the *Government Gazette*.

Services of notice.

13. Any notice under this Act may be served personally or by post addressed to the last known place of business or residence of the person to be served.

Informations.

14. All informations shall be heard and determined in a summary way before a Special Magistrate.

Appeal.

15. There shall be an appeal from any decision of any Special Magistrate to the Local Court of Adelaide of Full Jurisdiction.

How regulated.

16. Such appeal shall be regulated by Ordinance No. 6 of 1850 and the Justices Procedure Amendment Act, 1883-4.

Costs may be ordered.

17. Such Local Court may make any order as to costs it shall think fit.

Special case.

18. Such Local Court may state a special case for the opinion of the Supreme Court.

How to be dealt with.

19. The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make any order as to the costs of the proceedings in that Court and in the Court below.

Moneys for purposes of Act.

20. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for such purposes.

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

H. L. GALWAY, Governor.

THE

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THE SCHEDULE HEREINBEFORE REFERRED TO.

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In consideration of the Government of South Australia undertaking to receive and market on my behalf wheat delivered by me, I hereby agree to abide by and accept the conditions and actions of the said Government unreservedly so far as the said wheat is concerned, and hereby authorise the said Government to handle and sell the said wheat in conjunction with other wheat in such manner as the said Government may consider to be to the best advantage, with periodical settlements as circumstances may permit, and agree to accept final settlement at such time as the said Government is able to close accounts. The Government of South Australia may proclaim a date not earlier than fourteen days from the date of proclamation from which accrual of interest on this certificate shall cease.

Dated this day of one thousand nine
hundred and

Witness to Signature

Signature