



ANNO SECUNDO

GEORGI VI REGIS.

A.D. 1938.

No. 2406.

An Act to regulate the price of flour and other wheat products sold for consumption or use in Australia and for purposes incidental thereto.

[Assented to 24th November, 1938.]

WHEREAS at a conference of State Premiers held in Sydney on the twenty-sixth day of August, nineteen hundred and thirty-eight, it was resolved that action should be taken to ensure wheatgrowers a payable price for their product: AND WHEREAS the Commonwealth has agreed to co-operate with the States in making legislative provision for a scheme for securing a home consumption price for wheat products: AND WHEREAS for the purpose of the said scheme it is desirable that provision should be made for fixing the price of wheat products as hereinafter mentioned:—

Preamble.

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 Products Prices Act, 1938".

Short title.

2. This Act shall commence on a day to be fixed by the Governor by proclamation.

Commencement of Act.

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

Interpretation.

 "flour" means any substance produced—

 (a) by gristing, crushing, grinding, milling, cutting, or otherwise processing wheat, or by any one or more of those processes applied to wheat combined with any other commodity ;

Wheat Products Prices Act, 1938.

(b) by the sifting or screening of, or any mechanical operation applied to, substances so produced; or

(c) by the combination of any of the operations specified in the last two preceding paragraphs,

and includes—

(d) any mixture of any such substances; and

(e) self-raising flour;

but does *not* include any substance for use—

(i.) as or in the manufacture of breakfast foods or foods for birds or livestock; or

(ii.) in the manufacture of cornflour or meat products, or of any other goods not being foodstuffs:

“the committee” means the Wheat Products Prices Committee constituted pursuant to this Act:

“the Minister” means the Minister of Agriculture:

“ton” means a ton of two thousand pounds gross weight, including the weight of any bags or packages in which the particular substance is contained.

(2) This Act shall be construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act would but for this subsection be 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.

Alteration of
definition of
flour.

4. (1) The Governor may by proclamation—

(a) alter the definition of flour as set out in this Act so as to make it coincide with the definition of flour set out in any Commonwealth Act imposing a tax on flour:

(b) declare that any substance which by or pursuant to any Commonwealth Act imposing a tax on flour is exempted from that tax, shall not be subject to this Act.

(2) This Act shall be read and construed as if the terms of any such proclamation were included in this Act.

The Wheat Products Prices Committee.

The
committee.

5. (1) For the purposes of this Act there shall be a committee to be known as “The Wheat Products Prices Committee”.

(2) The committee shall consist of a chairman and two other members appointed by the Governor.

6. The chairman and members of the committee shall hold office for such terms as are determined by the Governor at the time of their appointment.

Term of office of committee.

7. The Governor may dismiss the chairman or any member of the committee from his office—

Dismissal of members.

(a) if in the Governor's opinion he is owing to mental or physical infirmity incapable of discharging the duties of his office ; or

(b) if he has been guilty of any crime or other conduct which in the Governor's opinion makes it undesirable that he should remain a member of the committee.

8. Every appointment of the chairman or a member of the committee shall be notified in the *Gazette* and shall take effect as from the date specified in the notification.

Notification of appointment of committee.

9. At any meeting of the committee the chairman, if present, and, in his absence, the member who is senior in appointment, shall preside.

Chairman.

10. (1) The chairman and any member, or the two members of the committee, shall form a quorum thereof.

Quorum and voting.

(2) The chairman and every member of the committee shall have a deliberative vote on every question before the committee and in the event of the votes for and against any proposal being equal, the chairman of the meeting shall have a casting vote.

11. The committee shall exercise the functions conferred upon it by this Act in co-operation with, and after consultation with, such authorities of the Commonwealth and the other States as are prescribed.

Duty of the committee to co-operate with bodies.

Registration of Flour Millers.

12. (1) After the expiration of one month from the commencement of this Act no person shall carry on business as a flour miller unless he is registered with the Minister as a flour miller.

Registration of millers.

If any person contravenes this section he shall be guilty of an offence and liable to a fine not exceeding two hundred pounds.

(2) Applications for registration as a flour miller shall be made to the Minister in the prescribed form.

(3) Any flour miller who duly applies for registration and who is not disqualified under this Act shall be entitled to registration from time to time as of right.

Wheat Products Prices Act, 1938.

(4) Subject to any order of disqualification made under section 15 of this Act the registration of a flour miller shall expire on the thirty-first day of December next after it takes effect.

(5) No fee shall be charged for registration as a flour miller.

Returns.

Returns as to
wheat
products.

13. (1) The Minister may by notice in writing require any person to furnish him in writing with any particulars as to the amount price or value of any wheat, flour, bran, or pollard bought, sold, manufactured or held in stock by that person whether before or after the commencement of this Act.

(2) Every such notice shall specify the time within which the particulars are to be furnished to the Minister, and may require the particulars to be verified by a statutory declaration.

(3) Any person who in any particular fails to comply with a notice under this section shall be guilty of an offence and liable to a fine not exceeding two hundred pounds.

(4) This section shall not restrict the power of the Governor to make regulations for securing information as to wheat, flour, bran, or pollard.

Fixing of Price of Flour.

The fixed price
of flour.

14. (1) The Governor may from time to time on the recommendation of the committee fix the minimum price only or both the maximum price and the minimum price at which any substance included in the definition of flour in this Act may be sold by the manufacturer thereof :

Provided that—

(a) in no case shall the minimum price so fixed for ordinary wheaten flour delivered on buyer's premises at Adelaide be less than eleven pounds per ton :

(b) in no case shall the maximum price so fixed for ordinary wheaten flour delivered on buyer's premises at Adelaide in sacks of one hundred and fifty pounds capacity exceed thirteen pounds ten shillings per ton :

(c) no price fixed under this subsection shall apply to any substance sold for export from Australia.

The same amount may, if the committee so recommends, be fixed both as the maximum price and the minimum price for any substance.

- (2) Any price fixed for any substance may vary—
- (a) according to the place of delivery to the buyer:
 - (b) according to the locality of the State in which the substance is sold or delivered:
 - (c) according to the quantities in which the substance is sold:
 - (d) according to the nature of the bags, packages or other containers in which the substance is sold:
 - (e) according to the quality, grade, or variety of the substance:
 - (f) according to any other matters or circumstances.
- (3) Every such proclamation shall—
- (a) come into force on a day to be specified therein:
 - (b) subject to any variation thereof remain in force until the day specified therein, or if no day is specified, until revoked by another proclamation under this Act.
- (4) The Governor may from time to time by proclamation—
- (a) on the recommendation of the committee or with the consent of the Prime Minister of the Commonwealth of Australia, revoke any proclamation made under this section:
 - (b) on the recommendation of the committee, vary any such proclamation.

15. (1) If any person sells, or agrees to sell, or offers to sell, any substance manufactured by him at any price above the maximum or below the minimum price proclaimed under this Act for that substance he shall be guilty of an offence and liable to a fine not exceeding five hundred pounds.

Duty to observe fixed price.

(2) Where the defendant is a flour miller, the court, in addition to imposing a fine under this section—

- (a) may for a first offence disqualify the defendant from holding and obtaining registration as a flour miller for any period not exceeding twelve months; and
- (b) for a second offence shall disqualify the defendant from holding and obtaining registration as a flour miller for a period of not less than three months and not more than two years.

During any such period of disqualification—

- (a) any existing registration of the miller shall be suspended:
- (b) the Minister shall not register the miller under this Act.

Wheat Products Prices Act, 1938.

(3) This section shall not apply to the sale of—

(a) any substance if the manufacturer selling that substance has purchased all flour used in the manufacture thereof at the price fixed under this Act :

(b) any substance sold for export from Australia.

(4) The onus of proving any facts necessary to show that any substance is substance to which this section does not apply shall lie upon the defendant.

Price to include tax.

16. Any sum demanded by the seller of any flour from the purchaser thereof as or in respect of any tax payable on such flour, shall for the purposes of this Act be regarded as part of the price of that flour.

Regulations.

17. (1) The Governor may make regulations for or with respect to—

(a) the registration of flour millers and flour mills :

(b) the forms which may be used under this Act :

(c) securing particulars from any persons as to any wheat, flour, bran, or pollard or transactions therein :

(d) requiring the information in any application return or other document under this Act to be verified by statutory declaration :

(e) any matters and things necessary or convenient to carry this Act into effect.

(2) Any such regulations may prescribe penalties not exceeding one hundred pounds for any contravention thereof or failure to comply therewith.

Summary proceedings for offences.

18. (1) All proceedings for offences against this Act shall be disposed of summarily.

(2) Notwithstanding any Act to the contrary such proceedings may be commenced at any time within two years from the time of the commission of the offence.

Exemption from stamp duties.

19. No stamp duty shall be payable on any declaration made for the purposes of this Act.

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

W. DUGAN, Governor.