

WHEAT ACQUISITION ACT.

Act No. 27, 1914.

George V, **An Act to enable the Government to compulsorily**
 No. 27. **acquire wheat in New South Wales; to**
provide for compensation for wheat so
acquired, and for its sale and distribution; to
provide for varying or cancelling certain
contracts for the sale and delivery of wheat;
and for purposes consequent thereon or
incidental thereto. [Assented to, 11th Decem-
ber, 1914.]

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

Preliminary.

Short title. **1.** This Act may be cited as the "Wheat Acquisition
 Act, 1914."

This Act shall cease to have effect on the thirtieth day
 of September, one thousand nine hundred and fifteen.

Definitions. **2.** In this Act,—
 "Prescribed" means prescribed by this Act or by
 regulations thereunder.
 "The board" means the board constituted under
 this Act.

Acquisition of wheat.

Notification **3.** (1) The Governor, by notification published in the
 that wheat is **Gazette, may declare that any wheat therein described**
 acquired by **or referred to is acquired by His Majesty.**
 Crown.

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In such notification it shall be sufficient to describe the wheat so acquired as wheat in a certain locality or place, or owned by or in the control or disposal of a certain person, or in any other manner by which the wheat may be identified. George V,
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(2) Upon such publication the 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. Wheat to
vest in His
Majesty.

(3) The production of a copy of the Gazette containing any such notification shall be conclusive evidence that on the date appearing on such copy the wheat therein described or referred to was the absolute property of His Majesty. Evidence.

(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 the board and to any person who to his knowledge had any interest in the wheat before the date of such publication, 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 date of the publication of such notification in the Gazette. Notice to
board and
owners.

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.

4. Upon the publication of any such notification in the Gazette any person authorised by the Minister may either take possession of the wheat therein described or referred to or arrange with the previous owner or the person having the disposal or control thereof for its delivery at a time and place agreed upon to some person on behalf of His Majesty. Possession
may be taken
of wheat.

If any person hinders or obstructs the person so authorised in the exercise of his powers under this section, or if the owner or the person having the disposal of any wheat wilfully neglects or refuses to carry out any arrangement

George V, arrangement made as aforesaid for the delivery of any
No. 27. wheat, he shall be liable to a penalty not exceeding two hundred pounds.

Compensation.

Amount of
 compensa-
 tion.

5. The compensation to be paid for any wheat acquired by the Government under this Act shall be five shillings per bushel for wheat of fair average quality delivered by the owner or person having the disposal of the wheat at the nearest railway station or at a place determined by the person authorised as aforesaid by the Minister: Provided that such place shall not be more than one mile further than such railway station from the place from which the wheat is to be carried.

When delivery is not made at such railway station or place determined as aforesaid all proper deductions from the compensation money for freight and other necessary charges may be made.

Notwithstanding anything hereinbefore provided, there shall be paid as additional compensation such further amount per bushel of the wheat so acquired as the Commissioners appointed under the Necessary Commodities Control Act, 1914, determine to be reasonable. The said Commissioners, as soon as practicable after the publication of the notification in the Gazette that the wheat is acquired under this Act, shall inquire and determine whether any, and if so what additional compensation as aforesaid should reasonably be paid, having regard to all the circumstances of the case.

The person authorised as aforesaid by the Minister shall determine whether the wheat is of fair average quality and shall determine the amount of such deductions for freight and charges, what abatement in the amount of compensation shall be made in the case of wheat which is below such quality, and what increase of compensation (if any) shall be allowed for seed wheat.

Any such determination by any person so authorised as aforesaid shall be subject to appeal to the board, whose decision shall be final.

Payment of
 compensa-
 tion.

6. (1) Such compensation shall be paid out of the Consolidated Revenue Fund as soon as practicable after the
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the expiration of fourteen days from the date of the publication of the Gazette by which the wheat has been acquired under this Act. George V,
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(2) Within such period of fourteen days claims to the compensation may be made as prescribed.

(3) At the expiration of such period the Minister may pay the compensation to the claimants, so far as their claims agree and are consistent with each other; but so far as such claims do not agree, or if any claimant is incapable of giving a valid discharge for payment, or if no claim is made, he may pay the whole or any part of the compensation in dispute to the Master in Equity, or, where the amount does not exceed four hundred pounds, into a District Court.

(4) Money so paid to the Master in Equity may, upon order of the Chief Judge in Equity, made in court, or in chambers, be applied as the said judge thinks just. Application for such order may be made by summons or motion. Money so paid into a District Court may, upon order of the judge of such court, made in court or in chambers, be applied as the said judge thinks just.

(5) 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 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.

Sale or disposal of wheat.

7. The board shall, on behalf of the Government, sell or dispose of any wheat acquired under this Act at such times, at such prices, and on such terms of payment as may be thought fit. Sale or
disposal of
wheat.

The

Wheat Acquisition Act.

**George V,
No. 27.** The net proceeds of any such sale shall be paid into the Treasury, and carried to a special account. The moneys at credit of such account shall be used to recoup the Consolidated Revenue Account for moneys paid out of such account under this Act. When the Minister certifies to the Colonial Treasurer that all transactions under the foregoing provisions of this Act are completed, such special account may be closed, and any balance of such account shall be carried to the Consolidated Revenue Account.

Variation and cancellation of contracts.

8. (1) Every contract made in the State of New South Wales prior to the passing of this Act, so far as it relates to the sale of New South Wales 1914-15 wheat to be delivered in the said State, is hereby declared to be and to have been void and of no effect so far as such contract has not been completed by delivery.

Contracts for
sale of wheat.

(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.

Contracts for
sale of flour.

9. Every contract for the sale of flour made in New South Wales prior to the passing of this Act, so far as it relates to the sale of flour to be delivered after the first day of January, one thousand nine hundred and fifteen, is hereby declared to be and to have been void and of no effect.

So far as such contract provides for the delivery of flour during the month of December, one thousand nine hundred and fourteen, the purchaser shall not be entitled to require the delivery under such contracts of a greater quantity of flour than the average of the monthly deliveries provided by the contract, or in the absence of any such provision actually made under it.

The board and officers.

Appointment
of board.

10. The Governor shall appoint a board of five persons, which shall have the powers and discharge the duties conferred and imposed by this Act.

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The members of such board may be paid out of **George V,** moneys voted by Parliament such fees as may be pre- **No. 27.** scribed by regulations made under this Act.

11. The Minister may appoint such officers and **Officers.** persons as he thinks fit for the purpose of carrying out the provisions of this Act.

Supplemental.

12. (1) The Minister may, by notice published in **Returns of** the Gazette and in a newspaper circulating in the **wheat.** 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.

(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.

13. Any member of the police force may, at any **Power to** time in the day or night, enter and search any **enter and** premises or vessel, or part thereof, where any wheat **search for** which by notification under this Act is vested in His **wheat.** 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.

14. (1) The board shall for the purpose of any **Powers of** inquiry under this Act have all such powers, rights, and **board.** privileges as are vested in the Supreme Court, or in any judge thereof, on the occasion of any action or trial in respect of the following matters :—

- (a) The compelling the attendance of witnesses, and examining them on oath, affirmation, or declaration.
- (b) The compelling the production of books, documents, and writings.
- (c) The compelling witnesses to answer questions relevant to the inquiry.
- (d) The directing witnesses to be prosecuted for perjury.

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(2)

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(2) The board may receive evidence on affidavit ; but the chairman may require any person who has given evidence on affidavit to attend before the board for oral examination or cross-examination.

Summons to
produce.

15. A summons signed by the chairman of the board may be issued for enforcing the attendance of witnesses or compelling the production of books, documents, and writings. If any person having been served with such summons fails to appear, the said chairman may issue a warrant authorising such person to be apprehended and brought before the board.

Regulations

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

regulating the appointment of the chairman and the proceedings of the board ;

regulating appeals to the board ;

prescribing the duties of persons appointed by the Minister to exercise powers conferred by this Act ;

regulating the making of claims to compensation ;

regulating the delivery of wheat acquired under this Act ;

prescribing the conditions, other than price and terms of payment, subject to which wheat may be sold or disposed of ; and

prescribing forms which may be used under this Act.

The Governor may in such regulations impose any penalty not exceeding two hundred pounds for any breach thereof.

(2) Such regulations shall be published in the Gazette and shall be laid before both Houses of Parliament within fourteen days after such publication, or if Parliament is not then sitting, within fourteen days after the next meeting of Parliament.

If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Service of
notices.

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

18.

18. Any penalties imposed by this Act or by any regulations thereunder may be recovered before any stipendiary or police magistrate or any two justices of the peace in petty sessions.

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Recovery of
penalties.