

FLOUR ACQUISITION (AMENDMENT) ACT.

Act No. 50, 1931.

George V, No. 50, 1931. An Act to amend the Flour Acquisition Act, 1931, in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 7th October, 1931.]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** (1) This Act may be cited as the "Flour Acquisition (Amendment) Act, 1931," and shall be read and construed with the Flour Acquisition Act, 1931.

(2) The Flour Acquisition Act, 1931, is in this Act referred to as the Principal Act.

2.

2. (1) The Principal Act is amended—

- (a) (i) by omitting from subsection one of section five the words “of a similar grade or See. 5. quality at the date of vesting or acquisition as fixed” and by inserting in lieu thereof the words “as fixed from time to time”;
- (ii) by inserting at the end of the same subsection the following words: “Such price may be fixed at a uniform rate without regard to grade or quality.

A fixation of the fair and reasonable price of flour under this subsection shall not have any force or effect unless and until a notification thereof is published in the Gazette.

Every such notification shall come into force upon the date of the publication thereof in the Gazette, and shall remain in force until rescinded or varied by a further notification published in like manner.

The price specified in a notification shall be the fair and reasonable price of flour for the purpose of ascertaining the compensation to be paid in respect of any flour acquired by or vested in His Majesty under this Act at any time during the period in which the notification remains in force.”

The production of a copy of the Gazette purporting to contain any such notification or any notification deemed to have been made under this subsection shall be conclusive evidence of the matters contained in the notification and of the price of flour thereby fixed.

- (iii) by omitting subsection three of the same section;
- (iv) by inserting in subsection four of the same section immediately before the words “Such compensation” the words “Subject to this Act”;

(b)

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(b) by omitting from paragraph (b) of subsection four of section six the words "compensation fixed by the committee, for flour of a similar grade or quality" and by inserting in lieu thereof the words "price specified in a notification of the fair and reasonable price fixed by the committee under subsection one of section five of this Act in force at the date of vesting by or acquisition under this Act of the flour."

(2) Subsection one of this section shall be deemed to have commenced on the thirtieth day of March, one thousand nine hundred and thirty-one.

(3) The fixation by the committee on the twenty-fourth day of March, one thousand nine hundred and thirty-one, of the price of seven pounds five shillings per ton of flour and the notification thereof published in the Government Gazette number forty of the twenty-seventh day of March, one thousand nine hundred and thirty-one, are hereby validated and shall be deemed to have been validly made under subsection one of section five of the Principal Act as amended by this Act.

(4) The fixation by the Governor of the standard price of flour at ten pounds per ton and the proclamation thereof published in the Government Gazette number forty of the twenty-seventh day of March, one thousand nine hundred and thirty-one, are hereby validated and shall be deemed to have been validly made under subsection four of section six of the Principal Act as amended by this Act.

Further amendment of Act
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Sec. 6 (5).

3. The Principal Act is further amended—

(a) by inserting at the end of subsection five of section six the following paragraph:—

If such balance of purchase money remains unpaid after the expiration of twenty-eight days from the time prescribed under this subsection for the payment thereof, the person liable to pay such balance shall be guilty of an offence and shall be liable upon summary conviction before a stipendiary or police magistrate,

magistrate, or two justices, to a penalty of not less than twenty-five pounds and not exceeding five hundred pounds.

Where a prosecution is taken under this subsection by or on behalf of the Attorney-General, or by any person with the consent of the Attorney-General, the court before which the offender is convicted may, in addition to the penalty imposed under the foregoing provisions, order the offender to pay to the Minister in such manner as the court directs the balance of purchase money in respect of the non-payment of which the offence was committed, and such order shall be enforceable in the same manner as an order of the court.

Nothing in this provision shall affect any remedy of the Attorney-General against the offender or any other person for recovery of the said balance of purchase money.

- (b) (i) by omitting from subsection three of sec. 13. section thirteen the words "For the purpose of ascertaining whether any offence has been committed against the provisions of this section";
- (ii) by omitting from the same subsection the words "subsection one of this section" and by inserting in lieu thereof the words "this Act";
- (c) by omitting from subsection one of section sec. 14 fourteen the words "as is specified" and by inserting in lieu thereof the words "or from time to time at such intervals as may be specified";
- (d) by inserting after section sixteen the following New s. 16A. new section:—

16A. In any action, suit, or proceeding the Certificate of Wheat production by or on behalf of His Majesty, Commissioner to be prima facie evidence, the Attorney-General, or the Minister, or by or on behalf of any person taking a prosecution or other proceeding with the consent of the

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the Attorney-General, of a certificate purporting to be signed by the Wheat Commissioner appointed under the Wheat Act, 1927—

- (a) that flour of a quantity stated in the certificate belonging to a person named therein was at a time stated therein vested in or acquired by His Majesty under this Act; and/or
- (b) that the sum therein stated is the compensation to be paid to a person named therein for any quantity of flour mentioned therein vested in or acquired by His Majesty under this Act; and/or
- (c) that flour vested in or acquired by His Majesty under this Act has been to the quantity stated in the certificate, sold or disposed of by the person named therein at the time or during the period stated in the certificate; and/or
- (d) that the balance of the purchase money to be paid to the Minister in accordance with the provisions of subsection five of section six of this Act by the person named in the certificate amounts to a sum specified in the certificate and has become due and payable by such person on a day specified in the certificate,

shall be *prima facie* evidence of the facts and matters so certified.