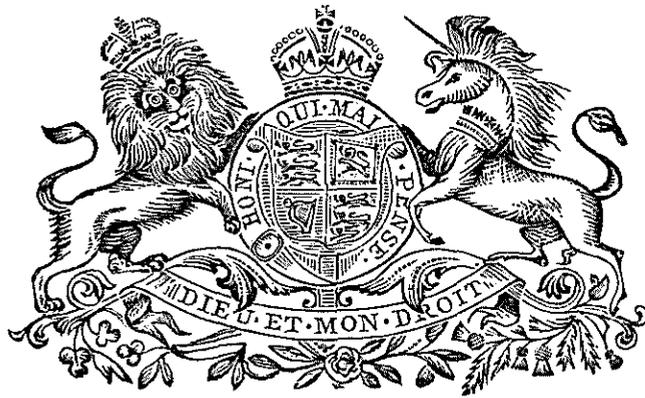


WESTERN AUSTRALIA.



ANNO QUINTO

GEORGII QUINTI REGIS,

XXXII.

No. 5 of 1915.

AN ACT to make provision for Ensuring and Distributing Supplies of Grain and Foodstuff, and for purposes incidental thereto and consequent thereon.

[Assented to 22nd January, 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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Grain and Foodstuff Act*, Short title. 1914.

2. In this Act, unless, from the context or subject-matter, it is Interpretation. clear that some other meaning is intended,—

“Acquired” means acquired under this Act:

“Board” means “The Grain and Foodstuff Board” constituted under this Act:

“Chairman” means Chairman of the Board:

“Deputy-Chairman” means Deputy-Chairman of the Board:
“Foodstuff”

“Foodstuff” means flour and other products of grain, and includes hay, chaff, and any other commodity used for feeding livestock; the term may also be extended by Order in Council to include any commodity which is a necessary of life within the meaning of the “Control of Trade in War Time Act.”

“Grain” means wheat, oats, barley, or any other cereal or seed:

“Inspector” means Inspector appointed under this Act:

“Justice” means Justice of the Peace:

“Member” means Member of the Board:

“Minister” means the Minister of the Crown to whom the administration of this Act is, for the time being, committed by the Governor:

“Regulation” means regulation made under this Act:

“The State” means the State of Western Australia:

“This Act” includes regulations.

The Grain and Foodstuff Board.

Constitution and
appointment of
Board.

3. (1) A Board, to be called “The Grain and Foodstuff Board,” shall be constituted.

(2) The Board shall consist of three members appointed by the Governor.

(3) The Board shall be constituted upon the publication in the *Government Gazette* of a notice of the appointment of the original three members.

(4) Notice of every appointment of a member shall be published in the *Government Gazette*.

The Board to be
a body corporate.
Its general powers.

4. (1) The Board shall be a body corporate, and shall have perpetual succession and a common seal, and by the name of “The Grain and Foodstuff Board” shall be capable of—

(a) suing and being sued and of submitting to arbitration:

(b) owning, holding, and disposing of all kinds of property, real and personal:

(c) entering into and carrying out such contracts, and doing and suffering all such other acts and things as may be necessary or convenient for the purposes of this Act.

(2) Notwithstanding anything in this Act, it shall be lawful for the Governor, if and when satisfied that the functions of the Board have been performed and that there is no further need for the existence of the Board, to declare, by proclamation published in the *Government Gazette*, that the Board shall cease to exist as from the date fixed in that behalf by such proclamation, and the Board shall cease to exist accordingly.

5. The Governor shall appoint one of the members to be the Chairman of the Board, and may appoint another member to be the Deputy-Chairman of the Board.

Chairman and
Deputy Chairman.

6. (1) The Chairman, when present, shall preside at all meetings of the Board. In the absence of the Chairman from any meeting the Deputy-Chairman shall preside.

Who to preside at
meetings.

(2) The Chairman or Deputy-Chairman, when presiding, shall have a casting as well as a deliberative vote.

7. Any two members shall constitute a quorum of the Board.

Quorum.

8. (1) No act or proceeding of the Board shall be invalid or illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceeding.

Defects in
appointment not to
invalidate proceed-
ings of Board.

(2) All acts and proceedings of the Board shall, notwithstanding the discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if every such member had been duly appointed and was qualified and entitled to act, and had acted, as a member of the Board, and as if the Board had been properly and fully constituted.

9. In case of the illness or other incapacity, or absence from the State, of any member, or of a vacancy in the office of any member, the Governor may appoint some person to be a deputy member of the Board during such illness, incapacity, or absence, or until such vacancy is filled. Every person so appointed shall, until his appointment is terminated by notice in the *Government Gazette*, have all the powers, rights, and privileges, and perform all the duties and functions of a member of the Board.

Deputy member.

10. The Minister may appoint such inspectors and other officers and servants as he considers necessary for the purposes of this Act; and he may authorise other persons to do such acts and things as he considers necessary for carrying out the purposes of this Act.

Officers and
servants.

Acquisition of Grain and Foodstuff by the Board.

11. The Board is hereby empowered during the continuance of this Act to acquire all or any quantity of any grain and foodstuff now or hereafter within the State, except grain or foodstuff hereafter imported into the State.

The Board
empowered to
acquire grain and
fodder.

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

Method of
exercising Board's
power to acquire.

(a.) The Board, or any member on its behalf, or any person thereunto authorised by the Board, may purchase any grain or foodstuff:

- (b.) Any member, or any inspector, or any person thereunto authorised by the Board, may take possession (with or without the consent of the owner or any other person) of any grain or foodstuff wherever it may be found ;
- (c.) The Board shall give to the owner of any grain or foodstuff, or to the person apparently having the custody thereof or in occupation of the premises where it is, notice in writing that it is the intention of the Board to acquire such grain or foodstuff.

Provided that the Board, upon being fully satisfied as to quantities required, may exempt from the operation of this Act the legitimate requirements of the holder.

(2.) Upon the purchase of any grain or foodstuff or upon possession thereof being taken as provided by subsection (1) hereof, or upon notice in respect thereof being given as so provided, such grain or foodstuff shall vest absolutely in the Board, and shall, subject to any dispositions thereof made by the Board under this Act, be and remain the property of the Board for the purposes of this Act.

Payment for Grain and Foodstuff acquired by the Board.

13. (1.) The Board shall within three months pay for any grain or foodstuff acquired by it such price—

- (a.) as is agreed between the Board and the owner, or if the Board is notified in writing of the claim of any other person interested in such grain or foodstuff, as is agreed between the Board, the owner, and such other person ;
or
- (b.) if the price is not so agreed within fourteen days after the grain or foodstuff is acquired, as is fixed by the Commission appointed under the Control of Trade in War Time Act, after hearing the parties and any evidence they may wish to call.

(2.) Upon the application in writing of the Board or of the owner of, or any person claiming to be interested in, such grain or foodstuff, the said Commission shall fix the price to be paid therefor.

(3.) The Commission in fixing the prices shall have regard to the market value of such grain or foodstuff at the place and at the time where and when it was acquired.

(4.) Notwithstanding that the price of any wheat has been fixed by the said Commission, the Board may, in respect of any part of such wheat which it considers specially suitable for seed and true to name, pay such (if any) additional sum as it considers proper.

(5.) In addition to the price to be paid for any grain or foodstuff as provided by this section, the Board shall pay interest thereon at the rate of six per centum per annum, calculated from the

Price to be as agreed or as fixed by Commission under the Control of Trade in War Time Act.

Commission to fix the price on application.

Additional payment may be made in certain cases.

Interest to be paid from time when possession taken.

time when such grain or foodstuff is taken by or on behalf of the Board, or is delivered to the Board at the railway station or siding, or port, nearest to the place where it is at the time when it is acquired by the Board, until the time of payment.

14. (1.) When the Board does not take delivery or possession of any grain or foodstuff immediately it is acquired, the storage thereof shall be upon and subject to such terms and conditions—

Terms and conditions of storage pending delivery to the Board.

(a.) as are agreed between the Board and the person having the custody thereof; or

(b.) if the terms and conditions are not so agreed within fourteen days after it is acquired, as are fixed by the said Commission as hereinafter provided.

(2) Upon the application in writing of the Board or of the person having the custody of such grain or foodstuff the said Commission shall fix the terms and conditions upon and subject to which it shall be stored, or shall be deemed to have been stored, from the time when it was acquired by the Board until delivery or possession thereof is taken by the Board.

Commission to fix same on application.

15. For the purposes of fixing prices and terms and conditions under this Act, and in connection with its functions under this Act, the said Commission shall have, in addition to the powers hereby conferred, all the powers of a Royal Commission conferred upon it by "The Control of Trade in War Time Act."

Powers of Commission.

16. (1) The sum to be paid by way of price for any grain or foodstuff acquired by the Board, and any other sums to be paid in respect thereof, shall be paid to the person who appears to the Board to be the owner of such grain or foodstuff. Provided that—

To whom payments to be made.

i. If the Board receives notice in writing that some person other than the apparent owner has any lien or charge in respect of such grain or foodstuff, the Board shall either deduct from such sums or any of them the amount of such lien or charge and pay such amount to the person who appears to the Board to be entitled thereto; or

ii. If in doubt as to what persons are entitled to any of such sums, or any part thereof, the Board may pay such sum, or part, into the Supreme Court; and the moneys so paid in shall be subject to any orders of the Court, or a Judge thereof, made on application by or on behalf of the persons interested or claiming to be interested therein:

iii. Subject as aforesaid, the Board shall not be liable to any action or other proceeding in respect of any money *bona fide* paid by it to any person, or into Court, under this Act.

(2.) Any application in respect of any money paid into Court under this section may be made to a Judge in Chambers

on a Judge's summons: Provided that the Judge may hear the matter in Chambers or in Court, and may, if he thinks proper, refer any question of law to the Full Court.

(3.) No Court fees shall be payable on the payment into or out of Court of any such money, nor in respect of any application or other proceeding concerning such money.

Search for Grain and Foodstuff, and Disposal of Grain and Foodstuff vested in the Board.

Power to search for grain or fodder.

17. Any member of the Board, or any inspector, or any person thereunto authorised in writing by the Board, may at any time in the day or night enter into and search any premises or vessel, or part thereof, where any grain or foodstuff 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, and may break open and search any packages, sacks, or other things in which any grain or foodstuff is or is supposed to be.

Storing and disposal of grain and foodstuff vested in the Board.

18. All grain and foodstuff acquired by the Board may be taken to and stored in such places as are provided by the Minister for that purpose, and may be disposed of in such manner as the Board considers best for giving effect to the objects of this Act.

Effect of Acquisition by the Board on Contracts to Deliver.

Taking by or delivery to the Board to discharge obligation to deliver to other persons.

19. In case any grain or foodstuff is, at the time when it is acquired by the Board, in the custody of any person who under any contract is bound to deliver it, or any grain or foodstuff in lieu thereof, to or in accordance with the order of any other person, the obligation so to deliver shall be discharged upon the taking of such grain or foodstuff by or on behalf of the Board or the delivery thereof to the Board, but without prejudice to any claim which such other person may have to the price or any other sum paid, or to be paid, by the Board for or in respect of such grain or foodstuff, or to any part of such price or other sum.

Regulations.

Governor may make regulations.

20. (1) The Governor may make all such regulations as he deems necessary or convenient for the purposes of this Act, or for more effectually carrying out its objects, and may by any regulation prescribe a penalty not exceeding Fifty Pounds for any offence against that or any other regulation.

(2) All regulations—

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

(b) from the date of such publication, or from a later date fixed by the order making the same, shall (subject to subsection (3) hereof) be of the same effect as if they were enacted by this Act; and

(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 of 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*.

Offences, Evidence, and Proceedings for Offences.

21. Any person who in any way resists, interferes with, hinders, or obstructs any member of the Board, inspector, officer, servant, or person, in the exercise or discharge of any of his powers or duties under this Act shall be guilty of an offence, and be liable to a penalty not exceeding One hundred pounds or to be imprisoned for any term not exceeding six months.

Obstructing officers and others.

22. A copy of the *Government Gazette* purporting to contain a notice of the appointment of any member, chairman, or deputy-chairman, or of the appointment or authorisation of any inspector, officer, servant, or person, under this Act, shall, for all purposes and on all occasions, be conclusive evidence of the fact, tenor, and validity of such appointment, or authorisation, and of the facts stated, recited, or assumed therein; and no such appointment or authorisation shall be invalid by reason of any thing required as preliminary or incidental thereto not having been duly done.

Gazette to be conclusive evidence of appointments, declarations, etc.

23. (1) All proceedings in respect of offences against this Act shall be heard and determined in a summary way by a Resident Magistrate or any two Justices, and shall be regulated by the Justices' Act, 1902, and any amendments thereof, or any other Act or Acts regulating summary proceedings before Justices of the Peace.

Summary proceedings for offences.

(2) All convictions and orders made by such Magistrate or Justices may be enforced as provided by the said Act or any other such Act as aforesaid.

Financial.

How expenses to be provided.

24. (1) The Colonial Treasurer may, from time to time, make advances out of any funds at his disposal to the Minister and to the Board for carrying out the purposes of this Act.

(2) So far as practicable, such advances shall be repaid, and the other expenses of administering this Act shall be defrayed, out of the monies paid to the Board for grain and foodstuff disposed of by it; and any deficiency which may arise shall be made good out of monies provided by Parliament for that purpose.

Duration of Act.

25. This Act shall continue in force until the thirtieth day of September, one thousand nine hundred and fifteen, and no longer.