

## FLOUR.

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No. 33 of 1977.

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**AN ACT to make provision to ensure the supply of flour.**

[Assented to 4th November, 1977.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the 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 *Flour Act, 1977*. Short title.
  
2. (1) This Act shall continue in operation Duration of Act.  
until—
  - (a) the fourteenth sitting day of the Legislative Assembly of the Second Session of the twenty-ninth Parliament; or

(b) the 31st day of October, 1978,

whichever first shall occur, and no longer.

(2) The expiry of this Act shall not affect the previous operation thereof or the validity of any action taken thereunder or any penalty, forfeiture or punishment incurred in respect of any contravention of or failure to comply with this Act or any proceedings or remedy in respect of such penalty, forfeiture or punishment.

Administra-  
tion.

3. The administration of this Act shall be vested in a responsible Minister of the Crown and, subject to the Minister, shall be carried out by such authorities, departments, instrumentalities, persons or bodies as the Minister in writing directs.

Powers.

4. (1) During the operation of this Act, where it appears to the Minister that the supply or provision of flour is or is likely to be interrupted or dislocated or become less than is sufficient for the reasonable requirements of the community the Minister may from time to time exercise all or any of the powers conferred on him by or under this Act and do and perform all such acts, matters and things as are necessary or expedient for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section but for the purposes of this Act and not otherwise the Minister may—

- (a) buy, sell, supply, transport, store, market and distribute flour;
- (b) enter into any contract, and undertake and carry on business transactions;
- (c) establish and maintain premises, machinery, plant or other equipment for the purposes of this Act;

(d) by a direction given in writing—

- (i) authorise the taking of possession or control and the disposal or use of any flour and the packaging of any flour and require any person to place any such flour and packaging in his possession at the disposal of the Minister;
- (ii) require persons to disclose information as to any relevant matter,

as may appear to be necessary or expedient.

(3) Where any direction is given under paragraph (d) of subsection (2) of this section to any person or body, a person or body who fails to comply with the direction commits an offence against this Act, but it shall be a sufficient defence to a prosecution for an offence under this subsection in respect of a failure to comply with a direction if the defendant satisfies the court that he so failed with reasonable excuse.

(4) If, in furnishing any information for the purposes of this Act or of any direction made under this Act, any person makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence against this Act.

5. The powers of the Minister under this Act may be exercised on his behalf by any person for the time being so authorised by the Minister. Delegation.

6. (1) A person who, as the result of compliance with any direction given under this Act or while complying with or being engaged in the carrying into effect of any such direction, suffers loss, damage or injury shall be entitled to compensation under this Act from the Minister. Compensation.

(2) Every claim for compensation under this Act shall be made in the prescribed manner, or if no manner is prescribed in relation thereto in a form and within a time approved by the Governor.

(3) In default of agreement as to the amount of compensation between the Minister and the claimant, the Minister shall direct that the claim shall be referred to arbitration before a single arbitrator who shall be appointed by the Minister from amongst the Judges of the Supreme Court and of The District Court of Western Australia.

(4) The procedure to be followed at the arbitration shall be as determined by the arbitrator, but, subject to any such determination, the procedure shall be as nearly as possible the same as the procedure in the trial of a civil action in the Supreme Court.

(5) No account shall be taken, in assessing the extent of any loss, damage or injury in respect of which compensation is sought, of any such loss, damage or injury which was sustained in like manner by the community at large or by any substantial portion of the community.

Offences  
and  
Penalties.

7. (1) A person who is guilty of an offence against this Act is liable—

- (a) if a body corporate—to a penalty not exceeding five hundred dollars;
- (b) if any other person—to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(2) Where a person convicted of an offence against this Act is a body corporate, every person who at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to have committed the like offence, and be liable to the pecuniary penalty or imprisonment

or both provided by this section in the case of such an offence by a person other than a body corporate accordingly, unless he proves that the offence was committed without his knowledge, or that he used all due diligence to prevent the commission of the offence.

8. (1) A prosecution for a contravention of this Act shall not be commenced without the consent of the Attorney General. Consent to prosecutions.

(2) In any prosecution for a contravention of this Act a writing purporting to show the consent of the Attorney General for the purposes of subsection (1) of this section shall, in the absence of proof to the contrary, be deemed to be such a consent.

9. (1) Proceedings for offences against this Act shall be heard before a court of petty sessions constituted by a stipendiary magistrate sitting alone. Proceedings to be taken summarily.

(2) Subject to subsection (1) of this section, the provisions of the Justices Act, 1902, shall apply to proceedings for offences against this Act.

10. The Governor may make regulations for the purposes of this Act. Regulations.

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