

New South Wales.



ANNO VICESIMO TERTIO

GEORGI V REGIS.

Act No. 44, 1932.

An Act to extend the period during which the Flour Acquisition Act, 1931, as amended by the Flour Acquisition (Amendment) Act, 1931, and the Flour Acquisition (Further Amendment) Act, 1931, is to remain in force; to further amend the Flour Acquisition Act, 1931; and for purposes connected therewith. [Assented to, 21st December, 1932.]

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:—

1. (1) This Act may be cited as the "Flour Acquisition Short title. (Amendment) Act, 1932."

Flour Acquisition (Amendment).

(2) The Flour Acquisition Act, 1931, as amended by the Flour Acquisition (Amendment) Act, 1931, and the Flour Acquisition (Further Amendment) Act, 1931, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Flour Acquisition Act, 1931-1932.

Amendment of
Act No. 10,
1931.

Sec. 2.
(Interpre-
tation.)

2. The Principal Act is amended—

(a) by omitting from the definition “wheat” in section two the words “one thousand nine hundred and thirty-two” and by inserting in lieu thereof the words “one thousand nine hundred and thirty-three”;

Sec. 3.
(Vesting of
flour.)

(b) by omitting from subsection two of section three the words “one thousand nine hundred and thirty-three” and by inserting in lieu thereof the words “one thousand nine hundred and thirty-four.”

Further
amendment of
Act No. 10,
1931.

Sec. 4.

3. The Principal Act is further amended—

(a) by omitting section four and by inserting in lieu thereof the following section:—

Acquisition
of flour by
order of the
Minister.
cf. Act No.
6, 1915, ss. 5
et seq.
Vict. Act No.
3670, s. 8.

4. (1) The Minister or an officer of the public service authorised in writing by the Minister either generally or in a particular case may, by order in writing under his hand served upon any person being the owner of or having the control or disposal of any flour described or referred to in the order, declare that any such flour is acquired by His Majesty.

The power conferred by this subsection shall not be exercised after the thirty-first day of December, one thousand nine hundred and thirty-three.

Description.

(2) In any such order it shall be sufficient to describe the flour so acquired as flour in a certain locality or place, or as flour owned by or in the control or disposal of a certain person or in any other manner by which the flour may be identified.

Flour Acquisition (Amendment).

(3) Such order shall be deemed to have been sufficiently served— Service of order.

- (a) if delivered personally;
- (b) if delivered addressed to the person upon whom it is to be served to some person of or above the age of sixteen years at the last known place of abode or business in or out of New South Wales of such first-mentioned person;
- (c) if sent by post in a registered letter addressed to the person upon whom it is to be served by name at his aforesaid place of abode or business, and if that letter is not returned through the post office undelivered then the order shall be deemed to have been served at the time when the registered letter would in the ordinary course be delivered;
- (d) if served in the manner prescribed in Part III of the Companies Act, 1899, or in Part III of the Companies (Amendment) Act, 1906, as the case may require when the person upon whom the order is to be served is a company;
- (e) in any other manner directed by a judge of the district court upon an application in that behalf.

(4) Upon the service of any such order the flour described or referred to in the order shall cease to be the property of the then owner thereof and shall become and remain the absolute property of His Majesty free from any mortgage, charge, lien, pledge, interest, trust or encumbrance affecting the same, and the rights and interests of every person in the flour at the date of such service shall, subject to this Act, be converted into a claim for compensation in pursuance of the provisions of this Act. Effect of order.

(5) The production of any such order or of a copy thereof or of a telegram purporting to be a demand pursuant to such order and to be signed by the Minister or the officer of the public Authority to deliver.

Flour Acquisition (Amendment).

public service authorised in that behalf as aforesaid shall be sufficient authority for the delivery of possession of any flour described or referred to in such order or demand.

Any such flour may without any warrant other than this Act be seized and taken possession of by any person authorised either generally or in any particular case in writing by the Minister in that behalf, or any such person may arrange with the previous owner or the person having the control or disposal of the flour for its delivery at a time and place agreed upon to some person on behalf of His Majesty.

Penalty for obstruction.

(6) Any person who refuses to deliver any flour described or referred to in any order or demand or who hinders or obstructs any authorised person in the exercise of his powers under this section or who neglects or refuses to carry out any arrangement made under subsection five of this section for the delivery of any flour shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding two hundred pounds.

Risk pending possession or purchase.

(7) Until the power conferred by subsection five of this section is exercised or until the flour is purchased in accordance with this Act the person in whose possession the flour is at the date of acquisition shall hold it on behalf of His Majesty, but until possession of the flour is taken in pursuance of such subsection or until the flour is purchased in accordance with this Act the flour shall be at the risk of the previous owner, and in the event of loss or destruction no compensation shall be payable.

Evidence.

(8) (a) In any action, suit, or proceeding the production of a copy of any order under this section purporting to be signed by the Minister or by the officer of the public service authorised as aforesaid shall, upon proof of service by affidavit or otherwise, be conclusive evidence that upon the date appearing on the copy

Flour Acquisition (Amendment).

copy of the order the flour therein described or referred to was the absolute property of His Majesty.

- (b) The authority of any officer of the public service authorised in pursuance of this section may be proved by the production of his authority in writing or of a copy of the Gazette containing a notification of his authority.
- (b) by omitting from subsection four of section six the words " sold or disposed of " and by inserting in lieu thereof the words " purchased or deemed to be purchased "; Sec. 6.
(Disposal of flour vested or acquired.)
- (c) by omitting section eight and by inserting in lieu thereof the following section:— Sec. 8.
8. (1) Any member of the police force or any officer of the public service duly authorised by the Minister in that behalf may for the purposes of this Act at any reasonable time enter and search any premises or part thereof in which he has reason to believe there is any flour. Power of entry.
- (2) Any person who obstructs, hinders, prevents, or interferes with any member of the police force or officer so authorised shall be liable to a penalty not exceeding one hundred pounds or imprisonment not exceeding six months.
- (d) by inserting at the end of section thirteen the following new subsection:— Sec. 13.
(Inspection of books, etc.)
- (4) Any person who obstructs, hinders, prevents, or interferes with any officer so authorised or who, when requested so to do, refuses or neglects to produce such books, vouchers, account sales, return sales, documents or writings shall be guilty of an offence against this Act.
- (e) by inserting at the end of section fourteen the following new subsection:— Sec. 14.
(Power to call for information.)
- (3) In any prosecution under this section—
- (a) the production of a copy of the notice purporting to be signed by the Minister shall be prima facie evidence of the contents of the notice and of the signature of the Minister;

(b)

Flour Acquisition (Amendment).

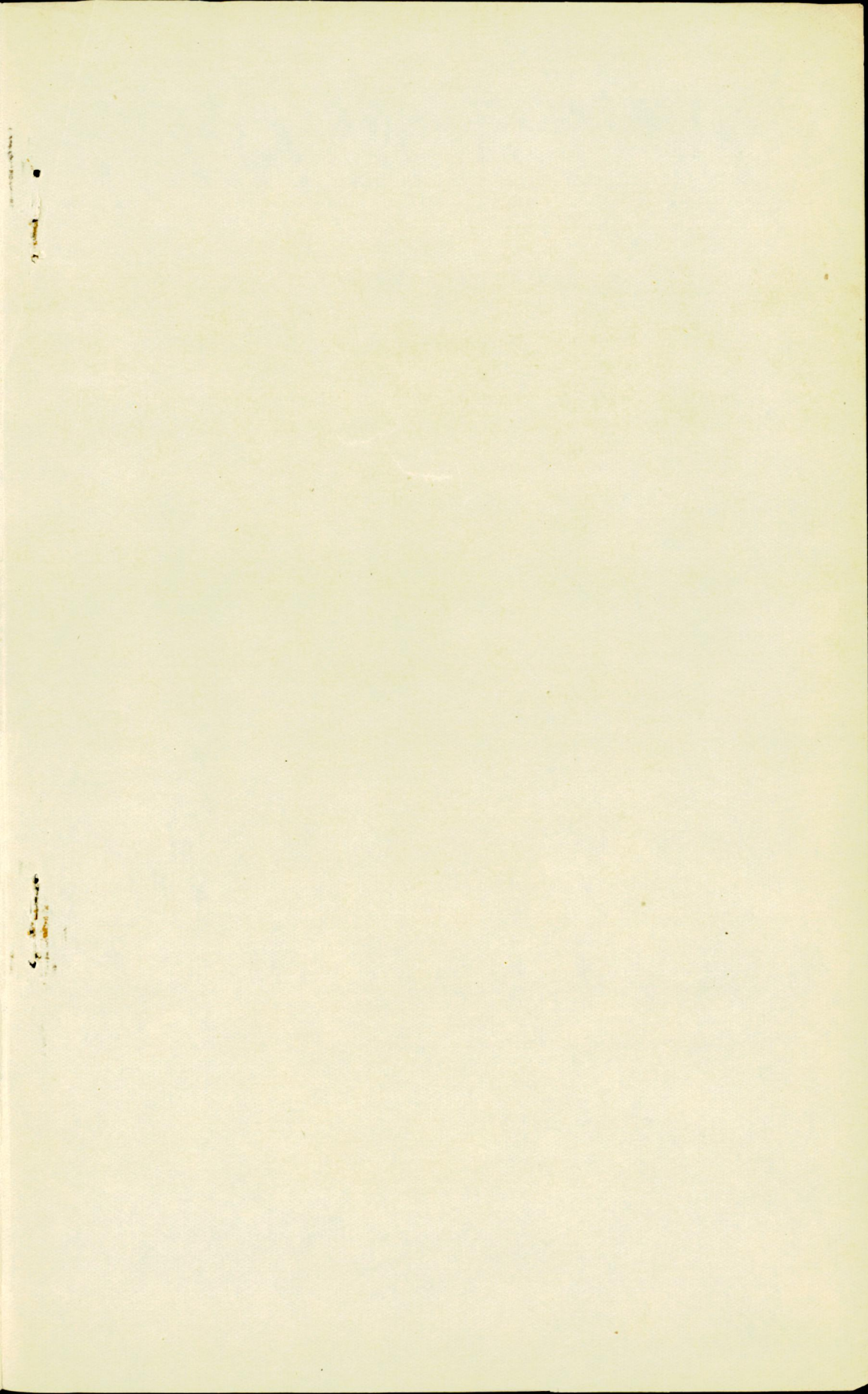
(b) a certificate purporting to be signed by the Minister that such of the requirements of the notice as are specified in the certificate have not been complied with at the time stated in the certificate shall be prima facie evidence of the facts and matters so certified.

By Authority:

ALFRED JAMES KENT, I.S.O., Government Printer, Sydney—1933.

[3*a*.]

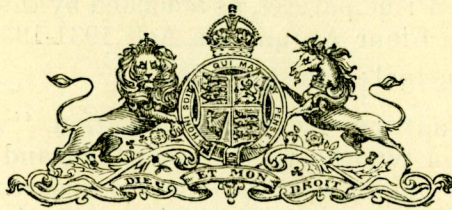
(d)



I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 14 December, 1932.

New South Wales.



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GEORGII V REGIS.

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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:—

1. (1) This Act may be cited as the "Flour Acquisition Short title. (Amendment) Act, 1932."

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. T. MISSINGHAM,
Chairman of Committees of the Legislative Assembly.

Flour Acquisition (Amendment).

(2) The Flour Acquisition Act, 1931, as amended by the Flour Acquisition (Amendment) Act, 1931, and the Flour Acquisition (Further Amendment) Act, 1931, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Flour Acquisition Act, 1931-1932.

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Sec. 2.
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2. The Principal Act is amended—

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(b) by omitting from subsection two of section three the words "one thousand nine hundred and thirty-three" and by inserting in lieu thereof the words "one thousand nine hundred and thirty-four."

Further
amendment of
Act No. 10,
1931.

Sec. 4.

3. The Principal Act is further amended—

(a) by omitting section four and by inserting in lieu thereof the following section:—

4. (1) The Minister or an officer of the public service authorised in writing by the Minister either generally or in a particular case may, by order in writing under his hand served upon any person being the owner of or having the control or disposal of any flour described or referred to in the order, declare that any such flour is acquired by His Majesty.

The power conferred by this subsection shall not be exercised after the thirty-first day of December, one thousand nine hundred and thirty-three.

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Description.

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(3)

Flour Acquisition (Amendment).

(3) Such order shall be deemed to have been sufficiently served— Service of order.

- (a) if delivered personally;
- (b) if delivered addressed to the person upon whom it is to be served to some person of or above the age of sixteen years at the last known place of abode or business in or out of New South Wales of such first-mentioned person;
- (c) if sent by post in a registered letter addressed to the person upon whom it is to be served by name at his aforesaid place of abode or business, and if that letter is not returned through the post office undelivered then the order shall be deemed to have been served at the time when the registered letter would in the ordinary course be delivered;
- (d) if served in the manner prescribed in Part III of the Companies Act, 1899, or in Part III of the Companies (Amendment) Act, 1906, as the case may require when the person upon whom the order is to be served is a company;
- (e) in any other manner directed by a judge of the district court upon an application in that behalf.

(4) Upon the service of any such order the flour described or referred to in the order shall cease to be the property of the then owner thereof and shall become and remain the absolute property of His Majesty free from any mortgage, charge, lien, pledge, interest, trust or encumbrance affecting the same, and the rights and interests of every person in the flour at the date of such service shall, subject to this Act, be converted into a claim for compensation in pursuance of the provisions of this Act. Effect of order.

(5) The production of any such order or of a copy thereof or of a telegram purporting to be a demand pursuant to such order and to be signed by the Minister or the officer of the public Authority to deliver.

Flour Acquisition (Amendment).

public service authorised in that behalf as aforesaid shall be sufficient authority for the delivery of possession of any flour described or referred to in such order or demand.

Any such flour may without any warrant other than this Act be seized and taken possession of by any person authorised either generally or in any particular case in writing by the Minister in that behalf, or any such person may arrange with the previous owner or the person having the control or disposal of the flour for its delivery at a time and place agreed upon to some person on behalf of His Majesty.

Penalty for obstruction.

(6) Any person who refuses to deliver any flour described or referred to in any order or demand or who hinders or obstructs any authorised person in the exercise of his powers under this section or who neglects or refuses to carry out any arrangement made under subsection five of this section for the delivery of any flour shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding two hundred pounds.

Risk pending possession or purchase.

(7) Until the power conferred by subsection five of this section is exercised or until the flour is purchased in accordance with this Act the person in whose possession the flour is at the date of acquisition shall hold it on behalf of His Majesty, but until possession of the flour is taken in pursuance of such subsection or until the flour is purchased in accordance with this Act the flour shall be at the risk of the previous owner, and in the event of loss or destruction no compensation shall be payable.

Evidence.

(8) (a) In any action, suit, or proceeding the production of a copy of any order under this section purporting to be signed by the Minister or by the officer of the public service authorised as aforesaid shall, upon proof of service by affidavit or otherwise, be conclusive evidence that upon the date appearing on the

copy

Flour Acquisition (Amendment).

copy of the order the flour therein described or referred to was the absolute property of His Majesty.

(b) The authority of any officer of the public service authorised in pursuance of this section may be proved by the production of his authority in writing or of a copy of the Gazette containing a notification of his authority.

(b) by omitting from subsection four of section six the words " sold or disposed of " and by inserting in lieu thereof the words " purchased or deemed to be purchased "; Sec. 6. (Disposal of flour vested or acquired.)

(c) by omitting section eight and by inserting in lieu thereof the following section:— Sec. 8.

8. (1) Any member of the police force or any officer of the public service duly authorised by the Minister in that behalf may for the purposes of this Act at any reasonable time enter and search any premises or part thereof in which he has reason to believe there is any flour. Power of entry.

(2) Any person who obstructs, hinders, prevents, or interferes with any member of the police force or officer so authorised shall be liable to a penalty not exceeding one hundred pounds or imprisonment not exceeding six months.

(d) by inserting at the end of section thirteen the following new subsection:— Sec. 13. (Inspection of books, etc.)

(4) Any person who obstructs, hinders, prevents, or interferes with any officer so authorised or who, when requested so to do, refuses or neglects to produce such books, vouchers, account sales, return sales, documents or writings shall be guilty of an offence against this Act.

(e) by inserting at the end of section fourteen the following new subsection:— Sec. 14. (Power to call for information.)

(3) In any prosecution under this section—

(a) the production of a copy of the notice purporting to be signed by the Minister shall be prima facie evidence of the contents of the notice and of the signature of the Minister;

(b)

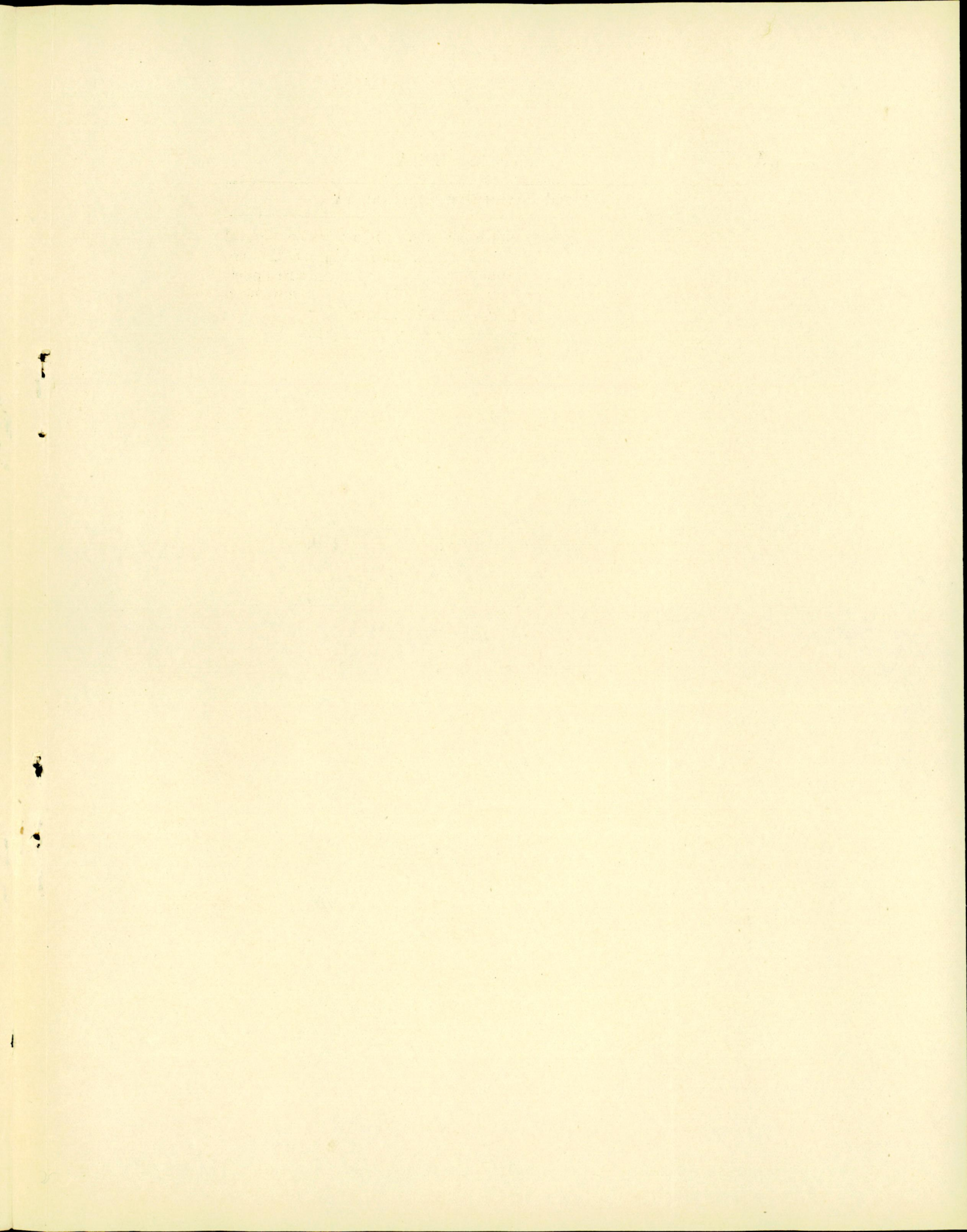
Flour Acquisition (Amendment).

- (b) a certificate purporting to be signed by the Minister that such of the requirements of the notice as are specified in the certificate have not been complied with at the time stated in the certificate shall be prima facie evidence of the facts and matters so certified.

*In the name and on behalf of His Majesty I assent
to this Act.*

PHILIP GAME,
Governor.

*Government House,
Sydney, 21st December, 1932.*



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