

PART II.—
APPEALS
FROM THE
COMMIS-
SIONER.

Regulation of Sugar Cane Prices Acts Amendment. 12 GEO. V. No. 8,

provided, from the Commissioner), with respect to any member of the Force, shall lie or be permitted to the Court of Industrial Arbitration, or to any other court or tribunal whatsoever, and no writ of prohibition or mandamus or certiorari shall lie in respect thereof.

PART III.—
GENERAL.

PART III.—GENERAL.

Amendment
of 55 Vic.
No. 32, s. 22.

19. In the first paragraph of section twenty-two of **“The Police Act of 1863 Amendment Act of 1891,”* the words “Chairman of the Civil Service Board, the Under Colonial Secretary” are repealed and the words “Public Service Commissioner, Under Secretary Home Secretary’s Department,” are inserted in lieu thereof.

Saving of
right to
dismiss, &c.

20. Save as is herein otherwise expressly provided, nothing in this Act contained shall be taken to prevent any member of the Police Force from being discharged, dismissed, or otherwise removed from office in the same manner in all respects as if this Act had not been passed.

REGULATION OF SUGAR CANE PRICES.

See SUGAR.

SECOND-HAND WARES.

See MERCANTILE.

SUGAR.

12 Geo. V.
No. 8.
THE
REGULATION
OF SUGAR
CANE PRICES
ACTS
AMENDMENT
ACT OF 1921.

An Act to Amend “The Regulation of Sugar Cane Prices Acts, 1915 to 1917,” in certain particulars.

[ASSENTED TO 31ST OCTOBER, 1921.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title
and
construction
of Act.

1. This Act may be cited as “*The Regulation of Sugar Cane Prices Acts Amendment Act of 1921*,” and shall be read as one with †*“The Regulation of Sugar*

* 55 Vic. No. 32, *supra*, page 2338.

† 6 Geo. V. No. 5 and 8 Geo. V. No. 18, *supra*, page 8377, printed as amended by this Act, Appendix P, *infra*.

1921. *Regulation of Sugar Cane Prices Acts Amendment.*

Cane Prices Acts, 1915 to 1917,” herein collectively referred to as the Principal Act.

2. The following amendments are made in section Amendment of s. 3. three of the Principal Act :—

(a) The definition of “Cane-grower” is repealed and the following definition is inserted in lieu thereof :—

“ “Cane-grower”—Any person, firm, company, Cane-grower. corporation, or association usually or ordinarily or for the time being growing sugar-cane for the purpose of the sale or supply thereof to a sugar-mill, or selling or supplying sugar-cane to a sugar-mill, and in every case for the purpose of the manufacture of sugar from such sugar-cane: the term (except for the purpose of being bound by an award) does not include any owner of a sugar-mill growing sugar-cane and supplying the same to such mill, or selling or supplying the same to any other sugar-mill.”

(b) The definition of “Commercial cane sugar” is repealed and the following definition is inserted in lieu thereof :—

“ “Commercial cane sugar”—The sugar content Commercial cane sugar. of sugar-cane as determined by analysis in the prescribed manner.”

(c) The definition of “Sugar-mill” is repealed and the following definition is inserted in lieu thereof :—

“ “Sugar-mill,” “Mill”—A sugar-mill to which Sugar-mill, Mill. sugar-cane is usually sold or supplied for the manufacture of sugar therefrom, or in which the business of manufacturing sugar from sugar-cane is usually or ordinarily carried on.”

(d) The definition of “Valuator” is repealed.

3. The following amendments are made in section Amendment of s. 4. four of the Principal Act :—

(a) In the second paragraph of subsection three, after the word “cultivating” the words “or usually or ordinarily cultivates” are inserted.

(b) After the fourth paragraph of the said subsection the following provision is inserted :—

“Provided also that, if only one person is nominated for either the cane-growers’ or mill-owners’ representative on the Central Board, the person so nominated

Regulation of Sugar Cane Prices Acts Amendment. 12 GEO. V. No. 8,

respectively shall be deemed to be duly elected, without the necessity for a ballot."

(c) In the second paragraph of subsection 3A, after the word "temporarily" the words "by the Governor in Council" are inserted.

Amendment
of s. 5.

4. The following amendments are made in section five of the Principal Act:—

(a) In the second paragraph of subsection two, after the words "cane-grower shall" the words "with the sanction of the Central Board" are inserted; also, the words "over seven per centum" are repealed and the words "seven per centum or over" are inserted in lieu thereof.

In the last paragraph of the said subsection, the words "(whether or not each such mill is under the jurisdiction of the same Local Board)" are repealed; the following provisions are added to the said paragraph:—

"The Central Board may take into consideration any advantage by way of increased price for sugar-cane or otherwise which may be expected to accrue to any cane-grower applying for such assignment.

On making such assignment the Central Board may declare that the lands so assigned to any mill shall remain so assigned for such period and on such conditions as the Central Board think fit, and thereupon such lands shall remain so assigned to such mill for the period and on the conditions so declared."

(b) The words "and the remuneration of members thereof" are added to subsection four.

Amendment
of s. 6.

5. The following amendments are made in section six of the Principal Act:—

(a) At the beginning of the section the words "Subject to section fifteen of this Act" are inserted.

(b) The following provision is inserted after the first paragraph:—

"An award may direct the mill-owner, at the written request of any cane-grower, to pay to any cane-growers' association or officer thereof approved by the Local Board or the Central Board, out of any moneys payable by the mill-owner to such cane-grower, any subscription, fee, or other due payable by such cane-grower to such association in respect of his membership thereof."

1921. *Regulation of Sugar Cane Prices Acts Amendment.*

6. The following amendments are made in section Amendment of s. 6A.
6A of the Principal Act :—

(a) The words “and the check chemist shall certify as to the correctness of the commercial cane sugar and the payment therefor, in accordance with the award” are added to paragraph (c) of subsection two.

In the second subparagraph of paragraph (f) of the said subsection, before the word “average” the word “true” is inserted, and after the word “crushed” the words “and the value of such commercial cane sugar content” are inserted.

In paragraph (h) of the said subsection the words “or Local Board” are repealed.

(b) The first paragraph of subsection three is repealed and the following provision is inserted in lieu thereof :—

“For the purpose of carrying out the duties hereinbefore specified, the check chemist must, by observation, satisfy himself as to whether the prescribed samples are correctly taken and the specified determinations are correctly made. If not satisfied with any sample or with any determination, he shall be entitled to require a fresh sample or a redetermination, and if such fresh sample or redetermination is still unsatisfactory, or is not furnished within a reasonable time, he shall be entitled to make a determination himself, and his result shall be accepted as correct.”

In the second paragraph of the said subsection, before the word “determination” the words “sampling or” are inserted.

(c) In subsection four, after the words “check chemist” where they twice occur, the words “or the Central Board” are respectively inserted.

7. The following amendments are made in section Amendment of s. 6C.
6C of the Principal Act :—

(a) The following proviso is added to the first paragraph :—

“Provided, however, that if the Chairman of a Local Board refuses to give such written authority the party requiring the same may appeal to the Central Board, who shall have power to issue the necessary authority.”

(b) The second, third, fourth, fifth, and sixth paragraphs are repealed.

Regulation of Sugar Cane Prices Acts Amendment. 12 GEO. V. No. 8,Amendment
of s. 7.

8. The following amendments are made in section seven of the Principal Act :—

(a) In the first paragraph, after the word “secretary” where it first occurs, the words “so that it shall be received by him” are inserted; also, before the words “later date” the words “earlier or” are inserted.

(b) In paragraph (i.) of the proviso, after the word “prescribed” the words “and provided no agreement has been made and approved under section fifteen of this Act” are inserted.

Amendment
of s. 8.

9. In subsection one of section eight of the Principal Act, after the word “applies” the words “(including all mortgagees, lienees, assignees, transferees, and other persons having any title to or interest in such mill or lands or the sugar-cane on such lands)” are inserted.

Amendment
of s. 9.

10. In the last paragraph of section nine of the Principal Act, the words “a copy of” are repealed; and after the words “Local Board” the words “or a copy thereof” are inserted.

Amendment
of s. 9A.

11. In subsection three of section 9A of the Principal Act, after the word “Act” the words “or an award of the Central Board” are inserted.

Amendment
of s. 9C.

12. In subsection five of section 9C of the Principal Act, the words “by the Crown” are repealed and the words “out of the Sugar Cane Prices Fund” are inserted in lieu thereof.

Amendment
of s. 9E.

13. In section 9E of the Principal Act, after the word “decision” where it thrice occurs the word “declaration” is respectively inserted.

Amendment
of s. 10.

14. In the first paragraph of section ten of the Principal Act, after the words “police magistrate” the words “or justice of the peace” are inserted.

Amendment
of s. 12.

15. The following amendments are made in section twelve of the Principal Act :—

(a) In paragraph (bb) of subsection one, after the words “sugar-cane” the words “and the cost of manufacture of sugar” are inserted.

(b) Subsection 1A is repealed and the following subsection is inserted in lieu thereof :—

“(1A.) Such award shall determine an interim minimum price for sugar-cane not exceeding eighty (or

1921. *Regulation of Sugar Cane Prices Acts Amendment.*

where the Central Board so direct in any special case not exceeding eighty-five) per centum of the estimated value of such sugar-cane ; and any award of the Central Board may provide for increases or decreases in the price on account of—

- (a) Any increase or decrease in the quantity of sugar-cane over or under the estimate ;
- (b) Higher sugar contents in sugar-cane ;
- (c) Increase or decrease in selling price of sugar ;
- (d) Any other variation in conditions.

When the Central Board consider that any payment has been unduly and unreasonably delayed they may order that the mill-owner shall pay to the cane-grower interest at a rate not exceeding six pounds per centum per annum on the amount of such payment during the period of such delay.”

(c) In subsection three, after paragraph (c) the following paragraph is inserted :—

“(d) Overloading of trucks.”

(d) Subsection five is repealed and the following subsection is inserted in lieu thereof :—

“(5.) Every award shall be deemed to contain the following provision :—

The base price fixed by this award may from time to time be changed, while this award remains in force, whether by increase or decrease, by a decision of the Central Board, if they are satisfied upon an application made to them by any mill-owner or by any twenty cane-growers (or one-third if the whole number does not exceed sixty) bound by the award who supplied sugar-cane to such mill during the year then last past that the circumstances or conditions existing when the award was made have so changed that a change in price is fair and just. And the base price fixed by this award shall thereupon be changed in accordance with such decision : Provided that such application shall be made not later than twenty-one days after the close of the crushing season in respect of which this award is made.”

(e) Subsection seven is repealed and the following subsection is inserted in lieu thereof :—

“(7.) Sugar-cane supplied by any cane-grower and containing seven per centum or over of commercial cane sugar shall not be refused to be taken delivery of and

Regulation of Sugar Cane Prices Acts Amendment. 12 GEO. V. No. 8.

purchased by the owner of any mill unless such mill-owner has been exempted by the Central Board from the obligation of carrying on the business of milling sugar from cane grown on lands assigned to the mill or from maintaining the mill in a proper and reasonable manner for such purpose or from preparing for or commencing or carrying on crushing operations during the season or any part thereof when such supply is made or tendered.

Every application by a mill-owner to be exempted from the obligation of carrying on the business of milling sugar from cane grown on lands assigned to the mill, or from maintaining the mill in a proper and reasonable manner for such purpose, or from preparing for or commencing or carrying on crushing operations during any season or part thereof, shall be made to the Central Board on or before the thirtieth day of September preceding such season. The time for making any such application may be extended or abridged by the Central Board.

Every *bonâ fide* application to be exempted from the obligation of carrying on such business shall be granted by the Central Board, provided always that the Central Board may in any special circumstances exempt any mill-owner from the operation of this subsection or any part thereof for such period and on such conditions as the Central Board think fit :

Provided also that if the supply of sugar-cane to a mill falls below a weekly tonnage to be awarded and declared by the Local Board or by the Central Board (on appeal from the Local Board or of its own motion) in respect of each mill the mill-owner shall have the right to cease crushing operations.

In all cases the burden of proof that sugar-cane delivered in pursuance of an award by any cane-grower to the owner of the mill does not contain seven per centum or over of commercial cane sugar shall be on such mill-owner.

For the purpose of delivery by a cane-grower, any delivery or tender of delivery of sugar-cane by him or his employee at the usual loading-bank or place of delivery on a tram-line or elsewhere or at the place specified in the award shall be deemed to be delivery of the cane to the mill-owner."

1921. *Regulation of Sugar Cane Prices Acts Amendment.*

(f) In the first paragraph of subsection eight, after the word "date" the words "on and" are inserted. The second paragraph of subsection eight is repealed and the following provision is inserted in lieu thereof:—

"If the Central Board are satisfied, upon an application in that behalf by any cane-grower or cane-growers, that the owner of the mill has failed for any reason whatsoever to carry on the business of milling sugar from cane grown on lands assigned to the mill, or to maintain the mill in a reasonable and proper manner for such purpose, or to commence crushing or to take delivery of sugar-cane, or to crush the same, or to prepare for or carry on crushing operations in a reasonable and proper manner, then the Central Board may so award and declare and shall publish such award and declaration in the *Gazette*, whereupon the following consequences may ensue:—"

(g) After the first subparagraph of paragraph (i.) of subsection eight the following provision is inserted:—
"The Minister, by his officers, servants, agents, and workmen, may put and maintain such property in working order."

(h) In the second subparagraph of paragraph (i.) of subsection eight, after the words "hereinbefore mentioned" the words "Provided always that, without prejudice to any right of action or judgment heretofore accrued or given, this authority shall extend and shall be deemed to have always extended to authorise the Minister to take possession of, work, use, and consume such tramways, equipment, stores, and goods or any other part of the property of the mill-owner for the purpose of removing the whole or any part of the sugar-cane grown on lands assigned to such mill to any other mill for crushing at such other mill" are inserted.

In the fifth subparagraph of the said paragraph (i.) all words after the word "Board," where it first occurs, to the end of the said subparagraph are repealed.

(i) In the first subparagraph of paragraph (ii.), after the word "mill" the words "or other property of the mill-owner" are inserted.

In the second subparagraph of the said paragraph (ii.), the words "and the carrying on of the said business" are repealed and the words "the putting and maintaining in order and working the mill or any part of the property of the mill-owner" are inserted in lieu thereof.

Regulation of Sugar Cane Prices Acts Amendment. 12 GEO. V. No. 8,

(j) After paragraph (iv.) the following paragraph is inserted:—

“(v.) No award and declaration by the Central Board or any action by the Minister under this subsection shall relieve the mill-owner from liability for any penalty or damages in any civil or other proceedings for breach of this Act or any award to which he would otherwise be liable by reason of any such failure as aforesaid, unless the Central Board are satisfied that the mill-owner had reasonable excuse for failing to commence or carry on crushing operations, or to take delivery of sugar-cane or to crush the same.”

(k) The following provision is added to subsection nine:—

“ Provided that the mill-owner shall be liable to make such interim payments in respect of any sugar-cane which he should have taken delivery of under this Act or any award, and which he has failed to take delivery of while such mill is crushing, unless the Central Board are of opinion that he had reasonable excuse for such failure.”

Amendment
of s. 14.

16. In the first paragraph of subsection one of section fourteen of the Principal Act, before the words “then in addition” the words “except by the written permission of the mill-owner” are inserted.

Amendment
of s. 15.

17. Section fifteen of the Principal Act is repealed and the following section is inserted in lieu thereof:—

Contracts
outside Act

“ [15.] (1.) Subject as hereinafter provided, any contract or agreement, whether entered into before or after the passing of this Act, between the owner of a mill or any other person and any cane-grower which, if it were valid, would have the effect of disentitling such cane-grower to the benefit of an award or of any of the provisions of this Act, shall to that extent be absolutely void and inoperative.

(2.) All contracts or agreements, whether entered into before or after the passing of this Act, between the owner of a mill or any other person and any cane-grower, shall, in the case of contracts or agreements entered into before the passing of this Act not later than thirty days after the constitution of the Central Board, and in other cases not later than thirty days after the execution of the same, be filed in the office of the secretary; and every such contract or agreement shall be approved by the

1921. *Regulation of Sugar Cane Prices Acts Amendment.*

Central Board unless in their opinion it is unfair and unreasonable: Provided always that such contract or agreement is limited in its operation to a period not exceeding three years or such longer period as the Central Board may approve in any particular case, and is signed by eighty-five per centum of the cane-growers whose lands are assigned to that mill, and who in the opinion of the Central Board are likely to supply not less than sixty-six per centum of the cane to be supplied to such mill during the season or seasons covered by such contract or agreement. Subject to the approval of the Central Board as aforesaid, every such contract or agreement shall during its currency take the place of an award of the Local Board or the Central Board, and shall be binding on all cane-growers growing cane on lands assigned to such mill:

Provided that the Central Board may, by notification in the *Gazette*, authorise the filing of copies of any such contracts or agreements in lieu of the original instruments, and, further, may exempt any contract or agreements or class of contracts or agreements (including liens and mortgages) from the operation of this section."

18. In subsection one of section 17A of the Principal Act, the words "any person" are repealed and the words "the chairman of a Local Board" are inserted in lieu thereof. Amendment
of s. 17A.

In subsections two and three of the said section, after the word "chairman" the words "or temporary or acting chairman" are respectively inserted.

19. The following provisions are added to subsection one of section nineteen of the Principal Act:— Amendment
of s. 19.

"Provided that an appeal shall lie from such police magistrate only to the District Court Judge who is chairman of the Central Board, or in his absence from any cause to such Supreme Court Judge or District Court Judge as may be appointed in that behalf by the Governor in Council, but shall not lie to the Supreme Court. Appeal from
police
magistrate.

Such appeal shall be by way of rehearing.

Any party dissatisfied with the decision of such Judge, on the ground that it is erroneous in point of law or is in excess of jurisdiction, may apply to such Judge within twenty-one days after such decision is given to state

Regulation of Sugar Cane Prices Acts Amendment. 12 GEO. V. No. 8.

a special case for the opinion of the Supreme Court sitting as a Full Court, and such Judge shall state a special case accordingly, unless he considers the application is frivolous.

Full Court to determine the questions on the case.

The Full Court, when a case is transmitted under this section, shall hear and determine every question of law arising thereon, and may remit the matter to such District Court Judge with the opinion of the Full Court thereon, or make such other order in relation to the matter as seems proper, and may make such order as to costs as to the Full Court may seem fit.

Case may be sent back for amendment.

The Full Court may cause a case to be sent back to such District Court Judge for amendment, and thereupon the same shall be amended accordingly, and judgment shall be delivered by the Full Court after it is amended."

Amendment of s. 20.

20. Subsection one of section twenty of the Principal Act is repealed and the following subsection is inserted in lieu thereof:—

Sugar Cane Prices Fund.

"(1.) There shall be established a fund to be called "The Sugar Cane Prices Fund," which shall only be charged with the payment of all expenses incurred by the Governor in Council or the Minister or the Central Board or any Local Board in the execution of this Act, and shall not, without the consent of the Central Board, be charged with the costs of any legal proceedings between a mill-owner and a cane-grower."

In subsection three of the said section the words "every month" are repealed and the words "January in each year" are inserted in lieu thereof; also, the word "month" is repealed and the words "twelve months" are inserted in lieu thereof.

Amendment of s. 21.

21. The words "or do such act" are added to subsection two of section twenty-one of the Principal Act.

22. After section twenty-two of the Principal Act the following sections are inserted:—

Confirmation of elections, &c.

"[23.] Every election or appointment of any person to be chairman, temporary chairman, or a member of any Local Board or of the Central Board, and every award, order, decision, declaration, and appointment held or made or purporting to have been held or made under this Act before the second day of September, one

1921. *Regulation of Sugar Cane Prices Acts Amendment.*

thousand nine hundred and twenty-one, shall be deemed to be and to have been validly and duly made under this Act, and the same are and each of them is hereby confirmed for all purposes whatsoever.

[24.] For the purpose of this Act the owner of any mill shall have power from time to time to take, contract for the use of, or otherwise provide any easement or other such interest in any land assigned to the mill for tramway, road, or other like purposes. ^{Taking easements, &c.}

The powers under this section shall be exercised under **"The Public Works Land Resumption Acts, 1906 to 1917,"* and for that purpose such mill-owner shall be deemed to be a constructing authority under those Acts :

Provided always that no such interest shall be so taken under these Acts except with the approval of the Central Board, who may grant such approval subject to such conditions as they think fit.

Such conditions may provide for compensation being paid, from time to time as occasion requires, by the Sugar Cane Prices Fund, to any person whose lands or business are injuriously affected by reason of the neglect or default of any person using such tramway or road.

The Central Board may make an order against any person causing such injury to pay such damage to the Central Board as the said Board assess in that behalf. Such order may be enforced in the same manner as a judgment of the Supreme Court, and the proceeds of such order when satisfied shall be paid into the Sugar Cane Prices Fund."

23. The words "check chemist" and "check chemists," wherever they occur in this Act and the Principal Act, are repealed and the words "cane tester" and "cane testers" are respectively inserted in lieu thereof. ^{Cane testers.}

24. In paragraph (b) of section six of Schedule I. of the Principal Act, before the word "cultivating" the words "usually or ordinarily" are inserted. ^{Amendment of Sch. 1.}

The following words are added to the first paragraph of section ten of the said Schedule :—

"If the number of persons duly nominated as representatives of cane-growers does not exceed the number to be elected, such persons shall without a ballot be deemed to be duly elected as cane-growers' representatives."

* 6 Edw. VII. No. 14 and amending Acts, *supra*, pages 8211 and 8362.

Judges' Retirement Act. 12 GEO. V. No. 14,

Reprinting
Act.

25. In all copies of **"The Regulation of Sugar Cane Prices Acts, 1915 to 1917,"* as amended by this Act, hereafter printed by the Government Printer, the sections, subsections, and lettered paragraphs thereof shall be renumbered and relettered so as to be in consecutive numerical or alphabetical order as the case may require throughout, and all specific references to any section, subsection, or other provision by its number or alphabetical letter in any enactment contained in this Act or in any other Act shall be amended by the substitution of the proper number or letter of the reprinted Act.

SUPREME COURT.

Judges' Retirement Act of 1921 12 *Geo. V. No. 14.*

Supreme Court Act of 1921 12 *Geo. V. No. 15.*

12 Geo. V.
No. 14.
THE
JUDGES'
RETIREMENT
ACT OF 1921.

An Act to Amend the Constitution of Queensland by fixing an Age Limit for the Retirement of Judges of the Supreme Court, and to fix an Age Limit for the Retirement of other Judges, and for other purposes.

[ASSENTED TO 5TH NOVEMBER, 1921.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title,
construction,
and
commence-
ment
of Act.

1. (1.) This Act may be cited as "*The Judges' Retirement Act of 1921*," and shall be read and construed with and as an amendment of the Constitution of Queensland, † "*The Supreme Court Acts, 1861 to 1903*," ‡ "*The Industrial Arbitration Act of 1916*," and § "*The District Courts Act, 1891*."

(2.) This Act shall come into operation on a day to be fixed by the Governor in Council by proclamation published in the *Gazette*.

Interpreta-
tion.
Constitution
of
Queensland.

2. In this Act—

"Constitution of Queensland" means and includes the Order in Council of Her late Majesty Queen Victoria

* 6 Geo. V. No. 5 and 8 Geo. V. No. 18, *supra*, pages 8377.

† 25 Vic. No. 13 and amending Acts, *supra*, pages 3429 *et seq.*

‡ 7 Geo. V. No. 16, *supra*, page 7538. § 55 Vic. No. 33, *supra*, page 575.