

3 GEO. VI. No. 11, 1939. *Regulation of Sugar Cane Prices, Etc., Act.*

SUGAR.

An Act to Amend "The Regulation of Sugar Cane Prices Acts, 1915 to 1938," in certain particulars.

3 GEO. VI.
No. 11.
THE
REGULATION
OF SUGAR
CANE PRICES
ACTS
AMENDMENT
ACT OF
1939.

[ASSENTED TO 9TH NOVEMBER, 1939.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Regulation of Sugar Cane Prices Acts Amendment Act of 1939*," and shall be read as one with *"*The Regulation of Sugar Cane Prices Acts, 1915 to 1938*," hereinafter referred to as the Principal Act. Short title.

The Principal Act and this Act may be collectively cited as "*The Regulation of Sugar Cane Prices Acts, 1915 to 1939*." Collective title.

Amendments of the Principal Act.

2. Section four of the Principal Act is hereby amended as follows, namely:— Amendment of s. 4.

(i.) The words "or a person well versed in matters relating to the sugar industry" are inserted after the words "Supreme Court" in paragraph (i.) of subsection two thereof.

(ii.) In subsection three thereof the words "all members" are repealed and the words "members other than the chairman not being a Supreme Court judge" are inserted in lieu of the words so repealed, and the said subsection three is further amended by the addition thereto of the following paragraphs, namely:—

"The term of office of the chairman (not being a Supreme Court judge) shall be fifteen years or until he reaches the age of seventy years, whichever is the shorter. He shall hold office during good behaviour and shall not be removed therefrom unless an address praying for his removal shall be presented to the Governor by the

* 6 Geo. V. No. 5 and amending Acts, *supra*, pages 9887 *et seq.*

Regulation of Sugar Cane Prices, Etc., Act. 3 GEO. VI. No. 11,

Legislative Assembly and, subject as aforesaid, the terms and conditions of his appointment shall constitute a contract of service.

He shall be deemed to have vacated his office—

- (i.) If he engages, during his term of office, in any employment outside the duties of his office except by direction of the Governor-in-Council;
- (ii.) If he becomes insolvent, or institutes proceedings for liquidation of his affairs by arrangement or composition with, or assigns his salary for the benefit of, his creditors.”

(iii.) The following paragraph is added to subsection eight thereof, namely:—

“Subject to this Act, the chairman shall have all the powers, jurisdiction, and authorities of a judge of the Supreme Court in and with respect to the exercise by him of all or any of his powers, authorities, and jurisdiction under this Act.”

Amendment
of s. 5.

3. Section five of the Principal Act is hereby amended as follows, namely:—

(i.) The proviso to subsection two thereof (being the second paragraph of the said subsection two) is amended by inserting the words “if the cane-grower concerned has not already sold and delivered to a mill or mills during the season when such delivery is made or tendered the maximum quantity determined or agreed upon in his case under and pursuant to subsection two of section six or, as the case may be, section 25A of this Act” after the words “owner of such mill shall.”

(ii.) The words “or person well versed in matters relating to the sugar industry” are inserted after the word “judge” in the last paragraph of subsection 2A thereof.

Amendment
of s. 6.

4. Section six of the Principal Act is renumbered subsection one of section six, and the following new subsection numbered two is inserted in the said section six after subsection one thereof as so renumbered, namely:—

Determina-
tion by
Local Board
of “farm
peaks.”

“(2.) Subject to section 25A of this Act, a Local Board shall in each year, including the year one thousand nine hundred and forty, with respect to the lands and the mill for which they have been constituted, determine the maximum quantity of sugar-cane grown

1939. *Regulation of Sugar Cane Prices, Etc., Act.*

upon assigned lands which may be sold and taken delivery of or which should be taken delivery of by the owner or owners of such mill from each and every cane-grower.

The quantity of sugar-cane may be so determined upon such basis as may be prescribed (which basis may differ in respect of different mill areas) or, in so far as not prescribed, upon the basis of the tonnage of sugar-cane to be harvested, the tonnage of sugar to be manufactured from sugar-cane harvested, the area of sugar-cane to be harvested, or upon such other basis as the Local Board thinks just, and provision may be made for proportionately larger maximum quantities to smaller cane-growers varying with different areas if desirable.

The determination so made by the Local Board in any year shall be included in and form part of the award for that year made by such Local Board under and pursuant to this section six, and shall have force and effect accordingly.

If the Local Board award has been replaced by a Central Board award the determination hereunder shall be made by the Central Board and shall be deemed to be included in the Central Board award.

For the purposes of this subsection and of any right of appeal against a determination made hereunder the term "cane-grower" includes any owner of a mill growing sugar-cane upon lands assigned to such mill."

5. The words and brackets "(including, where no agreement has been made pursuant to section 25A of this Act, the power to make a determination under and pursuant to subsection two of section six hereof)" are inserted after the words "Local Board so making default" in the second paragraph of section ten of the Principal Act, and the said section ten is further amended by inserting after the word "award," where it second last occurs in such paragraph, the words and brackets "(including such determination as aforesaid, if any)". Amendment of s. 10.

6. The following new paragraph is inserted in section twelve of the Principal Act after the second paragraph thereof, namely:— Amendment of s. 12.

"Any cane-grower may, within twenty-one days after the publication thereof in the *Gazette* or such further time as the Central Board may allow, apply to

the Central Board for leave to appeal against that part of an award of a Local Board which represents the determination made in his case under and pursuant to subsection two of section six of this Act, and upon such application the Central Board may, in its absolute discretion, grant or refuse to grant leave to appeal, and moreover may, if it grants leave to appeal, modify, after hearing all persons whom the Central Board thinks are or may be affected, the determination of the Local Board, either with respect to the appellant or with respect to the appellant and all or any of the other cane-growers affected thereby, in such manner as it shall think necessary in order to give effect to its decision upon such appeal."

New s. 12A. 7. The following new section numbered 12A is inserted after section twelve of the Principal Act, namely:—

Application for recommendation respecting "mill peaks."
 "[12A.] Any owner of a mill whose name and mill are included in the appendix to the schedule of a Proclamation made during the year one thousand nine hundred and thirty-nine or during any year thereafter under **"The Sugar Acquisition Act of 1915"* declaring and directing the prices of raw sugar the produce of the crop of sugar-cane of the season occurring in the year during which such Proclamation is made, manufactured in that year or to be manufactured in that and the next succeeding year and acquired under such last-mentioned Act, or any fifty or more cane-growers supplying sugar-cane to such mill, or the Queensland Cane Growers' Council, may apply to the Central Board for a recommendation as to what quantity of sugar should, in the opinion of the Central Board, be specified opposite to the name and mill of such owner in the corresponding appendix of any similar Proclamation to be made with respect to the next succeeding year.

The Central Board shall not grant an application hereunder unless the applicant proves that the quantity so specified opposite to the mill in respect of which the application is made is not, having regard to any change in circumstances which may have occurred, in conformity with the principles expressed in or deducible from the Terms of Reference of the Royal Commission dated the fifteenth day of December, one thousand nine hundred and thirty-eight, and published in the *Gazette* of the

* 6 Geo. V. No. 2, *supra*, page 7035.

1939. *Regulation of Sugar Cane Prices, Etc., Act.*

same date, and the Majority Report thereunder within the limit of those terms, but including the following principles, namely —

- (i.) The total tonnage to be allotted should provide for Australian consumption and the filling of the export quota under the International Agreement or under any agreement or arrangement for the time being in force in substitution for the International Agreement ;
- (ii.) This tonnage should be allotted in such a way as to provide for the distribution of settlement along the coastal areas suitable for cane-growing ;
- (iii.) The allocation should recognise to a reasonable extent increased efficiency and new circumstances such as the introduction of irrigation and improved cane varieties, and should also take into consideration—again to a reasonable extent—the financial returns per acre and per farmer in the different districts ;
- (iv.) Provision for utmost employment of labour economically possible under fair and reasonable conditions as to wages, etc.

If the Central Board grants the application it shall recommend to the Minister what quantity of sugar should, in its opinion, be specified opposite to the name of the mill-owner and mill to which the application relates in the corresponding appendix of any similar Proclamation to be made with respect to the next succeeding year, and in addition shall also recommend what modifications (if any) should in its opinion be made in the quantity or respective quantities of sugar to be specified opposite to the name and mill or, as the case may be, the names and mills of any other owner or owners in such corresponding appendix.

The Minister shall refer such recommendation to the Governor in Council, who may give such effect thereto as he shall think fit in making any Proclamation with respect to the next succeeding year.

No recommendation made by the Central Board under this section shall prejudice or in any wise affect any Proclamation made under **“ The Sugar Acquisition Act of 1915 ”* before the making of such recommendation.”

* 6 Geo. V. No. 2, *supra*, page 7035.

Regulation of Sugar Cane Prices, Etc., Act. 3 GEO. VI. No. 11,

Amendment
of s. 13.

8. In section thirteen of the Principal Act the words and brackets “(including a determination under subsection two of section six of this Act)” are inserted after the word “award” where such last-mentioned word occurs in paragraph (a) of subsection one, and also where such last-mentioned word twice occurs in subsection two.

Moreover the words “or a person well versed in matters relating to the sugar industry” are inserted after the word “Judge” in subsection five of the said section thirteen.

Amendment
of s. 20.

9. Section twenty of the Principal Act is amended as follows :—

(a) The words “or unless the cane-grower concerned has already sold and delivered to a mill or mills during the season when such supply is made or tendered the maximum quantity of sugar-cane determined or agreed upon in his case under and pursuant to subsection two of section six or, as the case may be, section 25A of this Act,” are added to the first paragraph of subsection eight of the said section twenty.

(b) The last three sub-paragraphs of paragraph (i.) of subsection nine of the said section twenty (being the sub-paragraphs beginning with the words “Any party dissatisfied” and ending with the words “hearing such appeal”) are repealed and the following new sub-paragraphs are inserted in lieu of such repealed sub-paragraphs, namely :—

“Any party dissatisfied with such determination of the Central Board may, within twenty-one days thereafter, appeal to the Full Court of the Supreme Court of Queensland. Such appeal shall be in the nature of a rehearing and the decision of the Full Court shall be final and conclusive.

The costs of any such appeal shall be in the discretion of the Full Court.”

Amendment
of s. 21.

10. The words “determination under subsection two of section six of this Act” are inserted after the word “award” where such last-mentioned word twice occurs in section twenty-one of the Principal Act.

1939. *Regulation of Sugar Cane Prices, Etc., Act.*

11. A new section 21A is inserted after section New s. 21A. twenty-one of the Principal Act, as follows:—

“ [21A.] Notwithstanding anything in this Act, any determination made under subsection two of section six of this Act by the Central Board or the Local Board, or any agreement made under section 25A of this Act, may be varied by the Central Board at any time while it remains in force if the Board is satisfied that the circumstances or conditions existing when such determination or agreement was made have so changed that a variation in such determination or in such agreement is fair and just : Power of Central Board to vary “ farm peak ” determinations or agreements.

Provided that any such determination or agreement may also provide for variation as aforesaid.”

12. The following paragraph is added to section Amendment of s. 22. twenty-two of the Principal Act, namely:—

“ Any determination under subsection two of section six of this Act made by the Local Board or the Central Board may (if the Local Board or, as the case may be, the Central Board so determines) be made to take effect retrospectively so as to cover the whole sugar season in respect of which such determination is made.”

13. The following new section 25A is inserted after New s. 25A. section twenty-five of the Principal Act, namely:—

“ [25A.] (1.) Notwithstanding anything contained in section twenty-five of this Act, but subject to the approval of the Central Board and subject also as hereinafter in this section provided, an agreement may be entered into specifying the maximum quantity of sugarcane grown upon lands assigned to a mill which may be sold and taken delivery of or which should be taken delivery of by the owner or owners of such mill from each and every cane-grower : Agreements as to “ farm peaks.”

Provided that—

- (i.) Every such agreement shall be signed by not less than seventy per centum of the cane-growers whose lands are assigned to the mill concerned, and who, in the opinion of the Central Board, are likely to supply not less than seventy per centum of the cane to be supplied by cane-growers other than the mill-owner to such mill during each and every season covered by such agreement ;

(ii.) No cane-grower who is also a mill-owner shall be qualified to enter into or be a party to any agreement made pursuant to this section, but the Local Board shall in each year including the year one thousand nine hundred and forty (notwithstanding that an agreement under this section has been entered into and is in force with respect to the lands and the mill for which they have been constituted) make a determination under and pursuant to subsection two of section six of this Act with respect to any cane-grower who is also a mill-owner, and such mill-owner or any cane-grower affected may apply to and be given leave to appeal by the Central Board against any such determination.

(2.) Subject as provided in subsection one of this section, all of the provisions of subsection two of section twenty-five of this Act shall, *mutatis mutandis*, apply and extend and be observed and enforceable with respect to agreements entered into under and pursuant to the said subsection one:

Provided that the Central Board shall give not less than seven days' notice of its intention to consider the question of approval of any such agreement by advertisement published in a newspaper or newspapers circulating in the district in which the lands assigned to the mill concerned are situated."

Amendment
of s. 30.

14. Subsection one of section thirty of the Principal Act is hereby amended as follows:—

(i.) In the second paragraph thereof (being the paragraph commencing with the words "Provided that" and ending with the words "Supreme Court") the words "only to the Judge" are repealed, and the words "only to the Judge or person well versed in matters relating to the sugar industry" are inserted in lieu of such repealed words.

(ii.) The words "chairman or" are inserted before the word "Judge" wherever such last-mentioned word occurs in the said subsection subsequent to the second paragraph thereof.

Saving with
respect to
sugar
experiment
stations.

15. This Act shall not prejudice the powers of the Director of Sugar Experiment Stations with respect to sugar-cane grown upon sugar experiment stations.