

I.
PUBLIC ACTS
OF THE
PARLIAMENT OF QUEENSLAND,
8° GEORGII V.

AGENCY, STATE PRODUCE.

See AGRICULTURE.

AGENTS, FARM PRODUCE.

See AGRICULTURE.

AGRICULTURAL SETTLERS' RELIEF.

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AGRICULTURE.

State Produce Agency Act of 1917 8 Geo. V. No. 12

Farm Produce Agents Act of 1917 8 Geo. V. No. 17

An Act to Provide for the Establishment and Regulation of a State Produce Agency, and for purposes incidental thereto.

8 Geo. V.
No. 12.
THE STATE
PRODUCE
AGENCY ACT
OF 1917.

[ASSENTED TO 7TH DECEMBER, 1917.]

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:—

1. This Act may be cited as "*The State Produce Agency Act of 1917.*" Short title.

2 In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:— Interpretation.

"Minister"—The Secretary for Agriculture and Stock or other Minister of the Crown charged for the time being with the administration of this Act; Minister.

"Prescribed"—Prescribed by regulations; Prescribed.

Produce.

“Produce”—Cereals, grain, vegetables, potatoes and other edible roots and tubers, fruit, hay, and chaff, and all dairy produce: the term includes live or dead poultry and game, and eggs, bran, pollard, linseed and the products thereof, rice and the products thereof, rubber, sisal hemp, copra, cocoanuts, oil cake, nuts, bird seed, seeds, honey, beeswax, lime, artificial manures, and no other article or class of articles; but the Governor in Council, by Order in Council, may from time to time, upon the passing of a resolution by both Houses of Parliament approving of the inclusion of any other article or class of articles within the term “produce” as defined by this Act, declare such other article or class of articles to be produce for the purposes of this Act;

The
Department.

“The Department”—The State Department in which this Act is for the time being administered;

This Act.

“This Act”—This Act and any regulations made thereunder.

Establish-
ment of
State
Produce
Agency.

3. (1.) The Governor in Council may establish, maintain, and conduct, in the manner prescribed, at any place or places within the State, a State Produce Agency within and under the department.

(2.) The business of the State Produce Agency shall be the receiving, storing, selling, and distributing of produce as agent for the producer or owner thereof, and, except as hereinbefore mentioned, no other business whatsoever.

(3.) For the purposes of such business the Minister may, with and out of moneys appropriated by Parliament for that purpose, establish, provide, and maintain produce stores, cold stores, depôts, fruit and vegetable canning factories, and grain silos, and other buildings and premises for the storage and sale of produce, and any necessary plant and equipment, and may, under and subject to “*The Public Works Land Resumption Act of 1906*,”* purchase, take, contract for the use of, or otherwise provide lands and other property real or personal required for the purposes of such business; but the Minister shall not, without the consent of the

* 6 Edw. VII. No. 14, printed as consolidated, *supra*, page 8211.

1917.

State Produce Agency Act.

owner and occupier thereof, be entitled to take or otherwise acquire, under the said Act or under any other power, any such land or other property upon or in connection with which the business of a produce agent is being carried on.

(4.) The Minister shall have power to make, out of funds appropriated by Parliament for that purpose and at the prescribed rate of interest, advances to consignors in respect of consignments of produce or against warrants or other documents covering produce stored in cold stores, depôts, grain silos, or elsewhere.

(5.) The Governor in Council may from time to time appoint such officers as may be deemed necessary for the effectual administration of this Act. Every officer employed in the State Produce Agency shall forthwith after his appointment deliver to the Minister a fidelity bond for such amount and with such guarantees as shall from time to time be approved of by the Auditor-General; and every such officer shall, in respect of moneys and goods coming to his hands, be deemed to be a public accountant within the meaning of the Audit Act* in force for the time being.

(6.) No officer appointed under this Act shall act as director or auditor or in any other capacity take part in the management of any produce agency other than the State Produce Agency; and any person so acting shall be disqualified from holding office under this Act.

No officer appointed under this Act shall have any interest directly or indirectly in any business for profit other than the State Produce Agency, or engage in any employment outside the duties of his office under this Act.

(7.) Strict and accurate records and accounts of all transactions of the Agency shall be kept, and account sales shall be rendered, in such manner and form as shall from time to time be directed by the Auditor-General; and a report and balance-sheet thereof shall be laid before both Houses of Parliament, certified by the Auditor-General, within one month of the close of the financial year if Parliament be then sitting, or within fourteen days after the first meeting of Parliament thereafter.

(8.) A fair and reasonable commission shall be charged by the Agency upon the sale of produce, due regard being had to the trouble and expenses incurred in

* 38 Vic. No. 12 and amending Acts, *supra*, pages 74 *et seq.*

State Produce Agency Act. 8 GEO. V. No. 12, 1917.

connection with the sale of each class of produce; but the rate of commission shall, in respect of each class of produce, be the same to all persons irrespective of the quantity consigned by each producer or owner.

(9.) All laws, rules, and regulations applicable to the business of produce agents shall be applicable to the State Produce Agency.

(10.) The terms of sale of produce shall be payment by the purchaser of cash on delivery. Credit shall not be given to any purchaser for more than seven days. In case of default of payment or bankruptcy of a debtor to the Agency, no preferential claim or right to payment in priority to other creditors shall be made by or on behalf of the Agency or of the Crown or recognised.

(11.) The Auditor-General shall once in each year certify what was the net profit, if any, of the Agency for the preceding financial year, due allowance being made for rent, interest, depreciation, and other items of expense of the business and its management; and the amount of profit so certified shall be distributed, by way of a refund of surplus commission, amongst the consignors of produce in proportion to the amount of commission charged to each of them during the year in question.

Regulations.

4. The Governor in Council may from time to time make all such regulations as may be deemed necessary or convenient for carrying this Act into full effect.

All such regulations, upon being published in the *Gazette*, shall have the same effect as if they were enacted in this Act.

All such regulations shall be laid before both Houses of Parliament within forty days after the publication thereof if Parliament is then sitting, or, if not, then within forty days after the commencement of the next session thereof.

If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect:

Provided always that, if such regulations and the amendments thereof (if any) are not duly laid before both Houses of Parliament as hereinbefore prescribed, they shall thereupon cease to have any force, effect, or operation whatsoever.

8 GEO. V. No. 17, 1917. *Farm Produce Agents Act.*

5. All expenditure incurred by the Minister in connection with the State Produce Agency and in the administration of this Act shall be defrayed out of moneys from time to time appropriated by Parliament for the purpose. Expenditure.

6. None of the provisions of this Act, nor any regulations, provisions, or Orders in Council issued in pursuance of this Act, shall be construed or deemed to confer on the State Produce Agency or the Minister carrying on such business any monopoly whatsoever with regard to any produce, or be construed or deemed to confer greater rights or privileges on such Agency or Minister for the purpose of carrying on any business under this Act than are conferred upon any other agent selling farm produce. This Act confers no monopoly.

An Act to Provide for the Licensing of Farm Produce Agents, and for purposes incidental thereto.

[ASSENTED TO 14TH DECEMBER, 1917.]

8 Geo. V.
No. 17.
THE FARM
PRODUCE
AGENTS ACT
OF 1917.

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:—

1. This Act may be cited as "*The Farm Produce Agents Act of 1917.*" Short title.

2. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:— Interpretation.

"Farm Produce Agent"—Any person who, as an agent for others, whether on commission or for or in expectation of any fee, gain, or reward, whether alone or in connection with any other business, exercises or carries on the business or advertises or notifies that he exercises or carries on the business of selling farm produce or of a broker or factor of farm produce: Farm produce agent.

The term does not include a person employed merely as a clerk or servant, or any banking company;