

WHEAT PRODUCTS (PRICES FIXATION) ACT.

Act No. 19, 1938.

An Act to provide for the regulation of prices of flour and certain other products of wheat sold in New South Wales; and for purposes connected therewith. [Assented to, 2nd November, 1938.]

George VI.
No. 19, 1938.

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 "Wheat Products (Prices Fixation) Act, 1938."

(2)

Wheat Products (Prices Fixation) Act.**No. 19, 1938.**

Construction. (2) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected.

Definitions. **2.** In this Act, unless the context or subject matter otherwise indicates or requires—

“Flour” means any substance produced—

- (a) by gristing, crushing, grinding, milling, cutting, or otherwise processing wheat or by any one or more of those processes applied to wheat combined with any other commodity;
- (b) by the sifting or screening of or any mechanical operation applied to substances so produced, or
- (c) by the combination of any of the operations specified in the last two preceding paragraphs,

and includes—

- (d) any mixture of any such substances; and
- (e) self-raising flour,

but does not include any substance for use—

- (i) as or in the manufacture of breakfast foods or foods for birds or livestock; or
- (ii) in the manufacture of cornflour or meat products or of any other goods not being foodstuffs.

“Person” includes any body of persons corporate or unincorporate.

“Prescribed” means prescribed by this Act or by the regulations.

“Regulations” means regulations made under this Act.

“Sell” includes agree to sell and offer for sale.

“Wheat

“Wheat products” means flour, bran, pollard and bread and such other substances produced by gristing, crushing, grinding, milling, cutting or otherwise processing wheat as are declared by proclamation to be wheat products.

3. (1) The Governor may from time to time by proclamation published in the Gazette declare any substance produced by gristing, crushing, grinding, milling, cutting, or otherwise processing wheat to be a wheat product for the purposes of this Act and may from time to time vary or revoke any such proclamation.

Declaration of wheat products.

(2) The Governor may by proclamation published in the Gazette alter the interpretation of flour as set out in this Act so as to coincide with the interpretation of flour set out in any Commonwealth Act imposing a tax on flour, and this Act shall be read and construed and take effect accordingly.

4. (1) The Governor may from time to time by proclamation published in the Gazette—

Power to fix minimum and maximum prices of flour and wheat products.

(a) fix the minimum price at which any of the substances included in the definition of flour may be sold in New South Wales or in any specified part of New South Wales by the manufacturer thereof;

(b) fix the maximum price at which any of the substances included in the definition of flour or in the definition of wheat products may be sold in New South Wales or in any specified part of New South Wales by any person;

(2) (a) In no case shall the minimum price fixed under subsection one of this section for ordinary wheaten flour delivered on the buyer's premises at Sydney in bags, packages or containers, each of which contains approximately one hundred and fifty pounds weight, be less than eleven pounds per ton.

(b) In no case shall the maximum price fixed under subsection one of this section for ordinary wheaten flour so delivered be more than thirteen pounds ten shillings per ton.

(c)

No. 19, 1938.

(c) In this subsection "ton" means two thousand pounds gross weight including the weight of any bags, packages or containers in which the flour is contained.

(3) Any price fixed under this section for any substance may vary having regard to—

- (a) the place of delivery to the buyer;
- (b) the locality of the State in which the substance is sold or delivered;
- (c) the quantities in which the substance is sold;
- (d) whether the substance is sold by wholesale or retail;
- (e) the nature of the bags, packages or containers in which the substance is sold;
- (f) the quality, grade or variety of the substance; and
- (g) any other matters or circumstances.

(4) The Governor may from time to time by proclamation published in the Gazette revoke or vary any proclamation under this section.

(5) Any proclamation under this section shall take effect from the date of publication in the Gazette or from a later date specified in the proclamation and shall remain in force for the period, if any, specified therein, and if no period is so specified shall (subject to any variation made by a subsequent proclamation) remain in force until revoked.

Appoint-
ment of
advisory
committees.

5. (1) The Governor may appoint an advisory committee or committees to assist in the administration of this Act and may by the regulations prescribe the powers and duties of any such committee and all matters necessary or convenient to be prescribed to enable any such committee to carry out such powers and duties.

(2) Any such committee shall consist of three persons, one of whom shall be appointed by the Governor to be chairman.

(3) The appointment of any such committee shall be notified by proclamation published in the Gazette and the Governor may by a like proclamation cancel any such appointment.

6.

6. (1) If any person sells any substance at a price which is less than the minimum price or greater than the maximum price which by any proclamation for the time being in force under this Act is fixed in relation to such substance and is applicable to such sale, he shall be guilty of an offence and shall be liable to a penalty not exceeding five hundred pounds.

No. 19, 1933.

Penalty for selling substance higher than the maximum or lower than the minimum price.

(2) Any person who aids, abets, counsels, procures or is in any way knowingly concerned in the commission of an offence under this section shall be deemed to have committed that offence and shall be punishable accordingly.

Aiders and abettors.

(3) This section shall not apply to or in respect of any substance sold for the purposes of export from Australia.

7. (1) Any officer of the Public Service authorised in writing by the Minister in that behalf may inspect any books, accounts, registers, records, documents or writings which are in the custody or control of any person carrying on the business of gristing, manufacturing or preparing any flour or any wheat product and which relate to such business, and may take notes, copies or extracts thereof or therefrom. For the purposes of this subsection any such officer may at any reasonable time enter any premises in which he believes any such books, accounts, registers, records, documents or writings are kept.

Inspection of books, etc.

(2) Any person who obstructs, hinders, prevents or interferes with any officer so authorised in the exercise of the powers conferred upon him by subsection one of this section or who when requested so to do by such officer refuses or neglects to produce any such books, accounts, registers, records, documents or writings shall be liable upon conviction to a penalty not exceeding five hundred pounds.

8. (1) Any person contravening any of the provisions of this Act shall, where no other penalty is expressly provided, be liable to a penalty not exceeding one hundred pounds.

Penalties.

(2) Any penalty imposed by this Act or by the regulations may be recovered in a summary manner before a stipendiary or police magistrate.

No. 19, 1938.

Regulations.

9. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

The regulations may prescribe penalties not exceeding fifty pounds for any breach of the regulations.

(2) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in such regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.
