



ANNO VICESIMO SECUNDO

GEORGII V REGIS.

A.D. 1931.

No. 2059.

An Act to limit the liability of the Crown in certain Legal Proceedings relating to the Wheat Harvest Scheme, 1915 to 1920, and for purposes incidental thereto.

[*Assented to, December 9th, 1931.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Wheat Harvest Scheme (Claims) Act, 1931". Short title.

2. This Act is incorporated with the Wheat Harvest Acts, 1915 to 1919, the Wheat Marketing and Transportation Act, 1920, and the Wheat Harvest Scheme (Barring of Claims) Act, 1926. Incorporation.

3. In this Act except where the context otherwise requires— Interpretation.

"Prescribed amount" means the amount of the money ascertained in accordance with the provisions of this Act:

"Proceedings arising out of the Wheat Scheme" means any action, petition of right, or other legal proceedings in which the State or the Governor or any person named by the Governor as nominal defendant is defendant, and which is founded on any act, omission, default, transaction, matter, or thing, done, made, entered into, or arising under, or in connection with the administration of, any of the Acts with which this Act is incorporated.

Wheat Harvest Scheme (Claims) Act.—1931.

Limitation of liability on judgments in Wheat Scheme litigation.

4. (1) The total liability of all defendants under all judgments which may be obtained in favour of the plaintiffs or petitioners in the proceedings arising out of the Wheat Scheme is hereby limited to the balance of the moneys standing to the credit of the Wheat Pool for wheat of the season 1916-1917, calculated as mentioned in subsection (2) of this section, together with simple interest on that amount at the rate of five per centum per annum, calculated from the first day of July, nineteen hundred and eighteen, until the Treasurer makes the payments under section 6 of this Act.

(2) The balance of the moneys standing to the credit of the said Wheat Pool shall be calculated as follows:—

- (a) the Auditor-General shall ascertain the total of the gross proceeds of all wheat of the harvest of the season 1916-1917 sold by the Government or Minister under the Acts with which this Act is incorporated and of any other moneys earned by the Government or the Minister in connection with any operations carried on by or on behalf of the Government or the Minister under the said Acts in connection with the said wheat:
- (b) the Auditor-General shall deduct from the said total all payments made by the Government or the Minister, or any person on behalf of the Government or the Minister, for or in respect of wheat of the said season acquired by the Government or the Minister, or delivered to the Government or the Minister for sale and all costs of administration and of handling, storage, transport, and other operations in connection with the marketing of the said wheat, and all legal expenses incurred:
- (c) the balance, together with the interest calculated as aforesaid, shall be deemed to be moneys standing to the credit of the said Wheat Pool:
- (d) the Auditor-General shall furnish to the Minister controlling the Wheat Scheme a certificate setting out the sum so determined and the sum so set out shall be the prescribed amount.

Time for satisfying judgments.

5. No such judgment shall be satisfied until all legal proceedings arising out of the Wheat Scheme have been finally disposed of.

Duty of Treasurer to satisfy judgments.

6. When all legal proceedings arising out of the Wheat Scheme have been finally disposed of the Treasurer shall satisfy *pari passu* so far as the prescribed amount permits all judgments for the payment of money given in favour of the plaintiffs or petitioners in the said legal proceedings.

Effect of judgments.

7. Except as provided in this Act, no judgment for the payment of money given in favour of any petitioner or plaintiff in any proceedings arising out of the said Wheat Scheme shall confer any rights or powers whatever against any person or in respect of any funds.

8. Nothing

Wheat Harvest Scheme (Claims) Act.—1931.

8. Nothing in this Act shall prevent any defendant in proceedings arising out of the Wheat Scheme from compromising or settling such proceedings on any terms as to payment of money or otherwise which such defendant deems proper.

Power to settle proceedings.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A. HORE-RUTHVEN, Governor.