

1926.

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Legislative Council.

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## Wheat Bill, 1926.

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### EXPLANATORY MEMORANDUM.

THE objects of this Bill are to make provision for the grading of wheat and for the management of the grain elevators.

Clause 4 provides for the appointment of a Grain Standards Board which will, in accordance with clause 5, recommend the grades of wheat to be fixed under the Act. These will subsequently be fixed by proclamation.

Clause 6 provides for the fixing of special grades to meet exceptional circumstances in any year.

Clause 7 provides that all wheat received in an elevator must be graded, except where the elevator has been specially exempted. Clause 9 provides for an appeal against the grading.

Clauses 11 to 13 prescribe the use of warrants in connection with the receipt and delivery of wheat.

Clauses 14 to 16 afford certain necessary protection to the Government in its capacity as storer of the wheat.

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*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 11 November, 1926.*

## New South Wales.



ANNO SEPTIMO DECIMO

## GEORGII V REGIS.

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Act No. , 1926.

An Act to provide for the grading of wheat in bulk; to regulate the handling of such wheat, and the operation of wheat elevators; and for purposes connected therewith.

**B**E 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 Act, 1926." Short title and commencement.

(2) This Act shall, save as otherwise therein provided, come into operation on a date to be appointed by the Governor and notified by proclamation published in the Gazette.



*Wheat.*

**2.** In this Act, unless the context otherwise indicates or requires,— Interpretation.

5 “Elevator” means an elevator or other building owned by the Government of the State of New South Wales and used for the handling and storage of wheat in bulk.

**3.** There shall be a Wheat Commissioner for the purpose of the administration of this Act. Wheat Commissioner.

The manager of the Government grain elevators for 10 the time being shall be such commissioner.

**4.** (1) There shall be a Wheat Standards Board, Wheat Standards Board. which shall consist of the Wheat Commissioner, who shall be chairman, and four other members appointed by the Governor, of whom one shall be a wheat miller, 15 one shall be an exporter of wheat, and two shall be wheat-growers.

(2) The members of the board other than the chairman shall hold office for three years, but shall be eligible for reappointment.

20 (3) The Governor may for sufficient cause remove any member.

(4) If the office of an appointed member becomes vacant during the term for which he is appointed, a deputy shall be appointed for the remainder of such 25 term.

(5) The Governor may appoint a deputy to act for any member during his absence.

(6) A deputy shall have the same powers, rights, and duties as the member in whose place he is 30 appointed.

**5.** (1) The Wheat Standards Board shall not later than six months after its appointment report to the Minister the number and names of grades of bulk wheat which it considers advisable to establish in New South 35 Wales, and the standards of such grades. Grades and standards.

(2) Such grades shall come into operation upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) Such grades may in like manner be altered, 40 but only upon the recommendation of the Wheat Standards Board.

(4)



*Wheat.*

(4) Any such alteration shall take effect upon a date to be appointed by the Governor and notified by proclamation published in the Gazette :

5 Provided that such date shall not be before the expiration of twelve months after the date of publication of the proclamation.

6. (1) If a considerable portion of the wheat of any <sup>Special</sup> harvest cannot for any reason be included in any of the <sup>grades.</sup> grades established in accordance with the provisions of   
10 the last preceding section and in force during such harvest, the Wheat Standards Board may recommend one or more special grades to apply to such wheat.

(2) Such special grades shall come into operation upon a date appointed by the Governor and notified by   
15 proclamation published in the Gazette, but shall not apply to wheat other than that of the harvest for which they were recommended.

7. (1) Except as provided in subsection two of this <sup>Wheat</sup> section wheat shall not be received into any elevator <sup>received into</sup> <sup>elevators to</sup> unless it has been graded in accordance with the <sup>be graded.</sup> grades in force for the time being by a person authorised by the Wheat Commissioner.

(2) The Minister may by notification published in the Gazette specify elevators or portions of any elevator   
25 to which the provisions of subsection one of this section shall not apply and may at any time revoke or alter such notification.

8. If wheat of different grades is delivered from an <sup>Mixed wheat.</sup> elevator into any one compartment of a ship or vessel,   
30 any certificate of grade issued in respect of such wheat shall have endorsed across its face a statement of such grades and of the respective quantities of wheat of each such grade.

9. (1) The owner of any wheat which has been <sup>Appeal</sup> <sup>against</sup> <sup>grading.</sup> graded in accordance with the provisions of section seven of this Act may in such manner prescribed appeal   
35 to the Appeals Board against the grading.

(2) The Appeals Board shall consist of the Wheat Commissioner and one growers' representative on the   
40 Wheat Standards Board.



*Wheat.*

(3) Such appeal shall be made within the time and in the manner prescribed and shall be accompanied by the prescribed deposit.

(4) In the event of any disagreement by the Appeals Board the matter shall be referred to the Under Secretary of the department, whose decision shall be final.

(5) If the grading is confirmed by the Appeals Board and in its opinion the appeal is frivolous the deposit may be forfeited.

**10.** Sections six, seven, eight, and nine of this Act shall not come into operation until the date appointed by the Governor under subsection two of section five of this Act. Commence-  
ment of  
sections 6, 7,  
8, 9.

**11.** (1) There shall be issued to every person by whom wheat is stored in an elevator a warrant in the prescribed form. Warrants.

(2) Such warrants shall be consecutively numbered, and two warrants bearing the same number shall not be issued during the period in which the wheat harvest of any season is being delivered.

**12.** Wheat shall not be delivered from an elevator unless there shall have been delivered to the manager of the Government grain elevators— Delivery  
from  
elevator.

(a) a warrant representing the same quantity of wheat of the same grade or, if no grades are in operation, of the same description or quality; and

(b) instructions in the prescribed form by the person delivering the warrant as to the disposal of such wheat;

and unless all fees, freight, and other charges due in connection therewith have been paid.

**13.** Warrants shall after endorsement by the person to whom they were issued be transferable by delivery. Warrants  
negotiable.

**14.** No action for damages for conversion or for detention of any wheat shall be brought against the Government or the manager of the Government grain elevators or any of its or his servants by any person claiming Protection  
against  
actions, &c.



*Wheat.*

claiming to be entitled to any mortgage, charge, lien (including any lien on crops under the Liens on Crops and Wool and Stock Mortgages Act, 1898), or any other encumbrance whatsoever of, upon, or over such wheat or  
5 any crop from which such wheat was harvested.

**15.** (1) After the delivery of any wheat in respect of Indemnity. which a warrant has been produced as provided in section twelve of this Act, the Government and the manager of the Government grain elevators shall not be answer-  
10 able to any other person claiming to be the owner of such wheat or of any interest therein.

(2) The Government of New South Wales shall not be responsible for—

- 15 (a) any loss of or damage to wheat in its charge arising from irresistible force, the act of God or the King's enemies, strikes, lock-outs, or any other cause beyond its control; or
- 20 (b) any loss which may be sustained by reason of the short supply or non-supply of railway trucks to any elevator for the purpose of moving wheat therefrom under the instructions of the owner of the wheat.

(3) Where wheat in an elevator is destroyed or damaged by any of the causes referred to in paragraph  
25 (a) of subsection two of this section all persons at the time of the loss entitled to delivery of wheat under warrants shall bear the loss in a proportion to be fixed by the manager of the Government grain elevators approximating as nearly as can be calculated by him to  
30 the proportion that the wheat which such persons are entitled by the warrant to receive bears to the total stocks of wheat then in store in the Government elevators, and the amount of wheat deliverable on the warrants then in force shall be reduced accordingly.

35 (4) Where from any cause for which the Government is responsible damage to or loss of wheat occurs, the liability of the Government shall be limited to the market value of the wheat at the time of the loss or damage.

(5)



*Wheat.*

(5) Where the Government is unable from any cause for which it is responsible to deliver wheat in the quantity and of the quality mentioned in a warrant, the Government may pay to the owner of the warrant the  
 5 amount of the market value of the wheat mentioned in the warrant as at the date on which delivery is sought, but at a date not later than the fifteenth of November of the current year, and the Government shall not be responsible to any further extent for any damages, loss,  
 10 costs, charges, or expenses resulting from its failure to so deliver the wheat.

**16.** Every action brought for anything done under this Act or contrary to its provisions shall be commenced within twenty-four months next after the right to bring  
 15 such action accrued and not afterwards.

Limitation of actions. cf. (Can.) 2 Geo. V, c. 27, s. 78.

The defendant in any such action may plead the general issue, and that the matter was done under this Act, and may give this Act and special matter in evidence at the trial of the action.

20 **17.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required or authorised to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act; and in particular and  
 25 without limiting the generality of the foregoing power, the Governor may prescribe—

Regulations.

- 30 (a) the procedure at meetings of the Wheat Standards Board, the quorum necessary for such meetings, and the method of voting thereat;
- (b) the method of sampling and grading wheat;
- (c) the conditions under which wheat will be received for storage;
- 35 (d) the forms of warrants and certificates of grades and of instructions as to the disposal of wheat delivered from an elevator;
- (e) the method of issuing and the form of duplicate warrants issued in lieu of warrants which are  
 40 alleged to have been defaced, destroyed, or lost, and the security to be taken before any such issue;

(f)



*Wheat.*

- (f) the conditions under which one warrant may be issued in place of two or more warrants, and under which two or more warrants may be issued in place of one;
- 5 (g) the method of providing for shortages of stocks of wheat in elevators and of disposing of surpluses of wheat therein;
- (h) the method of appealing against the grading of any wheat and the fees to be paid on such appeals; and the method of taking samples for  
10 the purposes of such appeals;
- (i) the fees to be charged for sampling, grading, receiving, storing, insuring, weighing, drying, cleaning and delivering wheat, and for other  
15 services rendered in connection with the handling of wheat.
- (2) The regulations may prescribe a penalty not exceeding twenty pounds for any breach thereof.
- (3) The regulations shall—
- 20 (a) be published in the Gazette;
- (b) take effect from the date of publication, or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within  
25 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  
30 after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.



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