

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, -5 DEC 1963*

New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1963.

An Act to make certain provisions in relation to the stabilization of the wheat industry; to repeal the Wheat Industry Stabilization Act, 1958; to amend the Grain Elevators Act, 1954, as amended by subsequent Acts; and for purposes connected therewith.

BE

Wheat Industry Stabilization.

BE it enacted by the Queen'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
5 follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Wheat Industry Short title.
Stabilization Act, 1963".

10 2. (1) This Act shall be deemed to have commenced on Commence-
the twenty-second day of November, one thousand nine ment.
hundred and sixty-three.

(2) An act or omission which occurred before the
date on which this Act received the Royal Assent shall not
15 be deemed to be an offence against this Act.

3. This Act is divided into Parts as follows :—

Division
into Parts.

PART I.—PRELIMINARY—ss. 1-7.

PART II.—POWERS OF THE AUSTRALIAN WHEAT
BOARD—ss. 8, 9.

20 PART III.—DELIVERY OF WHEAT TO THE AUS-
TRALIAN WHEAT BOARD—ss. 10-20.

PART IV.—MISCELLANEOUS—ss. 21-24.

4. (1) (a) The Wheat Industry Stabilization Act, 1958, Repeal of
is hereby repealed. Act No.
29, 1958.

(b)

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(b) The Grain Elevators Act, 1954, as amended by subsequent Acts, is amended— Amendment of Act No. 36, 1954.

(i) by omitting from section three the definition of "Australian Wheat Board" and by inserting in lieu thereof the following definition :— Sec. 3. (Definitions.)

"Australian Wheat Board" means the Australian Wheat Board continued in existence by the Wheat Industry Stabilization Act 1963 of the Parliament of the Commonwealth of Australia.

(ii) by omitting from section twenty-one the figures "1958" and by inserting in lieu thereof the figures "1963". Sec. 21. (Board may make charges.)

(2) Subject to subsection three of this section the provisions of—

(a) the Wheat Industry Stabilisation Act, 1948, and the amendments thereto made by the Wheat Industry Stabilisation (Amendment) Act, 1951, and the Wheat Marketing (Amendment) Act, 1953;

(b) the Wheat Industry Stabilization Act, 1954, and the amendments thereto made by the Wheat Industry Stabilization (Amendment) Act, 1957; and

(c) the Wheat Industry Stabilization Act, 1958, continue to apply in relation to wheat to which, but for the repeal of any of the said Acts, such provisions would apply.

(3) A reference in any of the provisions referred to in subsection two of this section to the Australian Wheat Board established or continued in existence by an Act of the Parliament of the Commonwealth of Australia, shall, in relation to things done or to be done after the commencement of this Act, be read as a reference to the Board as continued in existence by the Commonwealth Act and conducting its proceedings in accordance with the Commonwealth Act.

(4)

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(4) Wheat harvested on or after the first day of October, one thousand nine hundred and sixty-three, and delivered to the Board before the commencement of this Act (including wheat delivered to a person who was a licensed receiver for the purposes of the Wheat Industry Stabilization Act, 1958) shall be deemed to have been delivered in pursuance of section ten of this Act, and any advance payment made by the Board in respect of any such wheat before the commencement of this Act shall be deemed to have been made in pursuance of this Act.

5. In this Act, unless the context or subject matter otherwise indicates or requires—

“Board” means the Australian Wheat Board continued in existence by the Commonwealth Act.

15 “Commonwealth Act” means the Wheat Industry Stabilization Act 1963 of the Parliament of the Commonwealth of Australia.

20 “Commonwealth Minister” means the Minister of State administering the Commonwealth Act, or another Minister of State of the Commonwealth of Australia acting for and on behalf of that Minister.

“Grain Elevators Board” means the Grain Elevators Board constituted under the Grain Elevators Act, 1954, as amended by subsequent Acts.

25 “Guaranteed price”, in relation to wheat of a season, has the same meaning as that expression has in the Commonwealth Act.

30 “Licensed receiver” means a person, firm, company or State authority licensed by the Board to receive wheat on behalf of the Board.

“Season”, in relation to wheat, means the period of twelve months, commencing on the first day of October in any year, during which the wheat was harvested.

Wheat Industry Stabilization.

6. This Act applies in relation to wheat harvested— **Application of Act.**

(a) in the season that commenced on the first day of October, one thousand nine hundred and sixty-three; and

5 (b) in the next four succeeding seasons.

7. 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 **Act to apply subject to Constitution.**

10 to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or circumstances shall not be affected.

PART II.

POWERS OF THE AUSTRALIAN WHEAT BOARD.

15 8. (1) The Board may— **Powers of Board.**

(a) purchase wheat, wheaten flour, semolina, corn sacks, jute or jute products;

(b) accept wheat delivered to it;

20 (c) sell or dispose of wheat, wheaten flour, semolina, corn sacks, jute or jute products the property of the Board;

(d) grist or arrange for the gristing of wheat, and sell or otherwise dispose of the products of the gristing;

(e)

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5 (e) manage and control all matters connected with the handling, storage, protection, treatment, transfer or shipment of wheat or other things purchased or otherwise acquired by the Board or sold or otherwise disposed of by the Board :

10 Provided that the exercise of this power shall be subject to the provisions of any Act and the regulations thereunder with respect to the conditions under which wheat is received for storage by the Grain Elevators Board ; and

(f) do all things that the Board is required or permitted by this Act to do or that are necessary or convenient to be done by the Board for giving effect to this Act.

15 (2) The Commonwealth Minister may give directions to the Board concerning the performance of its functions and the exercise of its powers, and the Board shall comply with those directions.

20 9. (1) Subject to this section, the Board may license, ^{Licensed} subject to such conditions as are specified in the licence, a ^{receivers.} person, firm, company or State authority to receive wheat on behalf of the Board, and may cancel or suspend any such licence.

25 (2) The Grain Elevators Board is entitled to a licence under this section.

(3) A licence to receive wheat on behalf of the Board that was in force immediately before the commencement of this Act shall be deemed to have been granted under this section.

30 (4) As from a day to be appointed by the Governor and notified by proclamation published in the Gazette—

35 (a) all licences granted or deemed to have been granted under this section (other than the licence granted to the Grain Elevators Board) and in force in this State shall be deemed to be cancelled;

(b)

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- (b) all wheat to be delivered to the Board in this State shall be delivered to the Grain Elevators Board as the sole licensed receiver of wheat on behalf of the Board in this State.
- 5 (5) The remuneration payable to the Grain Elevators Board as a licensed receiver shall be as agreed between the Minister and the Commonwealth Minister.

PART III.

DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD.

- 10 **10.** (1) Subject to this section, a person who is in possession of wheat may deliver that wheat to the Board. Delivery of wheat.
- (2) Subject to this section, the Board may—
- 15 (a) by notice in writing served personally on the person to whom it is addressed or served on that person by post at his usual or last-known place of abode or business; or
- (b) by notice published in the Gazette and addressed to persons generally or to persons included in a class of persons,
- 20 require the person or each person, as the case may be, to whom the notice is addressed—
- (c) to deliver to the Board any wheat that is in the possession of that person; or
- 25 (d) to deliver to the Board any wheat that, during such period as is specified in the notice, comes into the possession of that person.
- (3) Upon delivery of wheat to the Board under this section, the wheat (including any corn sacks in which the wheat is contained) becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.
- 30

(4)

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- (4) Nothing in this section applies to—
- (a) wheat harvested before the first day of October, one thousand nine hundred and sixty-three;
 - 5 (b) wheat retained by the grower for use on the farm where it is grown;
 - (c) wheat that has been sold by the Board; or
 - (d) wheat sold or delivered to a person with the approval of the Board.
- (5) A person shall not—
- 10 (a) refuse or fail to deliver any wheat to the Board as required by a notice under subsection two of this section; or
 - (b) deliver to the Board wheat that has previously been sold by the Board.
- 15 Any person guilty of an offence against the provisions of this subsection is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

11. (1) Delivery of wheat to the Board may be made by delivering or consigning the wheat to a licensed receiver. Delivery to licensed receiver.

(2) A person who delivers or consigns wheat to a licensed receiver shall, at the same time, furnish to the licensed receiver in writing the names and addresses of all persons known by him to have or to claim an interest in the wheat, in any corn sacks in which the wheat is contained or in the payment to be made for the wheat or corn sacks, and all particulars known to him of those interests.

12.

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12. Except as provided in sections ten and eleven of this Act, or with the consent in writing of the Board, a person shall not—

Unauthor-
ised dealings
with wheat.

- 5 (a) sell, deliver or part with the possession of, or take into his possession, wheat other than wheat specified in subsection four of section ten of this Act;
- (b) part with the possession of, or take into his possession, wheat that is the property of the Board; or
- 10 (c) purport to sell or offer for sale, or purport to purchase or offer to purchase (otherwise than from the Board), wheat that is the property of the Board.

Any person guilty of an offence against the provisions of this section is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

13. (1) Where wheat is delivered to the Board in pursuance of this Act, the Board shall pay for that wheat (including the corn sacks, if any, in which the wheat is delivered) an amount determined by the Board in accordance with this section.

Price to
be paid
for wheat.

(2) The Board shall determine amounts payable under subsection one of this section in respect of wheat of a season by—

- 25 (a) ascertaining the net proceeds of the disposal by the Board of all wheat of that season delivered to the Board in Australia (whether in pursuance of this Act or otherwise);
- 30 (b) deducting from the amount so ascertained an amount calculated at the rate of three pence for each bushel of so much of the wheat of that season grown in the State of Western Australia as the Board certifies to the Commonwealth Minister to have become available for export to places outside
- 35 Australia

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- 5 Australia or such lesser amount as the Board determines having regard to the freight charges that have and may become payable in respect of such export and the rate or rates at which freight charges are payable in respect of the export of wheat from other places in Australia; and
- 10 (c) ascertaining the share in the remaining amount of each person entitled to payment under this section by apportioning that remaining amount amongst the persons who delivered wheat of that season to the Board in Australia (whether in pursuance of this Act or otherwise) on the basis of the number of bushels of wheat so delivered by each such person, with proper allowance for differences in the quality of wheat and for transport charges for the carriage of wheat to the terminal port from the place at which the wheat was delivered to the Board, corn sacks in which wheat was supplied to the Board, and other necessary adjustments in particular cases.
- 15
- 20 (3) For the purposes of this section, the Board is not bound to preserve the identity of wheat of a season, and may keep its accounts in respect of sales in such manner as will, in its judgment, attribute sales to wheat of different seasons in an equitable manner.
- 25 (4) The Board is not bound to make a final payment in respect of wheat of a season until it has disposed of the whole of the wheat of that season delivered to it in Australia (whether in pursuance of this Act or otherwise), but the Board may, with the approval of the Commonwealth
- 30 Minister, make from time to time such advance payments as it considers justified.
- (5) Subject to this section, the net proceeds of the disposal of wheat shall, for the purposes of this section, be deemed to be the net return from the disposal of the wheat (including corn sacks in which the wheat was sold) after paying the charge imposed by the Wheat Export Charge Act 1963 of the Parliament of the Commonwealth of Australia, and administration, interest, transport, storage and other

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other charges incurred by the Board (other than charges for transport to the terminal port from the place at which the wheat is delivered to the Board).

(6) In ascertaining the net proceeds of the disposal of any wheat, no account shall be taken of moneys to which section twenty of this Act, or a corresponding provision of the Commonwealth Act or an Act of another State, applies or of costs of the Board payable out of those moneys.

(7) Where the average price per bushel obtained by the Board for wheat of a season exported by the Board, or sold by the Board for export, is less than the guaranteed price, the net proceeds from the disposal of wheat of that season by the Board shall, for the purposes of this section, be deemed to be increased by the amount that becomes payable to the Board under the Commonwealth Act out of the Wheat Prices Stabilization Fund referred to in that Act, that is to say an amount ascertained by multiplying the amount of the difference between that average price and the guaranteed price by—

(a) a number equal to the number of bushels of wheat of the season exported by the Board, or sold by the Board for export; or

(b) one hundred and fifty million,

whichever is the less.

(8) In ascertaining the average price for the purposes of subsection seven of this section, the price obtained in respect of a sale other than a sale of fair average quality bulk wheat free on rails at the port of export shall be deemed to be the price which would have been the corresponding price for a sale of the same quantity of fair average quality bulk wheat free on rails at the port of export.

(9) The obligation of the Board under this section in respect of any wheat is subject to the operation of section eight of the Wheat Tax Act 1957 of the Parliament of the Commonwealth of Australia.

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14. (1) The amount payable under this Act in respect of any wheat, or wheat and corn sacks, is payable to the person who would have been entitled to receive the price of the wheat if the wheat had been lawfully sold to the Board at the time of the delivery of the wheat.

Payment by Board.

(2) The same rights (if any) exist against the person receiving an amount paid by the Board under this Act in respect of wheat, or wheat and corn sacks, as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat, or wheat and corn sacks, by him, and any such rights may be enforced by action in any court that would have had jurisdiction if the moneys were the proceeds of such a sale or purported sale.

(3) Payment in good faith by the Board of any moneys payable under this Act to the person appearing to the Board to be entitled to receive them discharges the Board from any further liability in respect of those moneys.

(4) Subject to subsection five of this section, an assignment of moneys payable by the Board in respect of wheat, or wheat and corn sacks, delivered to the Board (not including a registered crop lien) executed after the commencement of this Act is void as against the Board.

(5) Where a person assigns moneys payable to him by the Board in respect of wheat, or wheat and corn sacks, delivered or to be delivered to the Board in payment of, or as security for payment of, an amount payable by that person for corn sacks supplied to him, the Board may pay those moneys to the assignee.

15. (1) A person who—

30 (a) consigns or delivers to a licensed receiver wheat harvested before the thirtieth day of September, one thousand nine hundred and sixty-three; or

Declaration to be furnished as to old season's wheat.

(b)

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- (b) consigns or delivers to a licensed receiver, after the final delivery day in respect of a season, wheat harvested in that season,

shall make and forward to the licensed receiver a declaration
5 correctly stating the season during which the wheat was harvested.

- (2) For the purposes of this section, the final delivery day in respect of a season is the day declared to be the final delivery day in respect of that season by notice published
10 in the Commonwealth of Australia Gazette under the Commonwealth Act.

16. (1) A member of the police force of the Commonwealth or of the State of New South Wales who is authorized by the Board or the Chairman of the Board to act under this
15 section may—

Entry of premises, seizure of wheat, etc.

- (a) at all reasonable times, enter premises and inspect any stock of wheat or corn sacks, and any accounts, books and documents relating to wheat or corn sacks; and
- 20 (b) take possession of and remove any wheat that is the property of the Board or the delivery of which has been lawfully demanded by the Board, and any corn sacks in which any such wheat is contained or that are the property of the Board.

25 (2) A person shall not hinder or obstruct a person in the exercise of powers under this section.

(3) Wheat, other than wheat that is the property of the Board, of which possession is taken under subsection one of this section, and any corn sacks in which the wheat is
30 contained, shall, for the purposes of this Act, but without affecting the liability of a person for an offence, be deemed to be delivered to the Board under this Act.

17.

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17. (1) For the purposes of this Act, the Board may, Board may require returns. by notice in writing served on the person to whom it is addressed either—

(a) personally; or

5 (b) by post at his last-known place of abode or business,

require a person to furnish in writing to the Board, within the time specified in the notice, such information relating to wheat, wheaten flour, semolina, corn sacks, jute or jute products as is specified in the notice.

10 (2) A person shall not, without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section; or

(b) furnish to the Board any information that is false or misleading in a particular.

15 18. A person having wheat the property of the Board Proper care to be taken of wheat owned by Board. in his possession or under his care shall exercise proper care and take all proper and reasonable precautions and do all things necessary to preserve and safeguard that wheat and to keep it free from damage or deterioration.

20 19. (1) The price at which the Board shall sell wheat Home consumption price of wheat. for manufacture into wheat products for human consumption in Australia, or wheat for consumption in Australia by pigs, poultry or dairy stock, is the appropriate price ascertained in accordance with this section.

25 (2) Subject to this section, the price per bushel in respect of a wholesale sale of bulk wheat of fair average quality free on rails at a port of export shall be the guaranteed price for wheat of the season that is current at the beginning of the year in which the sale is made.

(3)

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(3) The price applicable under subsection two of this section shall be increased by an amount of two pence per bushel for the purpose of reimbursing the Board for the costs of shipment of wheat to the State of Tasmania.

5 (4) If the Board reports to the Commonwealth Minister that the amounts being received by the Board by reason of the operation of subsection three of this section, together with amounts being received under corresponding provisions of the Commonwealth Act and of the laws of the
10 other States, are greater or less than the amounts required to meet the costs of shipment of wheat by the Board to the State of Tasmania, the Commonwealth Minister may direct the Board that the amount per bushel specified in that subsection shall be reduced or increased to such extent as he
15 considers necessary.

(5) The price in respect of a sale other than a sale specified in subsection two of this section shall be a price ascertained by adding to or deducting from the price applicable to sales so specified an amount that makes a proper
20 allowance for the quality of the wheat, the conditions of sale and the place of delivery.

(6) In this section, "year" means the period of twelve months commencing on the first day of December, one thousand nine hundred and sixty-three, and each subsequent
25 period of twelve months.

(7) Notwithstanding the repeal of section seventeen of the Wheat Industry Stabilization Act, 1958—

(a) the prices for sales of wheat by the Board that were applicable under that section immediately before
30 the commencement of this Act continue to be applicable to sales made after the commencement of this Act and before the first day of December, one thousand nine hundred and sixty-three; and

(b) all moneys received by the Board in respect of such sales by reason of the operation of subsection three or four of that section shall be deemed to be moneys to which subsection one of section twenty of this
35 Act applies. **20.**

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20. (1) Notwithstanding any other provision of this Act but subject to this section, the Board shall keep a separate account of the moneys received by the Board by reason of the operation of subsections three and four of section nineteen
5 of this Act, and of payments made out of those moneys, and shall not apply those moneys except in accordance with this section.
- (2) The Board may combine the account required to be kept under subsection one of this section with any similar
10 account or accounts to be kept by it under the Commonwealth Act or under the law of another State or States.
- (3) The Board shall use the moneys referred to in subsection one of this section in meeting the costs of shipment of wheat by the Board to the State of Tasmania, and
15 shall not use for that purpose any other moneys derived by it from the sale of wheat delivered to it in pursuance of this Act.
- (4) Any moneys referred to in subsection one of this section which remain unexpended after the Board has
20 disposed of the whole of the wheat of the last season to which this Act applies delivered to the Board in Australia shall be applied by the Board for the benefit of the wheat industry in such manner as the Commonwealth Minister, after consultation with the appropriate Minister of each State, directs.
- 25 (5) Any moneys that, immediately before the commencement of this Act, were standing to the credit of the account kept by the Board for the purposes of section eighteen of the Wheat Industry Stabilization Act, 1958, shall be deemed to be moneys to which subsection one of this section
30 applies.

Special
account for
freight to
the State
of Tasmania.

PART

Wheat Industry Stabilization.

PART IV.

MISCELLANEOUS.

21. Subject to the Board's paying or making provision for the payment of amounts required to be paid by it under this Act, nothing in this Act shall be deemed to prevent the Board from applying moneys received by it by reason of the exercise of its functions under this Act for the purposes of the Commonwealth Act or an Act of another State relating to the marketing of wheat.

Use of
funds by
Board.

22. (1) In this section "area" means the South West Marginal Wheat Area comprising the County of Dowling and such of the Parishes and parts of Parishes of the Counties of Cooper, Sturt, Gipps, and Nicholson as are set out in the Schedule to this Act.

South West
Marginal
Wheat
Area.

(2) Where the Minister is satisfied that any farm within the area has been reconstructed as an economic farming unit pursuant to plans approved therefor by the Rural Reconstruction Board and is of the opinion that it is desirable for the furtherance of the plans that the growing of wheat on the farm be restricted, he may by notification published in the Gazette declare that the farm shall not be sown to wheat except in accordance with such conditions as may be imposed by the Rural Reconstruction Board for the preservation of the farm as an economic farming unit. Any notification under this section may be revoked or varied by any subsequent notification.

Any notification under section twenty of the Wheat Industry Stabilization Act, 1958, and in force at the commencement of this Act shall be deemed to be a notification under this section.

(3) As from a date to be appointed by the Minister and notified by notice published in the Gazette the functions conferred by subsection two of this section upon the Rural

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Reconstruction Board in respect of the imposition of conditions for the preservation of farms as economic farming units shall be transferred to and be discharged by such authority as the Minister may specify in the notice.

5 Any conditions imposed in respect of any farm by the Rural Reconstruction Board before the date so appointed continue to apply to the farm for the period for which they have been so imposed but may be varied by the authority so specified.

10 (4) The conditions imposed pursuant to this section—

(a) may include provisions as to the period during which the conditions are to apply to the farm;

15 (b) may include provisions as to the maximum area of the farm which may be sown to wheat in each season during the period;

(c) may be varied from time to time.

20 (5) Any person who uses any farm to which any notification under subsection two of this section relates for the growing of wheat otherwise than in accordance with the conditions imposed by the Rural Reconstruction Board or other authority under this section and for the time being in force is guilty of an offence against this Act.

25 **23.** (1) A person who contravenes, or fails to comply with, any provision of this Act is guilty of an offence against this Act. Offences.

(2) A person guilty of an offence against this Act is, where no other penalty is provided, liable to a penalty not exceeding one hundred pounds or imprisonment for a term not exceeding six months.

(3)

Wheat Industry Stabilization.

(3) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a court of petty sessions.

24. (1) The Governor may make regulations not incon- Regulations.
5 sistent with this Act prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations may prescribe penalties not
10 exceeding one hundred pounds or imprisonment for a term not exceeding six months, or both, for offences against the regulations.

(3) The regulations shall—

- (a) be published in the Gazette;
- 15 (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
20 fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before the House
25 disallowing any regulation or part thereof, the regulation or part thereupon ceases to have effect.

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SCHEDULE.

Sec. 22.

COUNTY OF COOPER.

	Parish.	Parish.
5	Ariah. Barellan North—Part North of Temora-Griffith Railway Line.	Moombooldool North—Part North of Temora-Griffith Railway Line.
	Bingar.	Munduburra.
10	Binya — Part North of Temora-Griffith Railway Line.	Narriah.
	Bourke.	Oxley.
	Bygoo.	Patterson — Part North of Temora-Griffith Railway Line.
15	Cocoparra.	Pulletop.
	Conapaira.	Sandy Creek.
	Conapaira East.	Sims Gap.
	Conapaira South.	Stanley.
	Dowling.	Tabbita.
20	Euratha.	Tabbita North.
	Euratha South.	The Bluff.
	Garoolgan.	The Peak.
	Gurragong.	Wallandry.
	Kolkilbertoo.	Wallandry North.
25	Kolkilbertoo East.	Yalgogoring—Part West of Travelling Stock Route 2510 traversing the Parish.
	Kolkilbertoo South.	
	Lewes.	

COUNTY OF STURT.

	Parish.	Parish.
30	Denny. Kooba. Livingstone. Maiden. Mirrool.	Munro. North Bringagee. O'Brien. Tabbita.

COUNTY OF GIPPS.

	Parish.	Parish.
35	Bena. Bibbijolee. Bimbeen. Bolagamy.	Brolga. Bygalore. Cookaburagong. Crown Camp.

SCHEDULE

*Wheat Industry Stabilization.*SCHEDULE—*continued.*COUNTY OF GIPPS—*continued.*

	Parish.	Parish.
5	Currah. Euglo. Euglo South. Gorman's Hill. Goobothery. Kalingan.	Thulloo. Ugalong. Ungarie. Wallaroi. Wamboyne. Wardry.
10	Livingstone. Merribooka. Milbee. Mildil. Murrengreen.	Weelah. Wilga. Wilga South. Wollongough. Youngareen.
15	Nerang Cowal. Pulligal.	Younger Plain.

COUNTY OF NICHOLSON.

	Parish.	Parish.
20	Beaconsfield. Bellingerambil. Bellingerambil East. Bellingerambil South. Bogia. Bolton.	Lachlan. Langtree. Loughnan. Mea Mia South. Melbergen. Melbergen South.
25	Bootheragandra. Bunda Bunda. Bunda Bunda East. Bunda Bunda North. Burgess.	Molesworth. Moncton. Mullion. Naradhun. Parker.
30	Carilla. Chirnside. East Marowie. Elliott. Fox.	Redbank. Russell. South Marowie. Stackpoole. Synnot.
35	Goolgowi. Goolgowi South. Goolgowi West. Griffiths. Huntawong.	Townsend. Wallanthery. Warrabalong. Weenya. Weerie.
40	Ivanhoe.	

BY AUTHORITY:

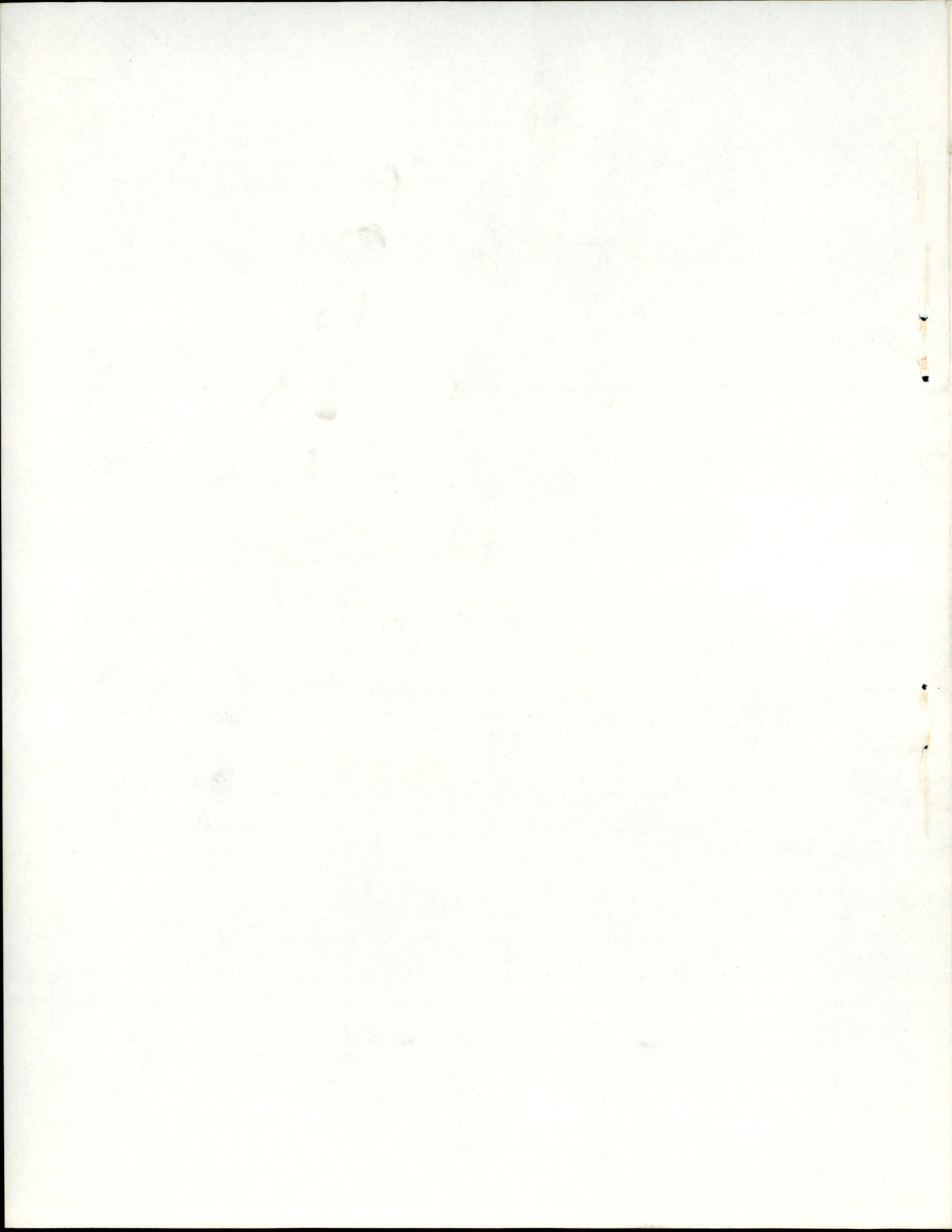
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THE HISTORY OF THE
CITY OF BOSTON
FROM 1630 TO 1800

The city of Boston was founded in 1630 by a group of Puritan settlers from England. They established a settlement on the eastern shore of the harbor, which was named Boston in honor of the city of Boston in England. The settlers were led by John Winthrop, who gave the famous "City upon a Hill" speech, in which he described Boston as a model of a Christian community.

Over the years, Boston grew into a major center of commerce and industry. It was a leading port for the transatlantic trade, and it was also a center of the textile industry. Boston was the site of the American Revolution, and it played a key role in the struggle for independence from Great Britain.

Boston has a rich cultural and educational heritage. It is home to many of the most prestigious universities in the United States, including Harvard University and Boston University. It is also a center of the arts and sciences, and it has a vibrant cultural scene.



No. , 1963.

A BILL

To make certain provisions in relation to the stabilization of the wheat industry; to repeal the Wheat Industry Stabilization Act, 1958; to amend the Grain Elevators Act, 1954, as amended by subsequent Acts; and for purposes connected therewith.

[MR. ENTICKNAP;—4 *December*, 1963.]

BE

Wheat Industry Stabilization.

BE it enacted by the Queen'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 :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Wheat Industry Short title. Stabilization Act, 1963".

10 2. (1) This Act shall be deemed to have commenced on Commence-
the twenty-second day of November, one thousand nine ment.
hundred and sixty-three.

(2) An act or omission which occurred before the date on which this Act received the Royal Assent shall not
15 be deemed to be an offence against this Act.

3. This Act is divided into Parts as follows :— Division
into Parts.

PART I.—PRELIMINARY—ss. 1-7.

PART II.—POWERS OF THE AUSTRALIAN WHEAT BOARD—ss. 8, 9.

20 PART III.—DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD—ss. 10-20.

PART IV.—MISCELLANEOUS—ss. 21-24.

4. (1) (a) The Wheat Industry Stabilization Act, 1958, Repeal of
is hereby repealed. Act No.
29, 1958.

(b)

Wheat Industry Stabilization.

(b) The Grain Elevators Act, 1954, as amended by subsequent Acts, is amended— Amendment of Act No. 36, 1954.

5 (i) by omitting from section three the definition of “Australian Wheat Board” and by inserting in lieu thereof the following definition : — Sec. 3. (Definitions.)

10 “Australian Wheat Board” means the Australian Wheat Board continued in existence by the Wheat Industry Stabilization Act 1963 of the Parliament of the Commonwealth of Australia.

(ii) by omitting from section twenty-one the figures “1958” and by inserting in lieu thereof the figures “1963”. Sec. 21. (Board may make charges.)

15 (2) Subject to subsection three of this section the provisions of—

(a) the Wheat Industry Stabilisation Act, 1948, and the amendments thereto made by the Wheat Industry Stabilisation (Amendment) Act, 1951, and the Wheat Marketing (Amendment) Act, 1953;

20 (b) the Wheat Industry Stabilization Act, 1954, and the amendments thereto made by the Wheat Industry Stabilization (Amendment) Act, 1957; and

(c) the Wheat Industry Stabilization Act, 1958, continue to apply in relation to wheat to which, but for the 25 repeal of any of the said Acts, such provisions would apply.

30 (3) A reference in any of the provisions referred to in subsection two of this section to the Australian Wheat Board established or continued in existence by an Act of the Parliament of the Commonwealth of Australia, shall, in relation to things done or to be done after the commencement of this Act, be read as a reference to the Board as continued in existence by the Commonwealth Act and conducting its proceedings in accordance with the Commonwealth Act.

(4)

Wheat Industry Stabilization.

(4) Wheat harvested on or after the first day of October, one thousand nine hundred and sixty-three, and delivered to the Board before the commencement of this Act (including wheat delivered to a person who was a licensed receiver for the purposes of the Wheat Industry Stabilization Act, 1958) shall be deemed to have been delivered in pursuance of section ten of this Act, and any advance payment made by the Board in respect of any such wheat before the commencement of this Act shall be deemed to have been made in pursuance of this Act.

5. In this Act, unless the context or subject matter otherwise indicates or requires—

- “Board” means the Australian Wheat Board continued in existence by the Commonwealth Act.
- 15 “Commonwealth Act” means the Wheat Industry Stabilization Act 1963 of the Parliament of the Commonwealth of Australia.
- 20 “Commonwealth Minister” means the Minister of State administering the Commonwealth Act, or another Minister of State of the Commonwealth of Australia acting for and on behalf of that Minister.
- “Grain Elevators Board” means the Grain Elevators Board constituted under the Grain Elevators Act, 1954, as amended by subsequent Acts.
- 25 “Guaranteed price”, in relation to wheat of a season, has the same meaning as that expression has in the Commonwealth Act.
- 30 “Licensed receiver” means a person, firm, company or State authority licensed by the Board to receive wheat on behalf of the Board.
- “Season”, in relation to wheat, means the period of twelve months, commencing on the first day of October in any year, during which the wheat was harvested.

Wheat Industry Stabilization.

6. This Act applies in relation to wheat harvested— Application
of Act.

(a) in the season that commenced on the first day of
October, one thousand nine hundred and sixty-
three; and

5 (b) in the next four succeeding seasons.

7. This Act shall be read and construed subject to the Act to
apply sub-
ject to
Constitution.
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
10 to any person or circumstance is held invalid, the remainder
of this Act and the application of the provision to other
persons or circumstances shall not be affected.

PART II.

POWERS OF THE AUSTRALIAN WHEAT BOARD.

15 8. (1) The Board may— Powers of
Board.

(a) purchase wheat, wheaten flour, semolina, corn sacks,
jute or jute products;

(b) accept wheat delivered to it;

20 (c) sell or dispose of wheat, wheaten flour, semolina,
corn sacks, jute or jute products the property of the
Board;

(d) grist or arrange for the gristing of wheat, and sell
or otherwise dispose of the products of the gristing;

(e)

Wheat Industry Stabilization.

- 5 (e) manage and control all matters connected with the handling, storage, protection, treatment, transfer or shipment of wheat or other things purchased or otherwise acquired by the Board or sold or otherwise disposed of by the Board :

10 Provided that the exercise of this power shall be subject to the provisions of any Act and the regulations thereunder with respect to the conditions under which wheat is received for storage by the Grain Elevators Board; and

- (f) do all things that the Board is required or permitted by this Act to do or that are necessary or convenient to be done by the Board for giving effect to this Act.

- 15 (2) The Commonwealth Minister may give directions to the Board concerning the performance of its functions and the exercise of its powers, and the Board shall comply with those directions.

20 9. (1) Subject to this section, the Board may license, Licensed subject to such conditions as are specified in the licence, a receivers. person, firm, company or State authority to receive wheat on behalf of the Board, and may cancel or suspend any such licence.

25 (2) The Grain Elevators Board is entitled to a licence under this section.

(3) A licence to receive wheat on behalf of the Board that was in force immediately before the commencement of this Act shall be deemed to have been granted under this section.

30 (4) As from a day to be appointed by the Governor and notified by proclamation published in the Gazette—

- 35 (a) all licences granted or deemed to have been granted under this section (other than the licence granted to the Grain Elevators Board) and in force in this State shall be deemed to be cancelled;

(b)

Wheat Industry Stabilization.

- (b) all wheat to be delivered to the Board in this State shall be delivered to the Grain Elevators Board as the sole licensed receiver of wheat on behalf of the Board in this State.
- 5 (5) The remuneration payable to the Grain Elevators Board as a licensed receiver shall be as agreed between the Minister and the Commonwealth Minister.

PART III.

DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD.

- 10 10. (1) Subject to this section, a person who is in possession of wheat may deliver that wheat to the Board. Delivery of wheat.
- (2) Subject to this section, the Board may—
- 15 (a) by notice in writing served personally on the person to whom it is addressed or served on that person by post at his usual or last-known place of abode or business; or
- (b) by notice published in the Gazette and addressed to persons generally or to persons included in a class of persons,
- 20 require the person or each person, as the case may be, to whom the notice is addressed—
- (c) to deliver to the Board any wheat that is in the possession of that person; or
- 25 (d) to deliver to the Board any wheat that, during such period as is specified in the notice, comes into the possession of that person.
- (3) Upon delivery of wheat to the Board under this section, the wheat (including any corn sacks in which the wheat is contained) becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.
- 30

(4)

Wheat Industry Stabilization.

(4) Nothing in this section applies to—

- (a) wheat harvested before the first day of October, one thousand nine hundred and sixty-three;
- 5 (b) wheat retained by the grower for use on the farm where it is grown;
- (c) wheat that has been sold by the Board; or
- (d) wheat sold or delivered to a person with the approval of the Board.

(5) A person shall not—

- 10 (a) refuse or fail to deliver any wheat to the Board as required by a notice under subsection two of this section; or
- (b) deliver to the Board wheat that has previously been sold by the Board.

15 Any person guilty of an offence against the provisions of this subsection is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

11. (1) Delivery of wheat to the Board may be made by delivering or consigning the wheat to a licensed receiver. Delivery to licensed receiver.

25 (2) A person who delivers or consigns wheat to a licensed receiver shall, at the same time, furnish to the licensed receiver in writing the names and addresses of all persons known by him to have or to claim an interest in the wheat, in any corn sacks in which the wheat is contained or in the payment to be made for the wheat or corn sacks, and all particulars known to him of those interests.

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12. Except as provided in sections ten and eleven of this Act, or with the consent in writing of the Board, a person shall not—

Unauthor-
ised dealings
with wheat.

- 5 (a) sell, deliver or part with the possession of, or take into his possession, wheat other than wheat specified in subsection four of section ten of this Act;
- (b) part with the possession of, or take into his possession, wheat that is the property of the Board; or
- 10 (c) purport to sell or offer for sale, or purport to purchase or offer to purchase (otherwise than from the Board), wheat that is the property of the Board.

Any person guilty of an offence against the provisions of this section is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

13. (1) Where wheat is delivered to the Board in pursuance of this Act, the Board shall pay for that wheat (including the corn sacks, if any, in which the wheat is delivered) an amount determined by the Board in accordance with this section.

Price to
be paid
for wheat.

(2) The Board shall determine amounts payable under subsection one of this section in respect of wheat of a season by—

- 25 (a) ascertaining the net proceeds of the disposal by the Board of all wheat of that season delivered to the Board in Australia (whether in pursuance of this Act or otherwise);
- 30 (b) deducting from the amount so ascertained an amount calculated at the rate of three pence for each bushel of so much of the wheat of that season grown in the State of Western Australia as the Board certifies to the Commonwealth Minister to have become available for export to places outside
- 35 Australia

Wheat Industry Stabilization.

- 5 Australia or such lesser amount as the Board determines having regard to the freight charges that have and may become payable in respect of such export and the rate or rates at which freight charges are payable in respect of the export of wheat from other places in Australia; and
- 10 (c) ascertaining the share in the remaining amount of each person entitled to payment under this section by apportioning that remaining amount amongst the persons who delivered wheat of that season to the Board in Australia (whether in pursuance of this Act or otherwise) on the basis of the number of bushels of wheat so delivered by each such person, with proper allowance for differences in the quality of wheat and for transport charges for the carriage of wheat to the terminal port from the place at which the wheat was delivered to the Board, corn sacks in which wheat was supplied to the Board, and other necessary adjustments in particular cases.
- 15
- 20 (3) For the purposes of this section, the Board is not bound to preserve the identity of wheat of a season, and may keep its accounts in respect of sales in such manner as will, in its judgment, attribute sales to wheat of different seasons in an equitable manner.
- 25 (4) The Board is not bound to make a final payment in respect of wheat of a season until it has disposed of the whole of the wheat of that season delivered to it in Australia (whether in pursuance of this Act or otherwise), but the Board may, with the approval of the Commonwealth
- 30 Minister, make from time to time such advance payments as it considers justified.
- (5) Subject to this section, the net proceeds of the disposal of wheat shall, for the purposes of this section, be deemed to be the net return from the disposal of the wheat (including corn sacks in which the wheat was sold) after paying the charge imposed by the Wheat Export Charge Act 1963 of the Parliament of the Commonwealth of Australia, and administration, interest, transport, storage and other

Wheat Industry Stabilization.

other charges incurred by the Board (other than charges for transport to the terminal port from the place at which the wheat is delivered to the Board).

(6) In ascertaining the net proceeds of the disposal
5 of any wheat, no account shall be taken of moneys to which section twenty of this Act, or a corresponding provision of the Commonwealth Act or an Act of another State, applies or of costs of the Board payable out of those moneys.

(7) Where the average price per bushel obtained by
10 the Board for wheat of a season exported by the Board, or sold by the Board for export, is less than the guaranteed price, the net proceeds from the disposal of wheat of that season by the Board shall, for the purposes of this section, be deemed to be increased by the amount that becomes payable to the
15 Board under the Commonwealth Act out of the Wheat Prices Stabilization Fund referred to in that Act, that is to say an amount ascertained by multiplying the amount of the difference between that average price and the guaranteed price by—

20 (a) a number equal to the number of bushels of wheat of the season exported by the Board, or sold by the Board for export; or

(b) one hundred and fifty million,

whichever is the less.

25 (8) In ascertaining the average price for the purposes of subsection seven of this section, the price obtained in respect of a sale other than a sale of fair average quality bulk wheat free on rails at the port of export shall be deemed to be the price which would have been the corresponding
30 price for a sale of the same quantity of fair average quality bulk wheat free on rails at the port of export.

(9) The obligation of the Board under this section in respect of any wheat is subject to the operation of section eight of the Wheat Tax Act 1957 of the Parliament of the
35 Commonwealth of Australia.

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14. (1) The amount payable under this Act in respect of any wheat, or wheat and corn sacks, is payable to the person who would have been entitled to receive the price of the wheat if the wheat had been lawfully sold to the Board at the time of the delivery of the wheat. Payment by Board.

(2) The same rights (if any) exist against the person receiving an amount paid by the Board under this Act in respect of wheat, or wheat and corn sacks, as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat, or wheat and corn sacks, by him, and any such rights may be enforced by action in any court that would have had jurisdiction if the moneys were the proceeds of such a sale or purported sale.

(3) Payment in good faith by the Board of any moneys payable under this Act to the person appearing to the Board to be entitled to receive them discharges the Board from any further liability in respect of those moneys.

(4) Subject to subsection five of this section, an assignment of moneys payable by the Board in respect of wheat, or wheat and corn sacks, delivered to the Board (not including a registered crop lien) executed after the commencement of this Act is void as against the Board.

(5) Where a person assigns moneys payable to him by the Board in respect of wheat, or wheat and corn sacks, delivered or to be delivered to the Board in payment of, or as security for payment of, an amount payable by that person for corn sacks supplied to him, the Board may pay those moneys to the assignee.

15. (1) A person who—

30 (a) consigns or delivers to a licensed receiver wheat harvested before the thirtieth day of September, one thousand nine hundred and sixty-three; or Declaration to be furnished as to old season's wheat.

(b)

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- (b) consigns or delivers to a licensed receiver, after the final delivery day in respect of a season, wheat harvested in that season,

shall make and forward to the licensed receiver a declaration
5 correctly stating the season during which the wheat was harvested.

(2) For the purposes of this section, the final delivery day in respect of a season is the day declared to be the final delivery day in respect of that season by notice published
10 in the Commonwealth of Australia Gazette under the Commonwealth Act.

16. (1) A member of the police force of the Commonwealth or of the State of New South Wales who is authorized
by the Board or the Chairman of the Board to act under this
15 section may—

Entry of premises, seizure of wheat, etc.

- (a) at all reasonable times, enter premises and inspect any stock of wheat or corn sacks, and any accounts, books and documents relating to wheat or corn sacks; and
- 20 (b) take possession of and remove any wheat that is the property of the Board or the delivery of which has been lawfully demanded by the Board, and any corn sacks in which any such wheat is contained or that are the property of the Board.

25 (2) A person shall not hinder or obstruct a person in the exercise of powers under this section.

(3) Wheat, other than wheat that is the property of the Board, of which possession is taken under subsection one of this section, and any corn sacks in which the wheat is
30 contained, shall, for the purposes of this Act, but without affecting the liability of a person for an offence, be deemed to be delivered to the Board under this Act.

17.

Wheat Industry Stabilization.

17. (1) For the purposes of this Act, the Board may, Board may require returns. by notice in writing served on the person to whom it is addressed either—

(a) personally; or

5 (b) by post at his last-known place of abode or business, require a person to furnish in writing to the Board, within the time specified in the notice, such information relating to wheat, wheaten flour, semolina, corn sacks, jute or jute products as is specified in the notice.

10 (2) A person shall not, without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section; or

(b) furnish to the Board any information that is false or misleading in a particular.

15 18. A person having wheat the property of the Board in his possession or under his care shall exercise proper care Proper care to be taken of wheat owned by Board. and take all proper and reasonable precautions and do all things necessary to preserve and safeguard that wheat and to keep it free from damage or deterioration.

20 19. (1) The price at which the Board shall sell wheat for manufacture into wheat products for human consumption Home consumption price of wheat. in Australia, or wheat for consumption in Australia by pigs, poultry or dairy stock, is the appropriate price ascertained in accordance with this section.

25 (2) Subject to this section, the price per bushel in respect of a wholesale sale of bulk wheat of fair average quality free on rails at a port of export shall be the guaranteed price for wheat of the season that is current at the beginning of the year in which the sale is made.

(3)

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(3) The price applicable under subsection two of this section shall be increased by an amount of two pence per bushel for the purpose of reimbursing the Board for the costs of shipment of wheat to the State of Tasmania.

5 (4) If the Board reports to the Commonwealth Minister that the amounts being received by the Board by reason of the operation of subsection three of this section, together with amounts being received under corresponding provisions of the Commonwealth Act and of the laws of the
10 other States, are greater or less than the amounts required to meet the costs of shipment of wheat by the Board to the State of Tasmania, the Commonwealth Minister may direct the Board that the amount per bushel specified in that subsection shall be reduced or increased to such extent as he
15 considers necessary.

(5) The price in respect of a sale other than a sale specified in subsection two of this section shall be a price ascertained by adding to or deducting from the price applicable to sales so specified an amount that makes a proper
20 allowance for the quality of the wheat, the conditions of sale and the place of delivery.

(6) In this section, "year" means the period of twelve months commencing on the first day of December, one thousand nine hundred and sixty-three, and each subsequent
25 period of twelve months.

(7) Notwithstanding the repeal of section seventeen of the Wheat Industry Stabilization Act, 1958—

30 (a) the prices for sales of wheat by the Board that were applicable under that section immediately before the commencement of this Act continue to be applicable to sales made after the commencement of this Act and before the first day of December, one thousand nine hundred and sixty-three; and

35 (b) all moneys received by the Board in respect of such sales by reason of the operation of subsection three or four of that section shall be deemed to be moneys to which subsection one of section twenty of this Act applies. **20.**

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20. (1) Notwithstanding any other provision of this Act but subject to this section, the Board shall keep a separate account of the moneys received by the Board by reason of the operation of subsections three and four of section nineteen
5 of this Act, and of payments made out of those moneys, and shall not apply those moneys except in accordance with this section.
- (2) The Board may combine the account required to be kept under subsection one of this section with any simi-
10 lar account or accounts to be kept by it under the Commonwealth Act or under the law of another State or States.
- (3) The Board shall use the moneys referred to in subsection one of this section in meeting the costs of ship-
ment of wheat by the Board to the State of Tasmania, and
15 shall not use for that purpose any other moneys derived by it from the sale of wheat delivered to it in pursuance of this Act.
- (4) Any moneys referred to in subsection one of this section which remain unexpended after the Board has
20 disposed of the whole of the wheat of the last season to which this Act applies delivered to the Board in Australia shall be applied by the Board for the benefit of the wheat industry in such manner as the Commonwealth Minister, after consulta-
tion with the appropriate Minister of each State, directs.
- 25 (5) Any moneys that, immediately before the commencement of this Act, were standing to the credit of the account kept by the Board for the purposes of section eighteen of the Wheat Industry Stabilization Act, 1958, shall be deemed to be moneys to which subsection one of this section
30 applies.

Special
account for
freight to
the State
of Tasmania.

PART

Wheat Industry Stabilization.

PART IV.

MISCELLANEOUS.

21. Subject to the Board's paying or making provision for the payment of amounts required to be paid by it under this Act, nothing in this Act shall be deemed to prevent the Board from applying moneys received by it by reason of the exercise of its functions under this Act for the purposes of the Commonwealth Act or an Act of another State relating to the marketing of wheat.

Use of
funds by
Board.

10 22. (1) In this section "area" means the South West Marginal Wheat Area comprising the County of Dowling and such of the Parishes and parts of Parishes of the Counties of Cooper, Sturt, Gipps, and Nicholson as are set out in the Schedule to this Act.

South West
Marginal
Wheat
Area.

15 (2) Where the Minister is satisfied that any farm within the area has been reconstructed as an economic farming unit pursuant to plans approved therefor by the Rural Reconstruction Board and is of the opinion that it is desirable for the furtherance of the plans that the growing of wheat on the farm be restricted, he may by notification published in the Gazette declare that the farm shall not be sown to wheat except in accordance with such conditions as may be imposed by the Rural Reconstruction Board for the preservation of the farm as an economic farming unit. Any notification under this section may be revoked or varied by any subsequent notification.

Any notification under section twenty of the Wheat Industry Stabilization Act, 1958, and in force at the commencement of this Act shall be deemed to be a notification under this section.

(3) As from a date to be appointed by the Minister and notified by notice published in the Gazette the functions conferred by subsection two of this section upon the Rural

Wheat Industry Stabilization.

Reconstruction Board in respect of the imposition of conditions for the preservation of farms as economic farming units shall be transferred to and be discharged by such authority as the Minister may specify in the notice.

5 Any conditions imposed in respect of any farm by the Rural Reconstruction Board before the date so appointed continue to apply to the farm for the period for which they have been so imposed but may be varied by the authority so specified.

10 (4) The conditions imposed pursuant to this section—

(a) may include provisions as to the period during which the conditions are to apply to the farm;

15 (b) may include provisions as to the maximum area of the farm which may be sown to wheat in each season during the period;

(c) may be varied from time to time.

20 (5) Any person who uses any farm to which any notification under subsection two of this section relates for the growing of wheat otherwise than in accordance with the conditions imposed by the Rural Reconstruction Board or other authority under this section and for the time being in force is guilty of an offence against this Act.

25 **23.** (1) A person who contravenes, or fails to comply with, any provision of this Act is guilty of an offence against this Act. *Offences.*

(2) A person guilty of an offence against this Act is, where no other penalty is provided, liable to a penalty not exceeding one hundred pounds or imprisonment for a term not exceeding six months.

(3)

Wheat Industry Stabilization.

(3) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a court of petty sessions.

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

(2) The regulations may prescribe penalties not exceeding one hundred pounds or imprisonment for a term not exceeding six months, or both, for offences against the regulations.

(3) The regulations shall—

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

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before the House disallowing any regulation or part thereof, the regulation or part thereupon ceases to have effect.

Wheat Industry Stabilization.

SCHEDULE.

Sec. 22.

COUNTY OF COOPER.

	Parish.	Parish.
5	Ariah. Barellan North—Part North of Temora-Griffith Railway Line.	Moombooldool North—Part North of Temora-Griffith Railway Line.
	Bingar.	Munduburra.
10	Binya — Part North of Temora-Griffith Railway Line.	Narriah.
	Bourke.	Oxley.
	Bygoo.	Patterson — Part North of Temora-Griffith Railway Line.
15	Cocoparra.	Pulletop.
	Conapaira.	Sandy Creek.
	Conapaira East.	Sims Gap.
	Conapaira South.	Stanley.
	Dowling.	Tabbita.
20	Euratha.	Tabbita North.
	Euratha South.	The Bluff.
	Garoolgan.	The Peak.
	Gurrangong.	Wallandry.
	Kolkilbertoo.	Wallandry North.
	Kolkilbertoo East.	Yalgogoring—Part West of Travelling Stock Route 2510 traversing the Parish.
25	Kolkilbertoo South.	
	Lewes.	

COUNTY OF STURT.

	Parish.	Parish.
30	Denny.	Munro.
	Kooba.	North Bringagee.
	Livingstone.	O'Brien.
	Maiden.	Tabbita.
	Mirrool.	

COUNTY OF GIPPS.

	Parish.	Parish.
35	Bena.	Brolga.
	Bibbijolee.	Bygalore.
	Bimbeen.	Cookaburagong.
	Bolagamy.	Crown Camp.

SCHEDULE

*Wheat Industry Stabilization.*SCHEDULE—*continued.*COUNTY OF GIPPS—*continued.*

	Parish.	Parish.
	Currah.	Thulloo.
5	Euglo.	Ugalong.
	Euglo South.	Ungarie.
	Gorman's Hill.	Wallaroi.
	Goobothery.	Wamboyne.
	Kalingan.	Wardry.
10	Livingstone.	Weelah.
	Merribooka.	Wilga.
	Milbee.	Wilga South.
	Mildil.	Wollongough.
	Murrengreen.	Youngareen.
15	Nerang Cowal.	Younger Plain.
	Pulligal.	

COUNTY OF NICHOLSON.

	Parish.	Parish.
	Beaconsfield.	Lachlan.
20	Bellingerambil.	Langtree.
	Bellingerambil East.	Loughnan.
	Bellingerambil South.	Mea Mia South.
	Bogia.	Melbergen.
	Bolton.	Melbergen South.
25	Bootheragandra.	Molesworth.
	Bunda Bunda.	Moncton.
	Bunda Bunda East.	Mullion.
	Bunda Bunda North.	Naradhun.
	Burgess.	Parker.
30	Carilla.	Redbank.
	Chirnside.	Russell.
	East Marowie.	South Marowie.
	Elliott.	Stackpoole.
	Fox.	Synnot.
35	Goolgowi.	Townsend.
	Goolgowi South.	Wallanthery.
	Goolgowi West.	Warrabalong.
	Griffiths.	Weenya.
	Huntawong.	Weerie.
40	Ivanhoe.	

BY AUTHORITY:

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WHEAT INDUSTRY STABILIZATION BILL, 1963.

EXPLANATORY NOTE.

THE object of this Bill is to enact the provisions necessary to be enacted by this State to extend for a further five seasons the wheat industry stabilization scheme agreed upon between the Commonwealth, the States and the wheatgrowers.

The scheme—

- (a) involves the enactment of complementary or similar legislation by the Commonwealth and each of the States ;
- (b) provides for the marketing of all wheat through the Australian Wheat Board ;
- (c) provides for a home consumption price equal to the cost of production, and for a guaranteed price in respect of export wheat that will, up to a maximum of one hundred and fifty million bushels a year, be equal to the cost of production, the cost of production in relation to a season being fixed by, or determined under, section 7 of the Commonwealth Act (the Wheat Industry Stabilization Act 1963) passed to give effect to the scheme ;
- (d) provides for the setting up of a stabilization fund consisting of the balance in the present fund and the proceeds of a tax on export wheat imposed under the Wheat Export Charge Act 1963 of the Commonwealth ;
- (e) provides for the loading of the home consumption price to meet freight costs to Tasmania.

The Bill also contains provisions enabling the Minister in certain circumstances to limit wheat production in the south-west marginal wheat area of the State.

THE NATIONAL ASSOCIATION OF UNIVERSITY STUDENTS

MEMBERSHIP LIST

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PROOF

No. , 1963.

A BILL

To make certain provisions in relation to the stabilization of the wheat industry; to repeal the Wheat Industry Stabilization Act, 1958; to amend the Grain Elevators Act, 1954, as amended by subsequent Acts; and for purposes connected therewith.

[MR. ENTICKNAP;—4 December, 1963.]

BE

Wheat Industry Stabilization.

BE it enacted by the Queen'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 :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Wheat Industry Short title. Stabilization Act, 1963".

10 2. (1) This Act shall be deemed to have commenced on Commence-
the twenty-second day of November, one thousand nine ment.
hundred and sixty-three.

(2) An act or omission which occurred before the date on which this Act received the Royal Assent shall not
15 be deemed to be an offence against this Act.

3. This Act is divided into Parts as follows :—

Division
into Parts.

PART I.—PRELIMINARY—ss. 1-7.

PART II.—POWERS OF THE AUSTRALIAN WHEAT BOARD—ss. 8, 9.

20 PART III.—DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD—ss. 10-20.

PART IV.—MISCELLANEOUS—ss. 21-24.

4. (1) (a) The Wheat Industry Stabilization Act, 1958, Repeal of
is hereby repealed. Act No.
29, 1958.

(b)

Wheat Industry Stabilization.

(b) The Grain Elevators Act, 1954, as amended by subsequent Acts, is amended— Amendment of Act No. 36, 1954.

5 (i) by omitting from section three the definition of “Australian Wheat Board” and by inserting in lieu thereof the following definition :— Sec. 3. (Definitions.)

10 “Australian Wheat Board” means the Australian Wheat Board continued in existence by the Wheat Industry Stabilization Act 1963 of the Parliament of the Commonwealth of Australia.

(ii) by omitting from section twenty-one the figures “1958” and by inserting in lieu thereof the figures “1963”. Sec. 21. (Board may make charges.)

15 (2) Subject to subsection three of this section the provisions of—

(a) the Wheat Industry Stabilisation Act, 1948, and the amendments thereto made by the Wheat Industry Stabilisation (Amendment) Act, 1951, and the Wheat Marketing (Amendment) Act, 1953;

20 (b) the Wheat Industry Stabilization Act, 1954, and the amendments thereto made by the Wheat Industry Stabilization (Amendment) Act, 1957; and

(c) the Wheat Industry Stabilization Act, 1958, continue to apply in relation to wheat to which, but for the 25 repeal of any of the said Acts, such provisions would apply.

30 (3) A reference in any of the provisions referred to in subsection two of this section to the Australian Wheat Board established or continued in existence by an Act of the Parliament of the Commonwealth of Australia, shall, in relation to things done or to be done after the commencement of this Act, be read as a reference to the Board as continued in existence by the Commonwealth Act and conducting its proceedings in accordance with the Commonwealth Act.

(4)

Wheat Industry Stabilization.

(4) Wheat harvested on or after the first day of October, one thousand nine hundred and sixty-three, and delivered to the Board before the commencement of this Act (including wheat delivered to a person who was a licensed receiver for the purposes of the Wheat Industry Stabilization Act, 1958) shall be deemed to have been delivered in pursuance of section ten of this Act, and any advance payment made by the Board in respect of any such wheat before the commencement of this Act shall be deemed to have been made in pursuance of this Act.

5. In this Act, unless the context or subject matter otherwise indicates or requires—

- “Board” means the Australian Wheat Board continued in existence by the Commonwealth Act.
- 15 “Commonwealth Act” means the Wheat Industry Stabilization Act 1963 of the Parliament of the Commonwealth of Australia.
- 20 “Commonwealth Minister” means the Minister of State administering the Commonwealth Act, or another Minister of State of the Commonwealth of Australia acting for and on behalf of that Minister.
- “Grain Elevators Board” means the Grain Elevators Board constituted under the Grain Elevators Act, 1954, as amended by subsequent Acts.
- 25 “Guaranteed price”, in relation to wheat of a season, has the same meaning as that expression has in the Commonwealth Act.
- 30 “Licensed receiver” means a person, firm, company or State authority licensed by the Board to receive wheat on behalf of the Board.
- “Season”, in relation to wheat, means the period of twelve months, commencing on the first day of October in any year, during which the wheat was harvested.

Wheat Industry Stabilization.

6. This Act applies in relation to wheat harvested— Application
of Act.

(a) in the season that commenced on the first day of
October, one thousand nine hundred and sixty-
three; and

5 (b) in the next four succeeding seasons.

7. This Act shall be read and construed subject to the Act to
apply sub-
ject to
Constitution.
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
10 to any person or circumstance is held invalid, the remainder
of this Act and the application of the provision to other
persons or circumstances shall not be affected.

PART II.

POWERS OF THE AUSTRALIAN WHEAT BOARD.

15 8. (1) The Board may— Powers of
Board.

(a) purchase wheat, wheaten flour, semolina, corn sacks,
jute or jute products;

(b) accept wheat delivered to it;

20 (c) sell or dispose of wheat, wheaten flour, semolina,
corn sacks, jute or jute products the property of the
Board;

(d) grist or arrange for the gristing of wheat, and sell
or otherwise dispose of the products of the gristing;

(e)

Wheat Industry Stabilization.

- 5 (e) manage and control all matters connected with the handling, storage, protection, treatment, transfer or shipment of wheat or other things purchased or otherwise acquired by the Board or sold or otherwise disposed of by the Board :
- 10 Provided that the exercise of this power shall be subject to the provisions of any Act and the regulations thereunder with respect to the conditions under which wheat is received for storage by the Grain Elevators Board ; and
- (f) do all things that the Board is required or permitted by this Act to do or that are necessary or convenient to be done by the Board for giving effect to this Act.
- 15 (2) The Commonwealth Minister may give directions to the Board concerning the performance of its functions and the exercise of its powers, and the Board shall comply with those directions.
- 20 9. (1) Subject to this section, the Board may license, ^{Licensed receivers.} subject to such conditions as are specified in the licence, a person, firm, company or State authority to receive wheat on behalf of the Board, and may cancel or suspend any such licence.
- 25 (2) The Grain Elevators Board is entitled to a licence under this section.
- (3) A licence to receive wheat on behalf of the Board that was in force immediately before the commencement of this Act shall be deemed to have been granted under this section.
- 30 (4) As from a day to be appointed by the Governor and notified by proclamation published in the Gazette—
- 35 (a) all licences granted or deemed to have been granted under this section (other than the licence granted to the Grain Elevators Board) and in force in this State shall be deemed to be cancelled ;
- (b)

Wheat Industry Stabilization.

- (b) all wheat to be delivered to the Board in this State shall be delivered to the Grain Elevators Board as the sole licensed receiver of wheat on behalf of the Board in this State.
- 5 (5) The remuneration payable to the Grain Elevators Board as a licensed receiver shall be as agreed between the Minister and the Commonwealth Minister.

PART III.

DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD.

10 **10.** (1) Subject to this section, a person who is in possession of wheat may deliver that wheat to the Board. **Delivery of wheat.**

(2) Subject to this section, the Board may—

(a) by notice in writing served personally on the person to whom it is addressed or served on that person by post at his usual or last-known place of abode or business; or

15

(b) by notice published in the Gazette and addressed to persons generally or to persons included in a class of persons,

20 require the person or each person, as the case may be, to whom the notice is addressed—

(c) to deliver to the Board any wheat that is in the possession of that person; or

(d) to deliver to the Board any wheat that, during such period as is specified in the notice, comes into the possession of that person.

25

(3) Upon delivery of wheat to the Board under this section, the wheat (including any corn sacks in which the wheat is contained) becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.

30

(4)

Wheat Industry Stabilization.

(4) Nothing in this section applies to—

- (a) wheat harvested before the first day of October, one thousand nine hundred and sixty-three;
- 5 (b) wheat retained by the grower for use on the farm where it is grown;
- (c) wheat that has been sold by the Board; or
- (d) wheat sold or delivered to a person with the approval of the Board.

(5) A person shall not—

- 10 (a) refuse or fail to deliver any wheat to the Board as required by a notice under subsection two of this section; or
- (b) deliver to the Board wheat that has previously been sold by the Board.

15 Any person guilty of an offence against the provisions of this subsection is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

11. (1) Delivery of wheat to the Board may be made by delivering or consigning the wheat to a licensed receiver. Delivery to licensed receiver.

(2) A person who delivers or consigns wheat to a licensed receiver shall, at the same time, furnish to the licensed receiver in writing the names and addresses of all persons known by him to have or to claim an interest in the wheat, in any corn sacks in which the wheat is contained or in the payment to be made for the wheat or corn sacks, and all particulars known to him of those interests.

Wheat Industry Stabilization.

12. Except as provided in sections ten and eleven of this Act, or with the consent in writing of the Board, a person shall not—

Unauthorised dealings with wheat.

- 5 (a) sell, deliver or part with the possession of, or take into his possession, wheat other than wheat specified in subsection four of section ten of this Act;
- (b) part with the possession of, or take into his possession, wheat that is the property of the Board; or
- 10 (c) purport to sell or offer for sale, or purport to purchase or offer to purchase (otherwise than from the Board), wheat that is the property of the Board.

Any person guilty of an offence against the provisions of this section is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

13. (1) Where wheat is delivered to the Board in pursuance of this Act, the Board shall pay for that wheat (including the corn sacks, if any, in which the wheat is delivered) an amount determined by the Board in accordance with this section.

Price to be paid for wheat.

(2) The Board shall determine amounts payable under subsection one of this section in respect of wheat of a season by—

- (a) ascertaining the net proceeds of the disposal by the Board of all wheat of that season delivered to the Board in Australia (whether in pursuance of this Act or otherwise);
- 30 (b) deducting from the amount so ascertained an amount calculated at the rate of three pence for each bushel of so much of the wheat of that season grown in the State of Western Australia as the Board certifies to the Commonwealth Minister to have become available for export to places outside
- 35 **Australia**

Wheat Industry Stabilization.

- 5 Australia or such lesser amount as the Board determines having regard to the freight charges that have and may become payable in respect of such export and the rate or rates at which freight charges are payable in respect of the export of wheat from other places in Australia; and
- 10 (c) ascertaining the share in the remaining amount of each person entitled to payment under this section by apportioning that remaining amount amongst the persons who delivered wheat of that season to the Board in Australia (whether in pursuance of this Act or otherwise) on the basis of the number of bushels of wheat so delivered by each such person, with proper allowance for differences in the quality of wheat and for transport charges for the carriage of wheat to the terminal port from the place at which the wheat was delivered to the Board, corn sacks in which wheat was supplied to the Board, and other necessary adjustments in particular cases.
- 15
- 20 (3) For the purposes of this section, the Board is not bound to preserve the identity of wheat of a season, and may keep its accounts in respect of sales in such manner as will, in its judgment, attribute sales to wheat of different seasons in an equitable manner.
- 25 (4) The Board is not bound to make a final payment in respect of wheat of a season until it has disposed of the whole of the wheat of that season delivered to it in Australia (whether in pursuance of this Act or otherwise), but the Board may, with the approval of the Commonwealth
- 30 Minister, make from time to time such advance payments as it considers justified.
- (5) Subject to this section, the net proceeds of the disposal of wheat shall, for the purposes of this section, be deemed to be the net return from the disposal of the wheat (including corn sacks in which the wheat was sold) after paying the charge imposed by the Wheat Export Charge Act 1963 of the Parliament of the Commonwealth of Australia, and administration, interest, transport, storage and other

Wheat Industry Stabilization.

other charges incurred by the Board (other than charges for transport to the terminal port from the place at which the wheat is delivered to the Board).

(6) In ascertaining the net proceeds of the disposal of any wheat, no account shall be taken of moneys to which section twenty of this Act, or a corresponding provision of the Commonwealth Act or an Act of another State, applies or of costs of the Board payable out of those moneys.

(7) Where the average price per bushel obtained by the Board for wheat of a season exported by the Board, or sold by the Board for export, is less than the guaranteed price, the net proceeds from the disposal of wheat of that season by the Board shall, for the purposes of this section, be deemed to be increased by the amount that becomes payable to the Board under the Commonwealth Act out of the Wheat Prices Stabilization Fund referred to in that Act, that is to say an amount ascertained by multiplying the amount of the difference between that average price and the guaranteed price by—

(a) a number equal to the number of bushels of wheat of the season exported by the Board, or sold by the Board for export; or

(b) one hundred and fifty million,

whichever is the less.

(8) In ascertaining the average price for the purposes of subsection seven of this section, the price obtained in respect of a sale other than a sale of fair average quality bulk wheat free on rails at the port of export shall be deemed to be the price which would have been the corresponding price for a sale of the same quantity of fair average quality bulk wheat free on rails at the port of export.

(9) The obligation of the Board under this section in respect of any wheat is subject to the operation of section eight of the Wheat Tax Act 1957 of the Parliament of the Commonwealth of Australia.

Wheat Industry Stabilization.

14. (1) The amount payable under this Act in respect of any wheat, or wheat and corn sacks, is payable to the person who would have been entitled to receive the price of the wheat if the wheat had been lawfully sold to the Board at the time of the delivery of the wheat.

Payment by Board.

(2) The same rights (if any) exist against the person receiving an amount paid by the Board under this Act in respect of wheat, or wheat and corn sacks, as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat, or wheat and corn sacks, by him, and any such rights may be enforced by action in any court that would have had jurisdiction if the moneys were the proceeds of such a sale or purported sale.

(3) Payment in good faith by the Board of any moneys payable under this Act to the person appearing to the Board to be entitled to receive them discharges the Board from any further liability in respect of those moneys.

(4) Subject to subsection five of this section, an assignment of moneys payable by the Board in respect of wheat, or wheat and corn sacks, delivered to the Board (not including a registered crop lien) executed after the commencement of this Act is void as against the Board.

(5) Where a person assigns moneys payable to him by the Board in respect of wheat, or wheat and corn sacks, delivered or to be delivered to the Board in payment of, or as security for payment of, an amount payable by that person for corn sacks supplied to him, the Board may pay those moneys to the assignee.

15. (1) A person who—

30 (a) consigns or delivers to a licensed receiver wheat harvested before the thirtieth day of September, one thousand nine hundred and sixty-three; or

Declaration to be furnished as to old season's wheat.

(b)

Wheat Industry Stabilization.

- (b) consigns or delivers to a licensed receiver, after the final delivery day in respect of a season, wheat harvested in that season,

shall make and forward to the licensed receiver a declaration
5 correctly stating the season during which the wheat was harvested.

(2) For the purposes of this section, the final delivery day in respect of a season is the day declared to be the final delivery day in respect of that season by notice published
10 in the Commonwealth of Australia Gazette under the Commonwealth Act.

16. (1) A member of the police force of the Commonwealth or of the State of New South Wales who is authorized by the Board or the Chairman of the Board to act under this
15 section may—

Entry of premises, seizure of wheat, etc.

- (a) at all reasonable times, enter premises and inspect any stock of wheat or corn sacks, and any accounts, books and documents relating to wheat or corn sacks; and
- 20 (b) take possession of and remove any wheat that is the property of the Board or the delivery of which has been lawfully demanded by the Board, and any corn sacks in which any such wheat is contained or that are the property of the Board.

25 (2) A person shall not hinder or obstruct a person in the exercise of powers under this section.

(3) Wheat, other than wheat that is the property of the Board, of which possession is taken under subsection one of this section, and any corn sacks in which the wheat is
30 contained, shall, for the purposes of this Act, but without affecting the liability of a person for an offence, be deemed to be delivered to the Board under this Act.

Wheat Industry Stabilization.

17. (1) For the purposes of this Act, the Board may, ^{Board may require returns.} by notice in writing served on the person to whom it is addressed either—

(a) personally; or

5 (b) by post at his last-known place of abode or business,

require a person to furnish in writing to the Board, within the time specified in the notice, such information relating to wheat, wheaten flour, semolina, corn sacks, jute or jute products as is specified in the notice.

10 (2) A person shall not, without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section; or

(b) furnish to the Board any information that is false or misleading in a particular.

15 18. A person having wheat the property of the Board ^{Proper care to be taken of wheat owned by Board.} in his possession or under his care shall exercise proper care and take all proper and reasonable precautions and do all things necessary to preserve and safeguard that wheat and to keep it free from damage or deterioration.

20 19. (1) The price at which the Board shall sell wheat ^{Home consumption price of wheat.} for manufacture into wheat products for human consumption in Australia, or wheat for consumption in Australia by pigs, poultry or dairy stock, is the appropriate price ascertained in accordance with this section.

25 (2) Subject to this section, the price per bushel in respect of a wholesale sale of bulk wheat of fair average quality free on rails at a port of export shall be the guaranteed price for wheat of the season that is current at the beginning of the year in which the sale is made.

(3)

Wheat Industry Stabilization.

(3) The price applicable under subsection two of this section shall be increased by an amount of two pence per bushel for the purpose of reimbursing the Board for the costs of shipment of wheat to the State of Tasmania.

5 (4) If the Board reports to the Commonwealth Minister that the amounts being received by the Board by reason of the operation of subsection three of this section, together with amounts being received under corresponding provisions of the Commonwealth Act and of the laws of the
10 other States, are greater or less than the amounts required to meet the costs of shipment of wheat by the Board to the State of Tasmania, the Commonwealth Minister may direct the Board that the amount per bushel specified in that subsection shall be reduced or increased to such extent as he
15 considers necessary.

(5) The price in respect of a sale other than a sale specified in subsection two of this section shall be a price ascertained by adding to or deducting from the price applicable to sales so specified an amount that makes a proper
20 allowance for the quality of the wheat, the conditions of sale and the place of delivery.

(6) In this section, "year" means the period of twelve months commencing on the first day of December, one thousand nine hundred and sixty-three, and each subsequent
25 period of twelve months.

(7) Notwithstanding the repeal of section seventeen of the Wheat Industry Stabilization Act, 1958—

- 30 (a) the prices for sales of wheat by the Board that were applicable under that section immediately before the commencement of this Act continue to be applicable to sales made after the commencement of this Act and before the first day of December, one thousand nine hundred and sixty-three; and
- 35 (b) all moneys received by the Board in respect of such sales by reason of the operation of subsection three or four of that section shall be deemed to be moneys to which subsection one of section twenty of this Act applies. **20.**

Wheat Industry Stabilization.

20. (1) Notwithstanding any other provision of this Act but subject to this section, the Board shall keep a separate account of the moneys received by the Board by reason of the operation of subsections three and four of section nineteen
5 of this Act, and of payments made out of those moneys, and shall not apply those moneys except in accordance with this section.
- (2) The Board may combine the account required to be kept under subsection one of this section with any simi-
10 lar account or accounts to be kept by it under the Commonwealth Act or under the law of another State or States.
- (3) The Board shall use the moneys referred to in subsection one of this section in meeting the costs of ship-
15 ment of wheat by the Board to the State of Tasmania, and shall not use for that purpose any other moneys derived by it from the sale of wheat delivered to it in pursuance of this Act.
- (4) Any moneys referred to in subsection one of this section which remain unexpended after the Board has
20 disposed of the whole of the wheat of the last season to which this Act applies delivered to the Board in Australia shall be applied by the Board for the benefit of the wheat industry in such manner as the Commonwealth Minister, after consulta-
25 tion with the appropriate Minister of each State, directs.
- (5) Any moneys that, immediately before the com-
25 mencement of this Act, were standing to the credit of the account kept by the Board for the purposes of section eighteen of the Wheat Industry Stabilization Act, 1958, shall be
30 deemed to be moneys to which subsection one of this section applies.

Special
account for
freight to
the State
of Tasmania.

PART

Wheat Industry Stabilization.

PART IV.

MISCELLANEOUS.

21. Subject to the Board's paying or making provision for the payment of amounts required to be paid by it under this Act, nothing in this Act shall be deemed to prevent the Board from applying moneys received by it by reason of the exercise of its functions under this Act for the purposes of the Commonwealth Act or an Act of another State relating to the marketing of wheat. Use of funds by Board.
22. (1) In this section "area" means the South West Marginal Wheat Area comprising the County of Dowling and such of the Parishes and parts of Parishes of the Counties of Cooper, Sturt, Gipps, and Nicholson as are set out in the Schedule to this Act. South West Marginal Wheat Area.
- (2) Where the Minister is satisfied that any farm within the area has been reconstructed as an economic farming unit pursuant to plans approved therefor by the Rural Reconstruction Board and is of the opinion that it is desirable for the furtherance of the plans that the growing of wheat on the farm be restricted, he may by notification published in the Gazette declare that the farm shall not be sown to wheat except in accordance with such conditions as may be imposed by the Rural Reconstruction Board for the preservation of the farm as an economic farming unit. Any notification under this section may be revoked or varied by any subsequent notification.
- Any notification under section twenty of the Wheat Industry Stabilization Act, 1958, and in force at the commencement of this Act shall be deemed to be a notification under this section.
- (3) As from a date to be appointed by the Minister and notified by notice published in the Gazette the functions conferred by subsection two of this section upon the Rural

Wheat Industry Stabilization.

Reconstruction Board in respect of the imposition of conditions for the preservation of farms as economic farming units shall be transferred to and be discharged by such authority as the Minister may specify in the notice.

5 Any conditions imposed in respect of any farm by the Rural Reconstruction Board before the date so appointed continue to apply to the farm for the period for which they have been so imposed but may be varied by the authority so specified.

10 (4) The conditions imposed pursuant to this section—

(a) may include provisions as to the period during which the conditions are to apply to the farm ;

15 (b) may include provisions as to the maximum area of the farm which may be sown to wheat in each season during the period ;

(c) may be varied from time to time.

(5) Any person who uses any farm to which any notification under subsection two of this section relates for the growing of wheat otherwise than in accordance with the 20 conditions imposed by the Rural Reconstruction Board or other authority under this section and for the time being in force is guilty of an offence against this Act.

23. (1) A person who contravenes, or fails to comply with, any provision of this Act is guilty of an offence against 25 this Act. Offences.

(2) A person guilty of an offence against this Act is, where no other penalty is provided, liable to a penalty not exceeding one hundred pounds or imprisonment for a term not exceeding six months.

(3)

Wheat Industry Stabilization.

(3) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a court of petty sessions.

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

(2) The regulations may prescribe penalties not exceeding one hundred pounds or imprisonment for a term not exceeding six months, or both, for offences against the regulations.

(3) The regulations shall—

- (a) be published in the Gazette;
- 15 (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 fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before the House disallowing any regulation or part thereof, the regulation or part thereupon ceases to have effect.

SCHEDULE.

Wheat Industry Stabilization.

SCHEDULE.

Sec. 22.

COUNTY OF COOPER.

	Parish.	Parish.
5	Ariah. Barellan North—Part North of Temora—Griffith Railway Line.	Moombooldool North—Part North of Temora— Griffith Railway Line.
	Bingar.	Munduburra.
10	Binya — Part North of Temora—Griffith Rail- way Line.	Narriah.
	Bourke.	Oxley.
	Bygoo.	Patterson — Part North of Temora—Griffith Rail- way Line.
15	Cocoparra.	Pulletop.
	Conapaira.	Sandy Creek.
	Conapaira East.	Sims Gap.
	Conapaira South.	Stanley.
	Dowling.	Tabbita.
20	Euratha.	Tabbita North.
	Euratha South.	The Bluff.
	Garoolgan.	The Peak.
	Gurragong.	Wallandry.
	Kolkilbertoo.	Wallandry North.
25	Kolkilbertoo East.	Yalgogoring—Part West of Travelling Stock Route 2510 traversing the Parish.
	Kolkilbertoo South.	
	Lewes.	

COUNTY OF STURT.

	Parish.	Parish.
30	Denny.	Munro.
	Kooba.	North Bringagee.
	Livingstone.	O'Brien.
	Maiden.	Tabbita.
	Mirrool.	

COUNTY OF GIPPS.

	Parish.	Parish.
35	Bena.	Brolga.
	Bibbijolee.	Bygalore.
	Bimbeen.	Cookaburagong.
	Bolagamy.	Crown Camp.

SCHEDULE

*Wheat Industry Stabilization.*SCHEDULE—*continued.*COUNTY OF GIPPS—*continued.*

	Parish.	Parish.
5	Currah. Euglo. Euglo South. Gorman's Hill. Goobothery. Kalingan.	Thulloo. Ugalong. Ungarie. Wallaroi. Wamboyne. Wardry.
10	Livingstone. Merribooka. Milbee. Mildil. Murrengreen.	Weelah. Wilga. Wilga South. Wollongough. Youngareen.
15	Nerang Cowal. Pulligal.	Younger Plain.

COUNTY OF NICHOLSON.

	Parish.	Parish.
20	Beaconsfield. Bellingerambil. Bellingerambil East. Bellingerambil South. Bogia. Bolton.	Lachlan. Langtree. Loughnan. Mea Mia South. Melbergen. Melbergen South.
25	Bootheragandra. Bunda Bunda. Bunda Bunda East. Bunda Bunda North. Burgess.	Molesworth. Moncton. Mullion. Naradhun. Parker.
30	Carilla. Chirnside. East Marowie. Elliott. Fox.	Redbank. Russell. South Marowie. Stackpoole. Synnot.
35	Goolgowi. Goolgowi South. Goolgowi West. Griffiths. Huntawong.	Townsend. Wallanthery. Warrabalong. Weenya. Weerie.
40	Ivanhoe.	

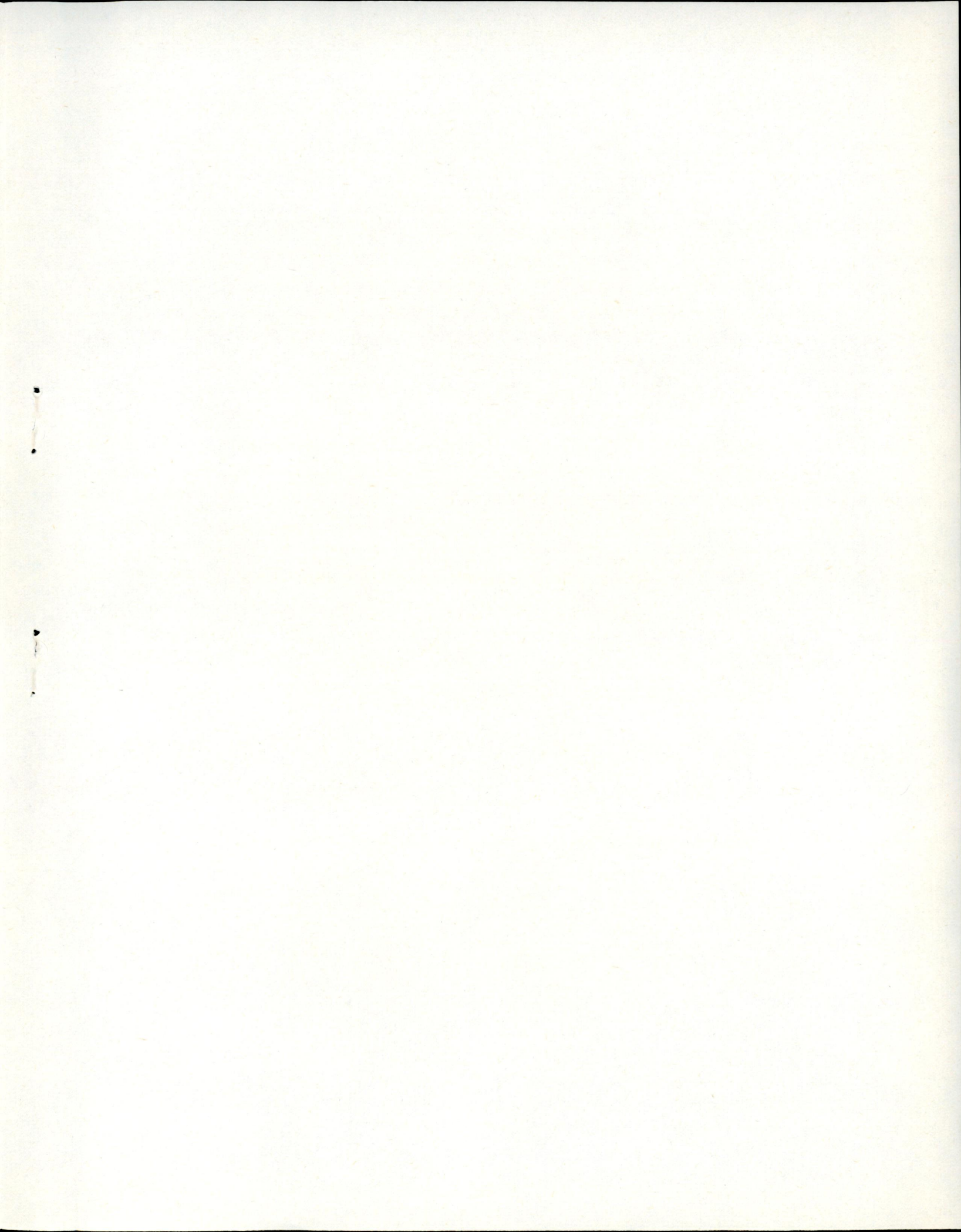
BY AUTHORITY:

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THE HISTORY OF THE
COUNTY OF YORK

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99	County of South Middle York
100	County of North South York



New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

Act No. 60, 1963.

An Act to make certain provisions in relation to the stabilization of the wheat industry; to repeal the Wheat Industry Stabilization Act, 1958; to amend the Grain Elevators Act, 1954, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 19th December, 1963.]

BE

Wheat Industry Stabilization.

BE it enacted by the Queen'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 :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the "Wheat Industry Stabilization Act, 1963".

Commencement. 2. (1) This Act shall be deemed to have commenced on the twenty-second day of November, one thousand nine hundred and sixty-three.

(2) An act or omission which occurred before the date on which this Act received the Royal Assent shall not be deemed to be an offence against this Act.

Division into Parts. 3. This Act is divided into Parts as follows :—

PART I.—PRELIMINARY—*ss.* 1-7.

PART II.—POWERS OF THE AUSTRALIAN WHEAT BOARD—*ss.* 8, 9.

PART III.—DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD—*ss.* 10-20.

PART IV.—MISCELLANEOUS—*ss.* 21-24.

Repeal of Act No. 29, 1958. 4. (1) (a) The Wheat Industry Stabilization Act, 1958, is hereby repealed.

(b)

Wheat Industry Stabilization.

(b) The Grain Elevators Act, 1954, as amended by subsequent Acts, is amended— Amendment
of Act No.
36, 1954.

- (i) by omitting from section three the definition of “Australian Wheat Board” and by inserting in lieu thereof the following definition :— Sec. 3.
(Definitions.)

“Australian Wheat Board” means the Australian Wheat Board continued in existence by the Wheat Industry Stabilization Act 1963 of the Parliament of the Commonwealth of Australia.

- (ii) by omitting from section twenty-one the figures “1958” and by inserting in lieu thereof the figures “1963”. Sec. 21.
(Board
may make
charges.)

(2) Subject to subsection three of this section the provisions of—

- (a) the Wheat Industry Stabilisation Act, 1948, and the amendments thereto made by the Wheat Industry Stabilisation (Amendment) Act, 1951, and the Wheat Marketing (Amendment) Act, 1953;
- (b) the Wheat Industry Stabilization Act, 1954, and the amendments thereto made by the Wheat Industry Stabilization (Amendment) Act, 1957; and

(c) the Wheat Industry Stabilization Act, 1958,
continue to apply in relation to wheat to which, but for the repeal of any of the said Acts, such provisions would apply.

(3) A reference in any of the provisions referred to in subsection two of this section to the Australian Wheat Board established or continued in existence by an Act of the Parliament of the Commonwealth of Australia, shall, in relation to things done or to be done after the commencement of this Act, be read as a reference to the Board as continued in existence by the Commonwealth Act and conducting its proceedings in accordance with the Commonwealth Act.

(4)

Wheat Industry Stabilization.

(4) Wheat harvested on or after the first day of October, one thousand nine hundred and sixty-three, and delivered to the Board before the commencement of this Act (including wheat delivered to a person who was a licensed receiver for the purposes of the Wheat Industry Stabilization Act, 1958) shall be deemed to have been delivered in pursuance of section ten of this Act, and any advance payment made by the Board in respect of any such wheat before the commencement of this Act shall be deemed to have been made in pursuance of this Act.

Definitions. 5. In this Act, unless the context or subject matter otherwise indicates or requires—

“Board” means the Australian Wheat Board continued in existence by the Commonwealth Act.

“Commonwealth Act” means the Wheat Industry Stabilization Act 1963 of the Parliament of the Commonwealth of Australia.

“Commonwealth Minister” means the Minister of State administering the Commonwealth Act, or another Minister of State of the Commonwealth of Australia acting for and on behalf of that Minister.

“Grain Elevators Board” means the Grain Elevators Board constituted under the Grain Elevators Act, 1954, as amended by subsequent Acts.

“Guaranteed price”, in relation to wheat of a season, has the same meaning as that expression has in the Commonwealth Act.

“Licensed receiver” means a person, firm, company or State authority licensed by the Board to receive wheat on behalf of the Board.

“Season”, in relation to wheat, means the period of twelve months, commencing on the first day of October in any year, during which the wheat was harvested.

Wheat Industry Stabilization.

6. This Act applies in relation to wheat harvested—

Application
of Act.

- (a) in the season that commenced on the first day of October, one thousand nine hundred and sixty-three; and
- (b) in the next four succeeding seasons.

7. 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 the provision to other persons or circumstances shall not be affected.

Act to
apply sub-
ject to
Constitution.

PART II.

POWERS OF THE AUSTRALIAN WHEAT BOARD.

8. (1) The Board may—

Powers of
Board.

- (a) purchase wheat, wheaten flour, semolina, corn sacks, jute or jute products;
- (b) accept wheat delivered to it;
- (c) sell or dispose of wheat, wheaten flour, semolina, corn sacks, jute or jute products the property of the Board;
- (d) grist or arrange for the gristing of wheat, and sell or otherwise dispose of the products of the gristing;

(e)

Wheat Industry Stabilization.

- (e) manage and control all matters connected with the handling, storage, protection, treatment, transfer or shipment of wheat or other things purchased or otherwise acquired by the Board or sold or otherwise disposed of by the Board :

Provided that the exercise of this power shall be subject to the provisions of any Act and the regulations thereunder with respect to the conditions under which wheat is received for storage by the Grain Elevators Board; and

- (f) do all things that the Board is required or permitted by this Act to do or that are necessary or convenient to be done by the Board for giving effect to this Act.

(2) The Commonwealth Minister may give directions to the Board concerning the performance of its functions and the exercise of its powers, and the Board shall comply with those directions.

Licensed receivers.

9. (1) Subject to this section, the Board may license, subject to such conditions as are specified in the licence, a person, firm, company or State authority to receive wheat on behalf of the Board, and may cancel or suspend any such licence.

(2) The Grain Elevators Board is entitled to a licence under this section.

(3) A licence to receive wheat on behalf of the Board that was in force immediately before the commencement of this Act shall be deemed to have been granted under this section.

(4) As from a day to be appointed by the Governor and notified by proclamation published in the Gazette—

- (a) all licences granted or deemed to have been granted under this section (other than the licence granted to the Grain Elevators Board) and in force in this State shall be deemed to be cancelled;

(b)

Wheat Industry Stabilization.

- (b) all wheat to be delivered to the Board in this State shall be delivered to the Grain Elevators Board as the sole licensed receiver of wheat on behalf of the Board in this State.
- (5) The remuneration payable to the Grain Elevators Board as a licensed receiver shall be as agreed between the Minister and the Commonwealth Minister.

PART III.

DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD.

10. (1) Subject to this section, a person who is in possession of wheat may deliver that wheat to the Board. Delivery of wheat.

(2) Subject to this section, the Board may—

- (a) by notice in writing served personally on the person to whom it is addressed or served on that person by post at his usual or last-known place of abode or business; or
- (b) by notice published in the Gazette and addressed to persons generally or to persons included in a class of persons,

require the person or each person, as the case may be, to whom the notice is addressed—

- (c) to deliver to the Board any wheat that is in the possession of that person; or
- (d) to deliver to the Board any wheat that, during such period as is specified in the notice, comes into the possession of that person.

(3) Upon delivery of wheat to the Board under this section, the wheat (including any corn sacks in which the wheat is contained) becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.

(4)

Wheat Industry Stabilization.

(4) Nothing in this section applies to—

- (a) wheat harvested before the first day of October, one thousand nine hundred and sixty-three;
- (b) wheat retained by the grower for use on the farm where it is grown;
- (c) wheat that has been sold by the Board; or
- (d) wheat sold or delivered to a person with the approval of the Board.

(5) A person shall not—

- (a) refuse or fail to deliver any wheat to the Board as required by a notice under subsection two of this section; or
- (b) deliver to the Board wheat that has previously been sold by the Board.

Any person guilty of an offence against the provisions of this subsection is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

Delivery
to licensed
receiver.

11. (1) Delivery of wheat to the Board may be made by delivering or consigning the wheat to a licensed receiver.

(2) A person who delivers or consigns wheat to a licensed receiver shall, at the same time, furnish to the licensed receiver in writing the names and addresses of all persons known by him to have or to claim an interest in the wheat, in any corn sacks in which the wheat is contained or in the payment to be made for the wheat or corn sacks, and all particulars known to him of those interests.

12.

Wheat Industry Stabilization.

12. Except as provided in sections ten and eleven of this Act, or with the consent in writing of the Board, a person shall not—

Unauthorised dealings with wheat.

- (a) sell, deliver or part with the possession of, or take into his possession, wheat other than wheat specified in subsection four of section ten of this Act;
- (b) part with the possession of, or take into his possession, wheat that is the property of the Board; or
- (c) purport to sell or offer for sale, or purport to purchase or offer to purchase (otherwise than from the Board), wheat that is the property of the Board.

Any person guilty of an offence against the provisions of this section is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

13. (1) Where wheat is delivered to the Board in pursuance of this Act, the Board shall pay for that wheat (including the corn sacks, if any, in which the wheat is delivered) an amount determined by the Board in accordance with this section.

Price to be paid for wheat.

(2) The Board shall determine amounts payable under subsection one of this section in respect of wheat of a season by—

- (a) ascertaining the net proceeds of the disposal by the Board of all wheat of that season delivered to the Board in Australia (whether in pursuance of this Act or otherwise);
- (b) deducting from the amount so ascertained an amount calculated at the rate of three pence for each bushel of so much of the wheat of that season grown in the State of Western Australia as the Board certifies to the Commonwealth Minister to have become available for export to places outside Australia

Wheat Industry Stabilization.

Australia or such lesser amount as the Board determines having regard to the freight charges that have and may become payable in respect of such export and the rate or rates at which freight charges are payable in respect of the export of wheat from other places in Australia; and

- (c) ascertaining the share in the remaining amount of each person entitled to payment under this section by apportioning that remaining amount amongst the persons who delivered wheat of that season to the Board in Australia (whether in pursuance of this Act or otherwise) on the basis of the number of bushels of wheat so delivered by each such person, with proper allowance for differences in the quality of wheat and for transport charges for the carriage of wheat to the terminal port from the place at which the wheat was delivered to the Board, corn sacks in which wheat was supplied to the Board, and other necessary adjustments in particular cases.

(3) For the purposes of this section, the Board is not bound to preserve the identity of wheat of a season, and may keep its accounts in respect of sales in such manner as will, in its judgment, attribute sales to wheat of different seasons in an equitable manner.

(4) The Board is not bound to make a final payment in respect of wheat of a season until it has disposed of the whole of the wheat of that season delivered to it in Australia (whether in pursuance of this Act or otherwise), but the Board may, with the approval of the Commonwealth Minister, make from time to time such advance payments as it considers justified.

(5) Subject to this section, the net proceeds of the disposal of wheat shall, for the purposes of this section, be deemed to be the net return from the disposal of the wheat (including corn sacks in which the wheat was sold) after paying the charge imposed by the Wheat Export Charge Act 1963 of the Parliament of the Commonwealth of Australia, and administration, interest, transport, storage and other

Wheat Industry Stabilization.

other charges incurred by the Board (other than charges for transport to the terminal port from the place at which the wheat is delivered to the Board).

(6) In ascertaining the net proceeds of the disposal of any wheat, no account shall be taken of moneys to which section twenty of this Act, or a corresponding provision of the Commonwealth Act or an Act of another State, applies or of costs of the Board payable out of those moneys.

(7) Where the average price per bushel obtained by the Board for wheat of a season exported by the Board, or sold by the Board for export, is less than the guaranteed price, the net proceeds from the disposal of wheat of that season by the Board shall, for the purposes of this section, be deemed to be increased by the amount that becomes payable to the Board under the Commonwealth Act out of the Wheat Prices Stabilization Fund referred to in that Act, that is to say an amount ascertained by multiplying the amount of the difference between that average price and the guaranteed price by—

- (a) a number equal to the number of bushels of wheat of the season exported by the Board, or sold by the Board for export; or
- (b) one hundred and fifty million,

whichever is the less.

(8) In ascertaining the average price for the purposes of subsection seven of this section, the price obtained in respect of a sale other than a sale of fair average quality bulk wheat free on rails at the port of export shall be deemed to be the price which would have been the corresponding price for a sale of the same quantity of fair average quality bulk wheat free on rails at the port of export.

(9) The obligation of the Board under this section in respect of any wheat is subject to the operation of section eight of the Wheat Tax Act 1957 of the Parliament of the Commonwealth of Australia.

Wheat Industry Stabilization.

Payment by
Board.

14. (1) The amount payable under this Act in respect of any wheat, or wheat and corn sacks, is payable to the person who would have been entitled to receive the price of the wheat if the wheat had been lawfully sold to the Board at the time of the delivery of the wheat.

(2) The same rights (if any) exist against the person receiving an amount paid by the Board under this Act in respect of wheat, or wheat and corn sacks, as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat, or wheat and corn sacks, by him, and any such rights may be enforced by action in any court that would have had jurisdiction if the moneys were the proceeds of such a sale or purported sale.

(3) Payment in good faith by the Board of any moneys payable under this Act to the person appearing to the Board to be entitled to receive them discharges the Board from any further liability in respect of those moneys.

(4) Subject to subsection five of this section, an assignment of moneys payable by the Board in respect of wheat, or wheat and corn sacks, delivered to the Board (not including a registered crop lien) executed after the commencement of this Act is void as against the Board.

(5) Where a person assigns moneys payable to him by the Board in respect of wheat, or wheat and corn sacks, delivered or to be delivered to the Board in payment of, or as security for payment of, an amount payable by that person for corn sacks supplied to him, the Board may pay those moneys to the assignee.

Declaration
to be
furnished
as to old
season's
wheat.

15. (1) A person who—

- (a) consigns or delivers to a licensed receiver wheat harvested before the thirtieth day of September, one thousand nine hundred and sixty-three; or

(b)

Wheat Industry Stabilization.

- (b) consigns or delivers to a licensed receiver, after the final delivery day in respect of a season, wheat harvested in that season,

shall make and forward to the licensed receiver a declaration correctly stating the season during which the wheat was harvested.

(2) For the purposes of this section, the final delivery day in respect of a season is the day declared to be the final delivery day in respect of that season by notice published in the Commonwealth of Australia Gazette under the Commonwealth Act.

16. (1) A member of the police force of the Commonwealth or of the State of New South Wales who is authorized by the Board or the Chairman of the Board to act under this section may—

Entry of premises, seizure of wheat, etc.

- (a) at all reasonable times, enter premises and inspect any stock of wheat or corn sacks, and any accounts, books and documents relating to wheat or corn sacks; and
- (b) take possession of and remove any wheat that is the property of the Board or the delivery of which has been lawfully demanded by the Board, and any corn sacks in which any such wheat is contained or that are the property of the Board.

(2) A person shall not hinder or obstruct a person in the exercise of powers under this section.

(3) Wheat, other than wheat that is the property of the Board, of which possession is taken under subsection one of this section, and any corn sacks in which the wheat is contained, shall, for the purposes of this Act, but without affecting the liability of a person for an offence, be deemed to be delivered to the Board under this Act.

Wheat Industry Stabilization.

Board may
require
returns.

17. (1) For the purposes of this Act, the Board may, by notice in writing served on the person to whom it is addressed either—

(a) personally; or

(b) by post at his last-known place of abode or business,

require a person to furnish in writing to the Board, within the time specified in the notice, such information relating to wheat, wheaten flour, semolina, corn sacks, jute or jute products as is specified in the notice.

(2) A person shall not, without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section; or

(b) furnish to the Board any information that is false or misleading in a particular.

Proper care
to be taken
of wheat
owned by
Board.

18. A person having wheat the property of the Board in his possession or under his care shall exercise proper care and take all proper and reasonable precautions and do all things necessary to preserve and safeguard that wheat and to keep it free from damage or deterioration.

Home con-
sumption
price of
wheat.

19. (1) The price at which the Board shall sell wheat for manufacture into wheat products for human consumption in Australia, or wheat for consumption in Australia by pigs, poultry or dairy stock, is the appropriate price ascertained in accordance with this section.

(2) Subject to this section, the price per bushel in respect of a wholesale sale of bulk wheat of fair average quality free on rails at a port of export shall be the guaranteed price for wheat of the season that is current at the beginning of the year in which the sale is made.

(3)

Wheat Industry Stabilization.

(3) The price applicable under subsection two of this section shall be increased by an amount of two pence per bushel for the purpose of reimbursing the Board for the costs of shipment of wheat to the State of Tasmania.

(4) If the Board reports to the Commonwealth Minister that the amounts being received by the Board by reason of the operation of subsection three of this section, together with amounts being received under corresponding provisions of the Commonwealth Act and of the laws of the other States, are greater or less than the amounts required to meet the costs of shipment of wheat by the Board to the State of Tasmania, the Commonwealth Minister may direct the Board that the amount per bushel specified in that subsection shall be reduced or increased to such extent as he considers necessary.

(5) The price in respect of a sale other than a sale specified in subsection two of this section shall be a price ascertained by adding to or deducting from the price applicable to sales so specified an amount that makes a proper allowance for the quality of the wheat, the conditions of sale and the place of delivery.

(6) In this section, "year" means the period of twelve months commencing on the first day of December, one thousand nine hundred and sixty-three, and each subsequent period of twelve months.

(7) Notwithstanding the repeal of section seventeen of the Wheat Industry Stabilization Act, 1958—

- (a) the prices for sales of wheat by the Board that were applicable under that section immediately before the commencement of this Act continue to be applicable to sales made after the commencement of this Act and before the first day of December, one thousand nine hundred and sixty-three; and
- (b) all moneys received by the Board in respect of such sales by reason of the operation of subsection three or four of that section shall be deemed to be moneys to which subsection one of section twenty of this Act applies.

Wheat Industry Stabilization.

Special
account for
freight to
the State
of Tasmania.

20. (1) Notwithstanding any other provision of this Act but subject to this section, the Board shall keep a separate account of the moneys received by the Board by reason of the operation of subsections three and four of section nineteen of this Act, and of payments made out of those moneys, and shall not apply those moneys except in accordance with this section.

(2) The Board may combine the account required to be kept under subsection one of this section with any similar account or accounts to be kept by it under the Commonwealth Act or under the law of another State or States.

(3) The Board shall use the moneys referred to in subsection one of this section in meeting the costs of shipment of wheat by the Board to the State of Tasmania, and shall not use for that purpose any other moneys derived by it from the sale of wheat delivered to it in pursuance of this Act.

(4) Any moneys referred to in subsection one of this section which remain unexpended after the Board has disposed of the whole of the wheat of the last season to which this Act applies delivered to the Board in Australia shall be applied by the Board for the benefit of the wheat industry in such manner as the Commonwealth Minister, after consultation with the appropriate Minister of each State, directs.

(5) Any moneys that, immediately before the commencement of this Act, were standing to the credit of the account kept by the Board for the purposes of section eighteen of the Wheat Industry Stabilization Act, 1958, shall be deemed to be moneys to which subsection one of this section applies.

Wheat Industry Stabilization.

PART IV.

MISCELLANEOUS.

21. Subject to the Board's paying or making provision for the payment of amounts required to be paid by it under this Act, nothing in this Act shall be deemed to prevent the Board from applying moneys received by it by reason of the exercise of its functions under this Act for the purposes of the Commonwealth Act or an Act of another State relating to the marketing of wheat.

Use of
funds by
Board.

22. (1) In this section "area" means the South West Marginal Wheat Area comprising the County of Dowling and such of the Parishes and parts of Parishes of the Counties of Cooper, Sturt, Gipps, and Nicholson as are set out in the Schedule to this Act.

South West
Marginal
Wheat
Area.

(2) Where the Minister is satisfied that any farm within the area has been reconstructed as an economic farming unit pursuant to plans approved therefor by the Rural Reconstruction Board and is of the opinion that it is desirable for the furtherance of the plans that the growing of wheat on the farm be restricted, he may by notification published in the Gazette declare that the farm shall not be sown to wheat except in accordance with such conditions as may be imposed by the Rural Reconstruction Board for the preservation of the farm as an economic farming unit. Any notification under this section may be revoked or varied by any subsequent notification.

Any notification under section twenty of the Wheat Industry Stabilization Act, 1958, and in force at the commencement of this Act shall be deemed to be a notification under this section.

(3) As from a date to be appointed by the Minister and notified by notice published in the Gazette the functions conferred by subsection two of this section upon the Rural

Reconstruction

Wheat Industry Stabilization.

Reconstruction Board in respect of the imposition of conditions for the preservation of farms as economic farming units shall be transferred to and be discharged by such authority as the Minister may specify in the notice.

Any conditions imposed in respect of any farm by the Rural Reconstruction Board before the date so appointed continue to apply to the farm for the period for which they have been so imposed but may be varied by the authority so specified.

(4) The conditions imposed pursuant to this section—

- (a) may include provisions as to the period during which the conditions are to apply to the farm;
- (b) may include provisions as to the maximum area of the farm which may be sown to wheat in each season during the period;
- (c) may be varied from time to time.

(5) Any person who uses any farm to which any notification under subsection two of this section relates for the growing of wheat otherwise than in accordance with the conditions imposed by the Rural Reconstruction Board or other authority under this section and for the time being in force is guilty of an offence against this Act.

Offences.

23. (1) A person who contravenes, or fails to comply with, any provision of this Act is guilty of an offence against this Act.

(2) A person guilty of an offence against this Act is, where no other penalty is provided, liable to a penalty not exceeding one hundred pounds or imprisonment for a term not exceeding six months.

(3)

Wheat Industry Stabilization.

(3) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a court of petty sessions.

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

(2) The regulations may prescribe penalties not exceeding one hundred pounds or imprisonment for a term not exceeding six months, or both, for offences against the regulations.

(3) 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 the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before the House disallowing any regulation or part thereof, the regulation or part thereupon ceases to have effect.

Wheat Industry Stabilization.

Sec. 22.

SCHEDULE.

COUNTY OF COOPER.

Parish.	Parish.
Ariah.	Moombooldool North—Part
Barellan North—Part North	North of Temora—
of Temora—Griffith	Griffith Railway Line.
Railway Line.	Munduburra.
Bingar.	Narriah.
Binya — Part North of	Oxley.
Temora—Griffith Rail-	Patterson — Part North of
way Line.	Temora—Griffith Rail-
Bourke.	way Line.
Bygoo.	Pulletop.
Cocoparra.	Sandy Creek.
Conapaira.	Sims Gap.
Conapaira East.	Stanley.
Conapaira South.	Tabbita.
Dowling.	Tabbita North.
Euratha.	The Bluff.
Euratha South.	The Peak.
Garoolgan.	Wallandry.
Gurragong.	Wallandry North.
Kolkilbertoo.	Yalgogoring—Part West of
Kolkilbertoo East.	Travelling Stock Route
Kolkilbertoo South.	2510 traversing the
Lewes.	Parish.

COUNTY OF STURT.

Parish.	Parish.
Denny.	Munro.
Kooba.	North Bringagee.
Livingstone.	O'Brien.
Maiden.	Tabbita.
Mirrool.	

COUNTY OF GIPPS.

Parish.	Parish.
Bena.	Brolga.
Bibbijolee.	Bygalore.
Bimbeen.	Cookaburagong.
Bolagamy.	Crown Camp.

SCHEDULE

*Wheat Industry Stabilization.*SCHEDULE—*continued.*COUNTY OF GIPPS—*continued.*

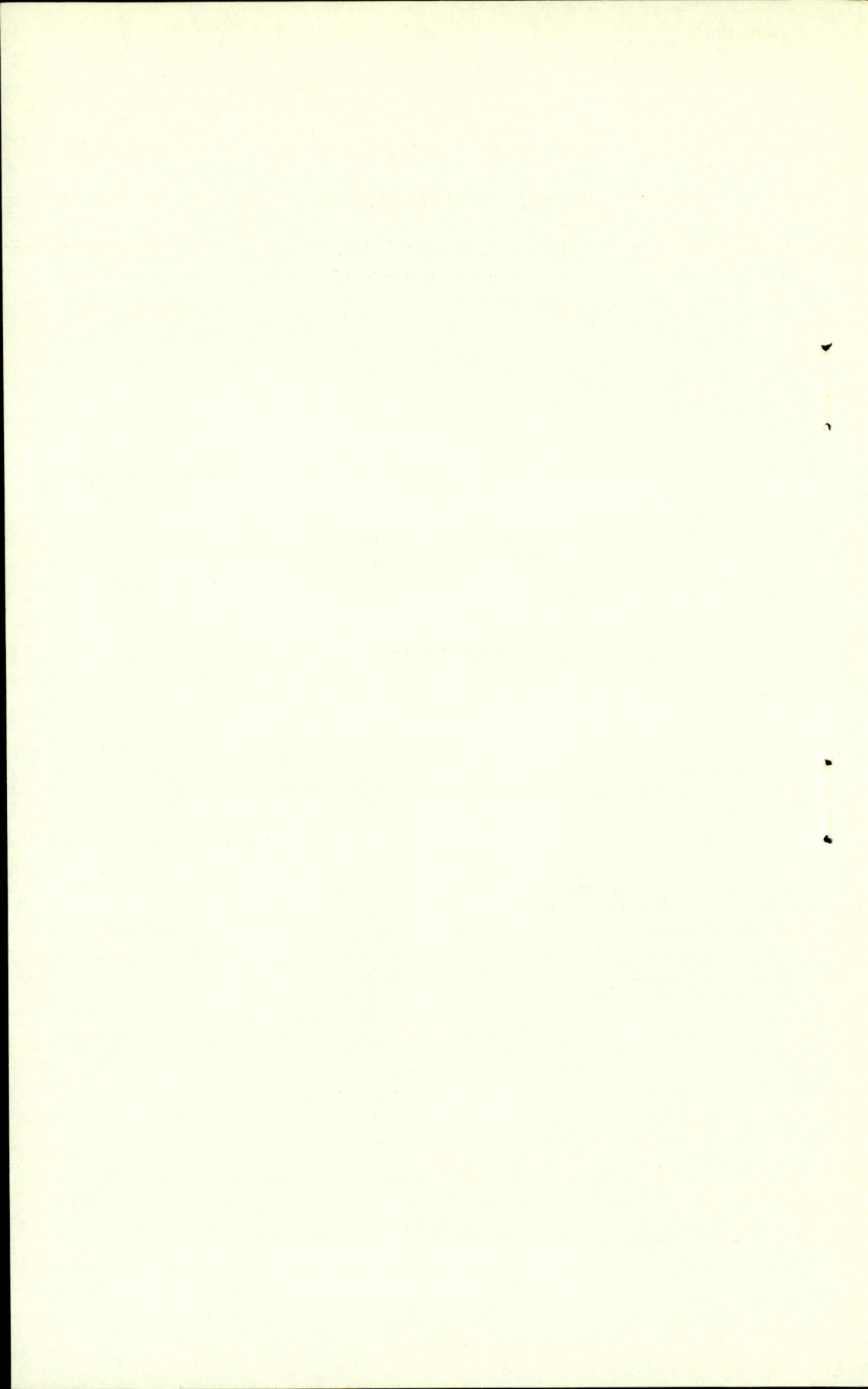
Parish.	Parish.
Currah.	Thulloo.
Euglo.	Ugalong.
Euglo South.	Ungarie.
Gorman's Hill.	Wallaroi.
Goobothery.	Wamboyne.
Kalingan.	Wardry.
Livingstone.	Weelah.
Merribooka.	Wilga.
Milbee.	Wilga South.
Mildil.	Wollongough.
Murrengreen.	Youngareen.
Nerang Cowal.	Younger Plain.
Pulligal.	

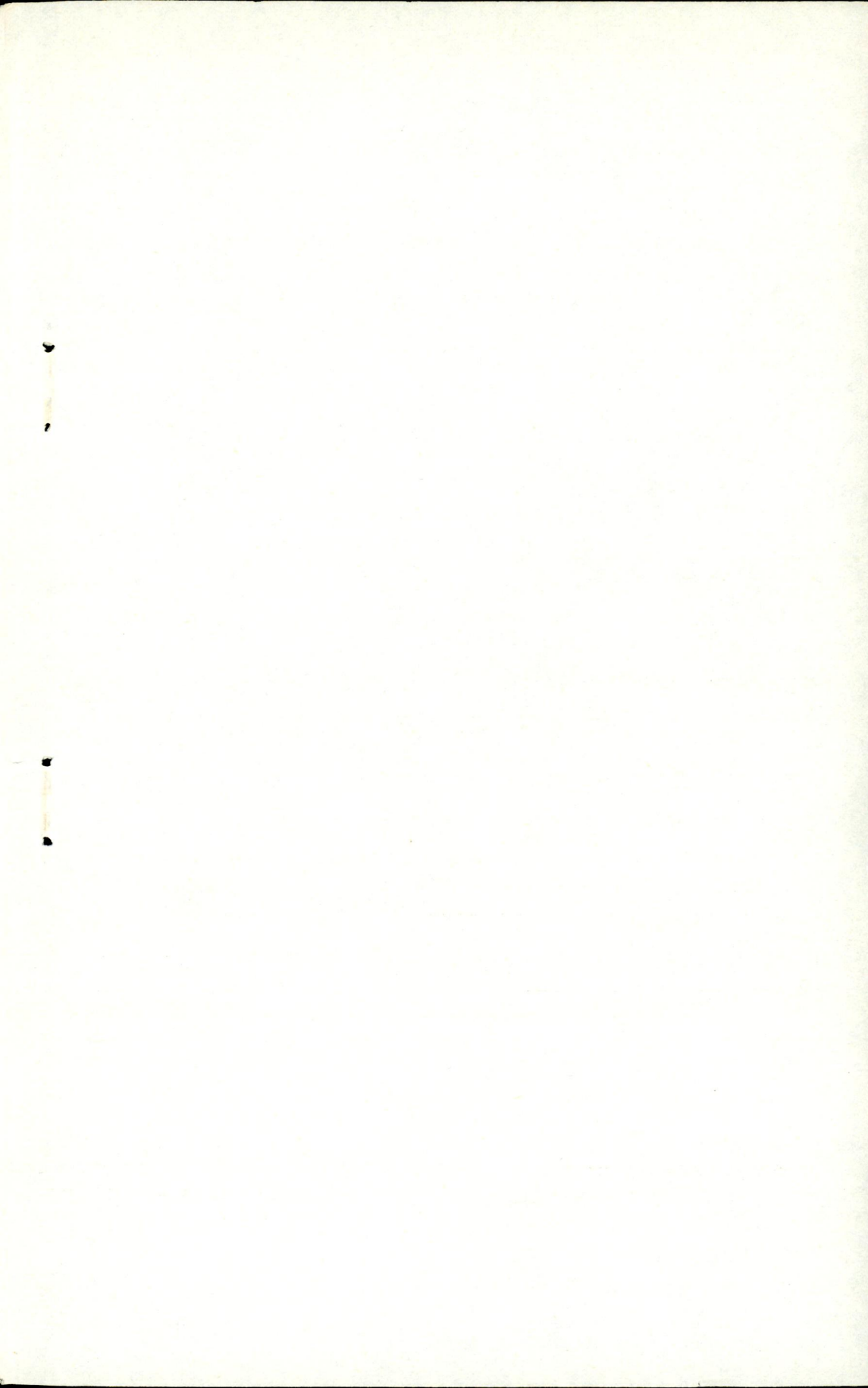
COUNTY OF NICHOLSON.

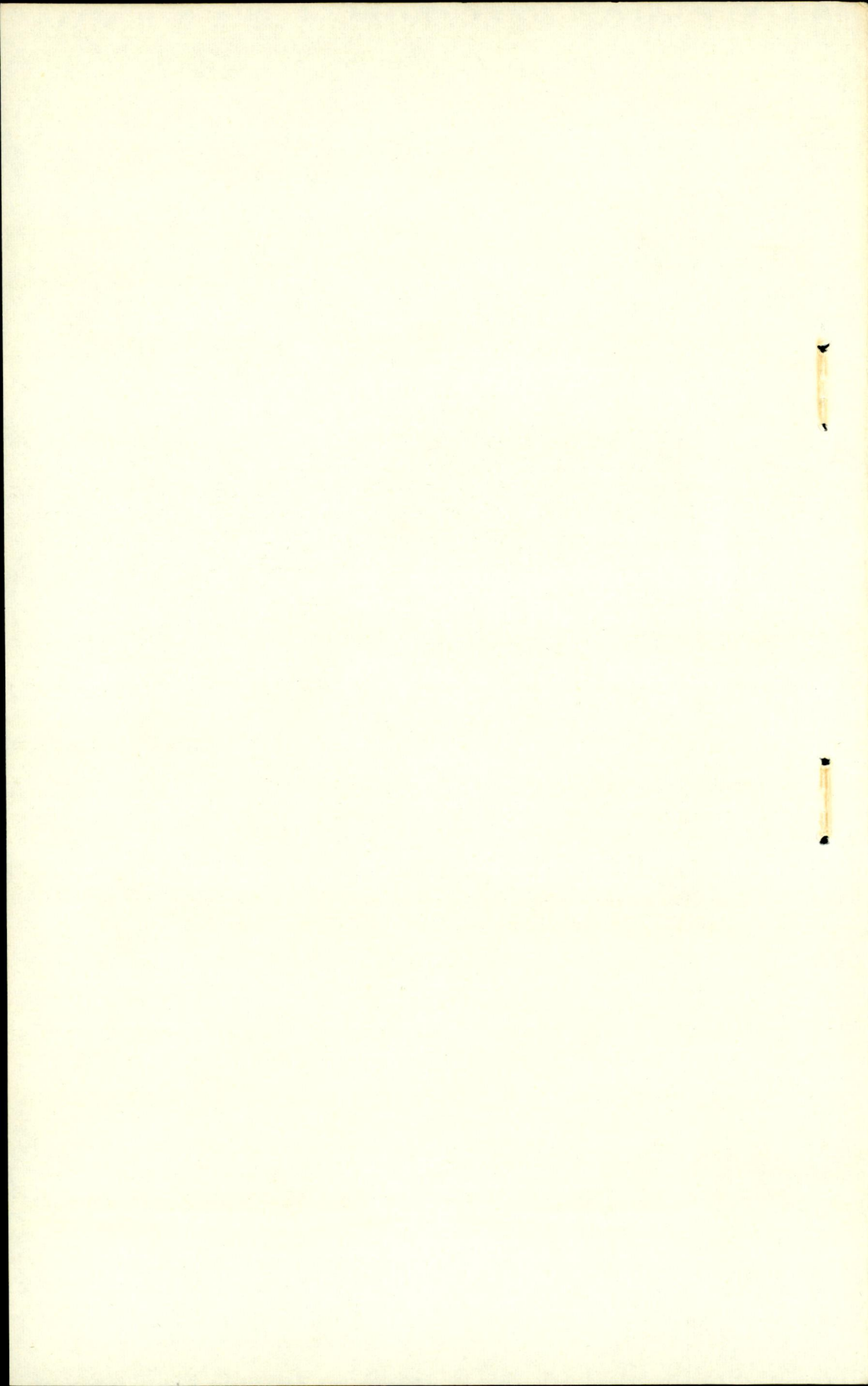
Parish.	Parish.
Beaconsfield.	Lachlan.
Bellingerambil.	Langtree.
Bellingerambil East.	Loughnan.
Bellingerambil South.	Mea Mia South.
Bogia.	Melbergen.
Bolton.	Melbergen South.
Bootheragandra.	Molesworth.
Bunda Bunda.	Moncton.
Bunda Bunda East.	Mullion.
Bunda Bunda North.	Naradhun.
Burgess.	Parker.
Carilla.	Redbank.
Chirnside.	Russell.
East Marowie.	South Marowie.
Elliott.	Stackpoole.
Fox.	Synnot.
Goolgowi.	Townsend.
Goolgowi South.	Wallanthery.
Goolgowi West.	Warrabalong.
Griffiths.	Weenya.
Huntawong.	Weerie.
Ivanhoe.	

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964







I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 10 December, 1963*

New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

Act No. 60, 1963.

An Act to make certain provisions in relation to the stabilization of the wheat industry; to repeal the Wheat Industry Stabilization Act, 1958; to amend the Grain Elevators Act, 1954, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 19th December, 1963.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

(d) HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Wheat Industry Stabilization.

BE it enacted by the Queen'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 :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the "Wheat Industry Stabilization Act, 1963".

Commence-
ment. 2. (1) This Act shall be deemed to have commenced on the twenty-second day of November, one thousand nine hundred and sixty-three.

(2) An act or omission which occurred before the date on which this Act received the Royal Assent shall not be deemed to be an offence against this Act.

Division
into Parts. 3. This Act is divided into Parts as follows :—

PART I.—PRELIMINARY—*ss.* 1-7.

PART II.—POWERS OF THE AUSTRALIAN WHEAT BOARD—*ss.* 8, 9.

PART III.—DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD—*ss.* 10-20.

PART IV.—MISCELLANEOUS—*ss.* 21-24.

Repeal of
Act No.
29, 1958. 4. (1) (a) The Wheat Industry Stabilization Act, 1958, is hereby repealed.

(b)

Wheat Industry Stabilization.

(b) The Grain Elevators Act, 1954, as amended by subsequent Acts, is amended— Amendment
of Act No.
36, 1954.

- (i) by omitting from section three the definition of “Australian Wheat Board” and by inserting in lieu thereof the following definition :— Sec. 3.
(Defini-
tions.)

“Australian Wheat Board” means the Australian Wheat Board continued in existence by the Wheat Industry Stabilization Act 1963 of the Parliament of the Commonwealth of Australia.

- (ii) by omitting from section twenty-one the figures “1958” and by inserting in lieu thereof the figures “1963”. Sec. 21.
(Board
may make
charges.)

(2) Subject to subsection three of this section the provisions of—

- (a) the Wheat Industry Stabilisation Act, 1948, and the amendments thereto made by the Wheat Industry Stabilisation (Amendment) Act, 1951, and the Wheat Marketing (Amendment) Act, 1953;
- (b) the Wheat Industry Stabilization Act, 1954, and the amendments thereto made by the Wheat Industry Stabilization (Amendment) Act, 1957; and
- (c) the Wheat Industry Stabilization Act, 1958,

continue to apply in relation to wheat to which, but for the repeal of any of the said Acts, such provisions would apply.

(3) A reference in any of the provisions referred to in subsection two of this section to the Australian Wheat Board established or continued in existence by an Act of the Parliament of the Commonwealth of Australia, shall, in relation to things done or to be done after the commencement of this Act, be read as a reference to the Board as continued in existence by the Commonwealth Act and conducting its proceedings in accordance with the Commonwealth Act.

(4)

Wheat Industry Stabilization.

(4) Wheat harvested on or after the first day of October, one thousand nine hundred and sixty-three, and delivered to the Board before the commencement of this Act (including wheat delivered to a person who was a licensed receiver for the purposes of the Wheat Industry Stabilization Act, 1958) shall be deemed to have been delivered in pursuance of section ten of this Act, and any advance payment made by the Board in respect of any such wheat before the commencement of this Act shall be deemed to have been made in pursuance of this Act.

Definitions. 5. In this Act, unless the context or subject matter otherwise indicates or requires—

“Board” means the Australian Wheat Board continued in existence by the Commonwealth Act.

“Commonwealth Act” means the Wheat Industry Stabilization Act 1963 of the Parliament of the Commonwealth of Australia.

“Commonwealth Minister” means the Minister of State administering the Commonwealth Act, or another Minister of State of the Commonwealth of Australia acting for and on behalf of that Minister.

“Grain Elevators Board” means the Grain Elevators Board constituted under the Grain Elevators Act, 1954, as amended by subsequent Acts.

“Guaranteed price”, in relation to wheat of a season, has the same meaning as that expression has in the Commonwealth Act.

“Licensed receiver” means a person, firm, company or State authority licensed by the Board to receive wheat on behalf of the Board.

“Season”, in relation to wheat, means the period of twelve months, commencing on the first day of October in any year, during which the wheat was harvested.

Wheat Industry Stabilization.

6. This Act applies in relation to wheat harvested— **Application of Act.**
- (a) in the season that commenced on the first day of October, one thousand nine hundred and sixty-three; and
 - (b) in the next four succeeding seasons.

7. 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 the provision to other persons or circumstances shall not be affected. **Act to apply subject to Constitution.**

PART II.

POWERS OF THE AUSTRALIAN WHEAT BOARD.

8. (1) The Board may— **Powers of Board.**
- (a) purchase wheat, wheaten flour, semolina, corn sacks, jute or jute products;
 - (b) accept wheat delivered to it;
 - (c) sell or dispose of wheat, wheaten flour, semolina, corn sacks, jute or jute products the property of the Board;
 - (d) grist or arrange for the gristing of wheat, and sell or otherwise dispose of the products of the gristing;
 - (e)

Wheat Industry Stabilization.

- (e) manage and control all matters connected with the handling, storage, protection, treatment, transfer or shipment of wheat or other things purchased or otherwise acquired by the Board or sold or otherwise disposed of by the Board :

Provided that the exercise of this power shall be subject to the provisions of any Act and the regulations thereunder with respect to the conditions under which wheat is received for storage by the Grain Elevators Board; and

- (f) do all things that the Board is required or permitted by this Act to do or that are necessary or convenient to be done by the Board for giving effect to this Act.

(2) The Commonwealth Minister may give directions to the Board concerning the performance of its functions and the exercise of its powers, and the Board shall comply with those directions.

Licensed
receivers.

9. (1) Subject to this section, the Board may license, subject to such conditions as are specified in the licence, a person, firm, company or State authority to receive wheat on behalf of the Board, and may cancel or suspend any such licence.

(2) The Grain Elevators Board is entitled to a licence under this section.

(3) A licence to receive wheat on behalf of the Board that was in force immediately before the commencement of this Act shall be deemed to have been granted under this section.

(4) As from a day to be appointed by the Governor and notified by proclamation published in the Gazette—

- (a) all licences granted or deemed to have been granted under this section (other than the licence granted to the Grain Elevators Board) and in force in this State shall be deemed to be cancelled;

(b)

Wheat Industry Stabilization.

(b) all wheat to be delivered to the Board in this State shall be delivered to the Grain Elevators Board as the sole licensed receiver of wheat on behalf of the Board in this State.

(5) The remuneration payable to the Grain Elevators Board as a licensed receiver shall be as agreed between the Minister and the Commonwealth Minister.

PART III.

DELIVERY OF WHEAT TO THE AUSTRALIAN WHEAT BOARD.

10. (1) Subject to this section, a person who is in possession of wheat may deliver that wheat to the Board. Delivery of wheat.

(2) Subject to this section, the Board may—

- (a) by notice in writing served personally on the person to whom it is addressed or served on that person by post at his usual or last-known place of abode or business; or
- (b) by notice published in the Gazette and addressed to persons generally or to persons included in a class of persons,

require the person or each person, as the case may be, to whom the notice is addressed—

- (c) to deliver to the Board any wheat that is in the possession of that person; or
- (d) to deliver to the Board any wheat that, during such period as is specified in the notice, comes into the possession of that person.

(3) Upon delivery of wheat to the Board under this section, the wheat (including any corn sacks in which the wheat is contained) becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.

(4)

Wheat Industry Stabilization.

(4) Nothing in this section applies to—

- (a) wheat harvested before the first day of October, one thousand nine hundred and sixty-three;
- (b) wheat retained by the grower for use on the farm where it is grown;
- (c) wheat that has been sold by the Board; or
- (d) wheat sold or delivered to a person with the approval of the Board.

(5) A person shall not—

- (a) refuse or fail to deliver any wheat to the Board as required by a notice under subsection two of this section; or
- (b) deliver to the Board wheat that has previously been sold by the Board.

Any person guilty of an offence against the provisions of this subsection is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

Delivery
to licensed
receiver.

11. (1) Delivery of wheat to the Board may be made by delivering or consigning the wheat to a licensed receiver.

(2) A person who delivers or consigns wheat to a licensed receiver shall, at the same time, furnish to the licensed receiver in writing the names and addresses of all persons known by him to have or to claim an interest in the wheat, in any corn sacks in which the wheat is contained or in the payment to be made for the wheat or corn sacks, and all particulars known to him of those interests.

12.

Wheat Industry Stabilization.

12. Except as provided in sections ten and eleven of this Act, or with the consent in writing of the Board, a person shall not—

Unauthorised dealings with wheat.

- (a) sell, deliver or part with the possession of, or take into his possession, wheat other than wheat specified in subsection four of section ten of this Act;
- (b) part with the possession of, or take into his possession, wheat that is the property of the Board; or
- (c) purport to sell or offer for sale, or purport to purchase or offer to purchase (otherwise than from the Board), wheat that is the property of the Board.

Any person guilty of an offence against the provisions of this section is liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed, calculated at the guaranteed price for wheat of the season that is current at the time of the offence, or imprisonment for a term not exceeding six months, or both.

13. (1) Where wheat is delivered to the Board in pursuance of this Act, the Board shall pay for that wheat (including the corn sacks, if any, in which the wheat is delivered) an amount determined by the Board in accordance with this section.

Price to be paid for wheat.

(2) The Board shall determine amounts payable under subsection one of this section in respect of wheat of a season by—

- (a) ascertaining the net proceeds of the disposal by the Board of all wheat of that season delivered to the Board in Australia (whether in pursuance of this Act or otherwise);
- (b) deducting from the amount so ascertained an amount calculated at the rate of three pence for each bushel of so much of the wheat of that season grown in the State of Western Australia as the Board certifies to the Commonwealth Minister to have become available for export to places outside
Australia

Wheat Industry Stabilization.

Australia or such lesser amount as the Board determines having regard to the freight charges that have and may become payable in respect of such export and the rate or rates at which freight charges are payable in respect of the export of wheat from other places in Australia; and

- (c) ascertaining the share in the remaining amount of each person entitled to payment under this section by apportioning that remaining amount amongst the persons who delivered wheat of that season to the Board in Australia (whether in pursuance of this Act or otherwise) on the basis of the number of bushels of wheat so delivered by each such person, with proper allowance for differences in the quality of wheat and for transport charges for the carriage of wheat to the terminal port from the place at which the wheat was delivered to the Board, corn sacks in which wheat was supplied to the Board, and other necessary adjustments in particular cases.

(3) For the purposes of this section, the Board is not bound to preserve the identity of wheat of a season, and may keep its accounts in respect of sales in such manner as will, in its judgment, attribute sales to wheat of different seasons in an equitable manner.

(4) The Board is not bound to make a final payment in respect of wheat of a season until it has disposed of the whole of the wheat of that season delivered to it in Australia (whether in pursuance of this Act or otherwise), but the Board may, with the approval of the Commonwealth Minister, make from time to time such advance payments as it considers justified.

(5) Subject to this section, the net proceeds of the disposal of wheat shall, for the purposes of this section, be deemed to be the net return from the disposal of the wheat (including corn sacks in which the wheat was sold) after paying the charge imposed by the Wheat Export Charge Act 1963 of the Parliament of the Commonwealth of Australia, and administration, interest, transport, storage and other

Wheat Industry Stabilization.

other charges incurred by the Board (other than charges for transport to the terminal port from the place at which the wheat is delivered to the Board).

(6) In ascertaining the net proceeds of the disposal of any wheat, no account shall be taken of moneys to which section twenty of this Act, or a corresponding provision of the Commonwealth Act or an Act of another State, applies or of costs of the Board payable out of those moneys.

(7) Where the average price per bushel obtained by the Board for wheat of a season exported by the Board, or sold by the Board for export, is less than the guaranteed price, the net proceeds from the disposal of wheat of that season by the Board shall, for the purposes of this section, be deemed to be increased by the amount that becomes payable to the Board under the Commonwealth Act out of the Wheat Prices Stabilization Fund referred to in that Act, that is to say an amount ascertained by multiplying the amount of the difference between that average price and the guaranteed price by—

- (a) a number equal to the number of bushels of wheat of the season exported by the Board, or sold by the Board for export; or
- (b) one hundred and fifty million,

whichever is the less.

(8) In ascertaining the average price for the purposes of subsection seven of this section, the price obtained in respect of a sale other than a sale of fair average quality bulk wheat free on rails at the port of export shall be deemed to be the price which would have been the corresponding price for a sale of the same quantity of fair average quality bulk wheat free on rails at the port of export.

(9) The obligation of the Board under this section in respect of any wheat is subject to the operation of section eight of the Wheat Tax Act 1957 of the Parliament of the Commonwealth of Australia.

Wheat Industry Stabilization.

Payment by
Board.

14. (1) The amount payable under this Act in respect of any wheat, or wheat and corn sacks, is payable to the person who would have been entitled to receive the price of the wheat if the wheat had been lawfully sold to the Board at the time of the delivery of the wheat.

(2) The same rights (if any) exist against the person receiving an amount paid by the Board under this Act in respect of wheat, or wheat and corn sacks, as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat, or wheat and corn sacks, by him, and any such rights may be enforced by action in any court that would have had jurisdiction if the moneys were the proceeds of such a sale or purported sale.

(3) Payment in good faith by the Board of any moneys payable under this Act to the person appearing to the Board to be entitled to receive them discharges the Board from any further liability in respect of those moneys.

(4) Subject to subsection five of this section, an assignment of moneys payable by the Board in respect of wheat, or wheat and corn sacks, delivered to the Board (not including a registered crop lien) executed after the commencement of this Act is void as against the Board.

(5) Where a person assigns moneys payable to him by the Board in respect of wheat, or wheat and corn sacks, delivered or to be delivered to the Board in payment of, or as security for payment of, an amount payable by that person for corn sacks supplied to him, the Board may pay those moneys to the assignee.

Declaration
to be
furnished
as to old
season's
wheat.

15. (1) A person who—

- (a) consigns or delivers to a licensed receiver wheat harvested before the thirtieth day of September, one thousand nine hundred and sixty-three; or

(b)

Wheat Industry Stabilization.

- (b) consigns or delivers to a licensed receiver, after the final delivery day in respect of a season, wheat harvested in that season,

shall make and forward to the licensed receiver a declaration correctly stating the season during which the wheat was harvested.

(2) For the purposes of this section, the final delivery day in respect of a season is the day declared to be the final delivery day in respect of that season by notice published in the Commonwealth of Australia Gazette under the Commonwealth Act.

16. (1) A member of the police force of the Commonwealth or of the State of New South Wales who is authorized by the Board or the Chairman of the Board to act under this section may—

Entry of premises, seizure of wheat, etc.

- (a) at all reasonable times, enter premises and inspect any stock of wheat or corn sacks, and any accounts, books and documents relating to wheat or corn sacks; and
- (b) take possession of and remove any wheat that is the property of the Board or the delivery of which has been lawfully demanded by the Board, and any corn sacks in which any such wheat is contained or that are the property of the Board.

(2) A person shall not hinder or obstruct a person in the exercise of powers under this section.

(3) Wheat, other than wheat that is the property of the Board, of which possession is taken under subsection one of this section, and any corn sacks in which the wheat is contained, shall, for the purposes of this Act, but without affecting the liability of a person for an offence, be deemed to be delivered to the Board under this Act.

17.

Wheat Industry Stabilization.

Board may
require
returns.

17. (1) For the purposes of this Act, the Board may, by notice in writing served on the person to whom it is addressed either—

(a) personally; or

(b) by post at his last-known place of abode or business,

require a person to furnish in writing to the Board, within the time specified in the notice, such information relating to wheat, wheaten flour, semolina, corn sacks, jute or jute products as is specified in the notice.

(2) A person shall not, without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section; or

(b) furnish to the Board any information that is false or misleading in a particular.

Proper care
to be taken
of wheat
owned by
Board.

18. A person having wheat the property of the Board in his possession or under his care shall exercise proper care and take all proper and reasonable precautions and do all things necessary to preserve and safeguard that wheat and to keep it free from damage or deterioration.

Home con-
sumption
price of
wheat.

19. (1) The price at which the Board shall sell wheat for manufacture into wheat products for human consumption in Australia, or wheat for consumption in Australia by pigs, poultry or dairy stock, is the appropriate price ascertained in accordance with this section.

(2) Subject to this section, the price per bushel in respect of a wholesale sale of bulk wheat of fair average quality free on rails at a port of export shall be the guaranteed price for wheat of the season that is current at the beginning of the year in which the sale is made.

(3)

Wheat Industry Stabilization.

(3) The price applicable under subsection two of this section shall be increased by an amount of two pence per bushel for the purpose of reimbursing the Board for the costs of shipment of wheat to the State of Tasmania.

(4) If the Board reports to the Commonwealth Minister that the amounts being received by the Board by reason of the operation of subsection three of this section, together with amounts being received under corresponding provisions of the Commonwealth Act and of the laws of the other States, are greater or less than the amounts required to meet the costs of shipment of wheat by the Board to the State of Tasmania, the Commonwealth Minister may direct the Board that the amount per bushel specified in that subsection shall be reduced or increased to such extent as he considers necessary.

(5) The price in respect of a sale other than a sale specified in subsection two of this section shall be a price ascertained by adding to or deducting from the price applicable to sales so specified an amount that makes a proper allowance for the quality of the wheat, the conditions of sale and the place of delivery.

(6) In this section, "year" means the period of twelve months commencing on the first day of December, one thousand nine hundred and sixty-three, and each subsequent period of twelve months.

(7) Notwithstanding the repeal of section seventeen of the Wheat Industry Stabilization Act, 1958—

- (a) the prices for sales of wheat by the Board that were applicable under that section immediately before the commencement of this Act continue to be applicable to sales made after the commencement of this Act and before the first day of December, one thousand nine hundred and sixty-three; and
- (b) all moneys received by the Board in respect of such sales by reason of the operation of subsection three or four of that section shall be deemed to be moneys to which subsection one of section twenty of this Act applies.

Wheat Industry Stabilization.

Special
account for
freight to
the State
of Tasmania.

20. (1) Notwithstanding any other provision of this Act but subject to this section, the Board shall keep a separate account of the moneys received by the Board by reason of the operation of subsections three and four of section nineteen of this Act, and of payments made out of those moneys, and shall not apply those moneys except in accordance with this section.

(2) The Board may combine the account required to be kept under subsection one of this section with any similar account or accounts to be kept by it under the Commonwealth Act or under the law of another State or States.

(3) The Board shall use the moneys referred to in subsection one of this section in meeting the costs of shipment of wheat by the Board to the State of Tasmania, and shall not use for that purpose any other moneys derived by it from the sale of wheat delivered to it in pursuance of this Act.

(4) Any moneys referred to in subsection one of this section which remain unexpended after the Board has disposed of the whole of the wheat of the last season to which this Act applies delivered to the Board in Australia shall be applied by the Board for the benefit of the wheat industry in such manner as the Commonwealth Minister, after consultation with the appropriate Minister of each State, directs.

(5) Any moneys that, immediately before the commencement of this Act, were standing to the credit of the account kept by the Board for the purposes of section eighteen of the Wheat Industry Stabilization Act, 1958, shall be deemed to be moneys to which subsection one of this section applies.

PART

Wheat Industry Stabilization.

PART IV.

MISCELLANEOUS.

21. Subject to the Board's paying or making provision for the payment of amounts required to be paid by it under this Act, nothing in this Act shall be deemed to prevent the Board from applying moneys received by it by reason of the exercise of its functions under this Act for the purposes of the Commonwealth Act or an Act of another State relating to the marketing of wheat. Use of funds by Board.

22. (1) In this section "area" means the South West Marginal Wheat Area comprising the County of Dowling and such of the Parishes and parts of Parishes of the Counties of Cooper, Sturt, Gipps, and Nicholson as are set out in the Schedule to this Act. South West Marginal Wheat Area.

(2) Where the Minister is satisfied that any farm within the area has been reconstructed as an economic farming unit pursuant to plans approved therefor by the Rural Reconstruction Board and is of the opinion that it is desirable for the furtherance of the plans that the growing of wheat on the farm be restricted, he may by notification published in the Gazette declare that the farm shall not be sown to wheat except in accordance with such conditions as may be imposed by the Rural Reconstruction Board for the preservation of the farm as an economic farming unit. Any notification under this section may be revoked or varied by any subsequent notification.

Any notification under section twenty of the Wheat Industry Stabilization Act, 1958, and in force at the commencement of this Act shall be deemed to be a notification under this section.

(3) As from a date to be appointed by the Minister and notified by notice published in the Gazette the functions conferred by subsection two of this section upon the Rural

Reconstruction

Wheat Industry Stabilization.

Reconstruction Board in respect of the imposition of conditions for the preservation of farms as economic farming units shall be transferred to and be discharged by such authority as the Minister may specify in the notice.

Any conditions imposed in respect of any farm by the Rural Reconstruction Board before the date so appointed continue to apply to the farm for the period for which they have been so imposed but may be varied by the authority so specified.

(4) The conditions imposed pursuant to this section—

- (a) may include provisions as to the period during which the conditions are to apply to the farm;
- (b) may include provisions as to the maximum area of the farm which may be sown to wheat in each season during the period;
- (c) may be varied from time to time.

(5) Any person who uses any farm to which any notification under subsection two of this section relates for the growing of wheat otherwise than in accordance with the conditions imposed by the Rural Reconstruction Board or other authority under this section and for the time being in force is guilty of an offence against this Act.

Offences. **23.** (1) A person who contravenes, or fails to comply with, any provision of this Act is guilty of an offence against this Act.

(2) A person guilty of an offence against this Act is, where no other penalty is provided, liable to a penalty not exceeding one hundred pounds or imprisonment for a term not exceeding six months.

(3)

Wheat Industry Stabilization.

(3) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a court of petty sessions.

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

(2) The regulations may prescribe penalties not exceeding one hundred pounds or imprisonment for a term not exceeding six months, or both, for offences against the regulations.

(3) 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 the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before the House disallowing any regulation or part thereof, the regulation or part thereupon ceases to have effect.

SCHEDULE.

Wheat Industry Stabilization.

Sec. 22.

SCHEDULE.

COUNTY OF COOPER.

Parish.	Parish.
Ariah.	Moombooldool North—Part
Barellan North—Part North	North of Temora—
of Temora—Griffith	Griffith Railway Line.
Railway Line.	Munduburra.
Bingar.	Narriah.
Binya — Part North of	Oxley.
Temora—Griffith Rail-	Patterson — Part North of
way Line.	Temora—Griffith Rail-
Bourke.	way Line.
Bygoo.	Pulletop.
Cocoparra.	Sandy Creek.
Conapaira.	Sims Gap.
Conapaira East.	Stanley.
Conapaira South.	Tabbita.
Dowling.	Tabbita North.
Euratha.	The Bluff.
Euratha South.	The Peak.
Garoolgan.	Wallandry.
Gurragong.	Wallandry North.
Kolkilbertoo.	Yalgogoring—Part West of
Kolkilbertoo East.	Travelling Stock Route
Kolkilbertoo South.	2510 traversing the
Lewes.	Parish.

COUNTY OF STURT.

Parish.	Parish.
Denny.	Munro.
Kooba.	North Bringagee.
Livingstone.	O'Brien.
Maiden.	Tabbita.
Mirrool.	

COUNTY OF GIPPS.

Parish.	Parish.
Bena.	Brolga.
Bibbijolee.	Bygalore.
Bimbeen.	Cookaburagong.
Bolagamy.	Crown Camp.

SCHEDULE

*Wheat Industry Stabilization.*SCHEDULE—*continued.*COUNTY OF GIPPS—*continued.*

Parish.	Parish.
Currah.	Thulloo.
Euglo.	Ugalong.
Euglo South.	Ungarie.
Gorman's Hill.	Wallaroi.
Goobothery.	Wamboyne.
Kalingan.	Wardry.
Livingstone.	Weelah.
Merribooka.	Wilga.
Milbee.	Wilga South.
Mildil.	Wollongough.
Murrengreen.	Youngareen.
Nerang Cowal.	Younger Plain.
Pulligal.	

COUNTY OF NICHOLSON.

Parish.	Parish.
Beaconsfield.	Lachlan.
Bellingerambil.	Langtree.
Bellingerambil East.	Loughnan.
Bellingerambil South.	Mea Mia South.
Bogia.	Melbergen.
Bolton.	Melbergen South.
Bootheragandra.	Molesworth.
Bunda Bunda.	Moncton.
Bunda Bunda East.	Mullion.
Bunda Bunda North.	Naradhun.
Burgess.	Parker.
Carilla.	Redbank.
Chirnside.	Russell.
East Marowie.	South Marowie.
Elliott.	Stackpoole.
Fox.	Synnot.
Goolgowi.	Townsend.
Goolgowi South.	Wallanthery.
Goolgowi West.	Warrabalong.
Griffiths.	Weenya.
Huntawong.	Weerie.
Ivanhoe.	

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

Government House,
Sydney, 19th December, 1963.

W. W. W. W. W.

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