

WHEAT QUOTAS BILL.

*Schedule of Amendments referred to in Legislative Council's
Message of 11 November, 1970*

- No. 1.—Page 5, clause 4, line 2. *Omit* “thirty-first day of August”, *insert* **“thirtieth day of September”**.
- No. 2.—Page 5, clause 4, lines 18 and 19. *Omit* “thirty-first day of August”, *insert* **“thirtieth day of September”**.
- No. 3.—Page 10, clause 7, line 32. *Omit* “thirty-first day of August”, *insert* **“thirtieth day of September”**.

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 October, 1970.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

A. W. SAXON,
for Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 11 November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to provide for the allocation of quotas in respect of wheat of the 1970-1971 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend that Act; and for purposes connected therewith.

BE

30577 373—A

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**.

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5 **B**E 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. (1) This Act may be cited as the "Wheat Quotas Act, 1970". Short title and commencement.

10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is divided as follows :—

Division of Act.

PART I.—PRELIMINARY—*ss.* 1–4.

15 PART II.—MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT, 1968—*s.* 5.

PART III.—QUOTAS FOR THE 1970–1971 SEASON—*ss.* 6–13.

DIVISION 1.—1969–1970 *Season Growers*—*s.* 6.

20 DIVISION 2.—*New Growers*—*ss.* 7–9.

DIVISION 3.—1970–1971 *Northern Prime Hard Quotas*—*ss.* 10–13.

PART IV.—SHAREFARMERS—*ss.* 14, 15.

PART V.—MISCELLANEOUS—*ss.* 16–35.

25 SCHEDULE.

3. (1) For the purposes of this Act, the year that commenced on the first day of October, one thousand nine hundred and sixty-nine, and each subsequent year, not being a year in respect of which a proclamation is made under subsection two of this section, is a quota season. Quota seasons.

(2)

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(2) The Governor may, by proclamation published in the Gazette on or before the first day of April in any year, declare that the year commencing on the next following first day of October is not a quota season for the purposes of this Act.

4. (1) In this Act, except in so far as the context or Interpretation. subject-matter otherwise indicates or requires—

10 “basic quota” means, subject to subsection two of section forty-one of the Wheat Quotas Act, 1969, a basic quota allocated under section six, section nine or subsection one of section thirty-three of that Act;

“1970–1971 quota” means 1970–1971 quota allocated under this Act;

15 “1970–1971 northern prime hard quota” means 1970–1971 northern prime hard quota allocated under this Act;

“owner”, in relation to land, includes—

(a) every person who jointly or severally, whether at law or in equity—

20 (i) is entitled to the land for any estate of freehold in possession;

25 (ii) is a person to whom the Crown has lawfully contracted to grant the fee-simple under the Crown Lands Acts or any other Act relating to the alienation of lands of the Crown; or

30 (iii) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise;

35 (b) the lessee from any owner as defined in paragraph (a) of this definition; and

(c)

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5 (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) of this definition and entitles the licensee to grow wheat on that owner's land,

but where two or more persons are the owners of any land and—

10 (d) are owners, as defined in paragraph (a) of this definition, of that land and are joint tenants or tenants in common of that land;

(e) are owners, as defined in paragraph (b) of this definition, of that land and are joint lessees of that land; or

15 (f) are owners, as defined in paragraph (c) of this definition, of that land and are joint licensees of that land,

those persons shall, for the purposes of this Act, be regarded as only one owner;

20 "sharefarmer" means a person who has entered into an agreement with the owner of any land that is in New South Wales or in the Australian Capital Territory whereby—

25 (a) that owner grants a licence to that person to use and occupy the whole or any part of the land for agricultural or pastoral purposes or partly for agricultural and partly for pastoral purposes;

30 (b) that person undertakes to provide labour either with or without materials or stock for the working of the land to which the agreement relates; and

35 (c) the owner and that person agree that the produce of the land to which the agreement relates, derived during the currency of the agreement, or the proceeds of the sale of that produce, shall be divided between the parties in specified proportions or shares,

where

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5 where that person, pursuant to that agreement, sowed wheat before the ~~thirty first day of August~~ **thirtieth day of September**, one thousand nine hundred and seventy, for harvesting in the 1970-1971 season on the land to which the agreement relates;

10 "sharefarming agreement" means an agreement of the nature referred to in the definition of "sharefarmer" in this subsection made between a sharefarmer and the owner of any land to whom a 1970-1971 quota is allocated;

"the 1969-1970 season" has the meaning ascribed thereto in section three of the Wheat Quotas Act, 1969;

15 "the 1970-1971 season" means the year that commenced on the first day of October, one thousand nine hundred and seventy;

20 "wheatgrower" means a person who, before the ~~thirty first day of August~~ **thirtieth day of September**, one thousand nine hundred and seventy, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1970-1971 season.

(2) This Act shall be read and construed with and as part of the Wheat Industry Stabilization Act, 1968.

PART II.

MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT, 1968.

30 5. (1) In this section "prescribed season" means—
(a) a quota season; or
(b) a season that is not a quota season but next follows a quota season.

Modification of operation of Wheat Industry Stabilization Act, 1968.

(2)

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(2) In relation to a prescribed season, section fourteen of the Wheat Industry Stabilization Act, 1968, has effect as if references in that section to wheat or wheat of a season were references to wheat included in the pool for that
5 prescribed season in accordance with this section.

(3) The pool for a prescribed season that is a quota season (in this subsection referred to as the relevant season) consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization
10 Act, 1968, or of a law of another State or of the Commonwealth) :—

- 15 (a) wheat (whether of the relevant season or of any quota season that preceded the relevant season) delivered during the relevant season or any quota season that preceded the relevant season and appearing from the records of the Board to be the whole or a part of a quota that is applicable in relation to a person in respect of the relevant season under this Act or under a law of another
20 State providing for the fixing of wheat quotas;
- (b) any other wheat, being wheat of the relevant season declared by the Board to have been sold by the Board, and paid for in full, during the relevant season; and
- 25 (c) any other wheat, being wheat of any quota season that preceded the relevant season and wheat that—
 - (i) was delivered to the Board before the relevant season;
 - 30 (ii) was not included in the pool for any season that preceded the relevant season; and
 - (iii) is declared by the Board to have been sold by the Board, and paid for in full, during the relevant season.

(4)

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(4) The pool for a prescribed season that is not a quota season consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization Act, 1968, or of a law of another State or of the Commonwealth) :—

- (a) wheat of that season; and
- (b) wheat of any quota season that preceded that prescribed season and was not included in the pool for any season that preceded that prescribed season.

10 (5) The Board may, in such manner as it considers equitable, attribute sales of wheat the subject of a declaration by the Board referred to in paragraph (b) or (c) of subsection three of this section, being wheat of a particular kind, to all or any of the wheat of that particular kind delivered
15 by particular persons.

PART III.

QUOTAS FOR THE 1970-1971 SEASON.

DIVISION 1.—1969-1970 Season Growers.

6. (1) In this Part—

20 “over-quota wheat” means wheat delivered to the Board during the 1969-1970 season that—

Calculation and allocation of 1970-1971 quotas.

- (a) did not form part of the pool referred to in subsection two of section four of the Wheat Quotas Act, 1969; and
- 25 (b) was not wheat in respect of which a person was disqualified by section ten of the Wheat Quotas Act, 1969, from receiving a basic quota;

“prescribed person” means a person—

30 (a) to whom a basic quota was allocated;

(b)

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5 (b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section thirty-five excepted);

(c) who delivered over-quota wheat; and

(d) who is not a person referred to in subsection five of this section;

10 “prescribed quantity” in relation to a prescribed person means the 1970–1971 quota which that person would have been allocated if he had been entitled to a quota under this section (subsection five excepted).

15 (2) Subject to subsection four of this section and sections sixteen and twenty-eight of this Act, the Grain Elevators Board shall allocate a 1970–1971 quota, calculated in accordance with the formula specified in subsection three of this section, to a person—

20 (a) to whom a basic quota was allocated;

(b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section
25 thirty-five excepted);

(c) who did not deliver over-quota wheat; and

(d) who is a wheatgrower.

(3) The formula referred to in subsection two of this section is—

30
$$a = b - \frac{b \times c}{100}$$

where—

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where—

- a = the quantity (in bushels) of wheat which is the 1970–1971 quota to be allocated to that person;
- 5 b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and
- c = the figure specified in the second column of the table hereto opposite an item specified in the first column of that table, being an item within the limits of which the basic quota allocated to that person fell.

10 TABLE.

	First Column.	Second Column.	Third Column.
15	BASIC QUOTAS. Quantity (in bushels) of wheat.	REDUCTION FIGURE.	MINIMUM 1970–1971 QUOTAS. Quantity (in bushels) of wheat.
	Under 1000	—	
	1000–2000	5	1000
	2001–3000	7½	1900
	3001–4000	10	2775
20	4001–5000	12½	3600
	5001–6000	15	4375
	6001–7000	17½	5100
	7001–8000	20	5775
	8001–9000	22½	6400
25	9001–10000	25	6975
	10001–12000	27½	7500
	12001–14000	30	7975
	14001–20000	32½	9100
	20001–40000	34	13500
30	40001 and over	35	26400

(4) Where—

- (a) the basic quota of a person entitled under subsection two of this section to a 1970–1971 quota was within the limits of an item in the first column of the table to subsection three of this section; and
- 35

(b)

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5 (b) the amount ascertained by the application in respect of that basic quota of the formula in subsection three of this section is less than the amount specified opposite that item in the third column of that table,

the Grain Elevators Board shall, in lieu of allocating to that person under subsection two of this section a quota of the amount so ascertained, allocate to that person a quota of the amount so specified in that third column.

10 (5) Where a person would, but for the fact that he delivered over-quota wheat, be allocated a 1970-1971 quota under subsection two or four of this section of a quantity exceeding the quantity of over-quota wheat delivered by him—

15 (a) the Grain Elevators Board shall, subject to section twenty-eight of this Act, allocate to him a 1970-1971 quota of a quantity equal to the amount of that excess; and

20 (b) without affecting that quota he shall, for the purposes of Part II of this Act, be deemed to have delivered that over-quota wheat to the Board pursuant to a 1970-1971 quota during the 1970-1971 season.

25 (6) A prescribed person shall, for the purposes of Part II of this Act, be deemed to have, pursuant to a 1970-1971 quota, delivered to the Board during the 1970-1971 season a quantity of wheat that is the prescribed quantity for that person.

DIVISION 2.—*New Growers.*

30 7. In this Part, "new grower" means owner of land in New South Wales or the Australian Capital Territory on which wheat was, before the ~~thirty first day of August~~ ^{New growers.} **thirtieth day of September**, one thousand nine hundred and seventy, sown for harvesting in the 1970-1971 season, but
35 does not include a person who was allocated a basic quota.

8.

Wheat Quotas.

8. Subject to section nine of this Act, where a new grower— 1970-1971 quota for a new grower.

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1970-1971 quota;
- 5 (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant;
- (c) duly furnishes any such additional information within the time specified for the purpose in the notice; and
- 10 (d) is a member of a class of new growers that the Minister notifies the Grain Elevators Board to be a class of new growers of which the members may be allocated 1970-1971 quotas,

15 the Grain Elevators Board may allocate a 1970-1971 quota to that new grower in the manner, and for the quantity, notified by the Minister to the Grain Elevators Board.

9. The Grain Elevators Board may, by a notice referred to in paragraph (b) of section eight of this Act, require any Verification of certain information.

20 or all of the additional information specified in the notice to be verified by statutory declaration and any such additional information to which such a requirement relates shall be deemed not to have been duly furnished to the Grain Elevators Board unless it has been so verified.

25 DIVISION 3.—1970-1971 *Northern Prime Hard Quotas.*

10. In this Part “northern prime hard wheat” means Interpretation.

wheat—

- (a) that complies with the standard for fair average quality wheat determined by the Board for the
- 30 1970-1971 season;
- (b) that is one of the following varieties :—
- Timgalen, Mendos, Gamut, Gatcher, Spica,
Windebri, Winglen or Gala;

(c)

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- (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture;
- (d) that contains an admixture of no more than ten per centum by volume of mottled, soft or bleached grains.

5

11. Where a person—

- (a) is entitled to a 1970–1971 quota pursuant to subsection two or four, or paragraph (a) of subsection five, of section six of this Act; and

Allocation of 1970–1971 northern prime hard quotas.

10

- (b) has been allocated storage space during the 1970–1971 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act,

the Grain Elevators Board shall allocate to that person a northern prime hard quota calculated in accordance with the formula specified in section twelve of this Act.

12. The formula referred to in section eleven of this Act is—

20

$$a = 11,500,000 \times \frac{b}{c}$$

Formula for allocation of 1970–1971 northern prime hard quotas.

where—

- a = the quantity (in bushels) of northern prime hard wheat which is the 1970–1971 northern prime hard quota to be allocated to that person;
- b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and
- c = the quantity (in bushels) of wheat calculated by aggregating the quantity (in bushels) of wheat specified in the basic quotas of all persons who are allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970–1971 season.

25

30

13.

Wheat Quotas.

13. (1) Where a person who is allocated a 1970-1971 quota under Division 1 of this Part has not been allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

Allocation of additional 1970-1971 northern prime hard quotas.

(2) Where a person who is allocated a 1970-1971 quota under Division 2 of this Part is allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

PART IV.

SHAREFARMERS.

14. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota (in this Part referred to as an allottee) is a party to a sharefarming agreement and it proposes to forward a quota authority under section twenty-three of this Act in respect of that quota, it shall specify in that quota authority that the quota has been allocated to specified persons jointly (being the parties to the sharefarming agreement) and the quota shall be deemed to have been allocated to those persons jointly in lieu of to the allottee.

Quota authority to include name of sharefarmer.

15.

Wheat Quotas.

15 **15.** (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1970-1971 quota or, as the case may be, the 1970-1971 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties, the Board shall cancel the quota so allocated and shall notify the allottee and each of the parties to the sharefarming agreement that, within a time specified in the notification, they may make to the Board such written representations as they think fit in connection with the dispute.

Grain Elevators Board to settle quota dispute among parties to share-farming agreement.

15 (2) Where a quota is cancelled pursuant to subsection one of this section the Grain Elevators Board shall, after considering any representations made to it by the allottee and other parties and any other matters it considers relevant, allocate 1970-1971 quotas or, as the case may require, 1970-1971 northern prime hard quotas, to the allottee and the other parties to the sharefarming agreement in such manner and for such quantities not exceeding in the aggregate the quantity of the cancelled quota, as it thinks fit.

(3) The Grain Elevators Board may require any information furnished to it by an allottee or other party to a sharefarming agreement to be verified by statutory declaration.

PART V.

MISCELLANEOUS.

25

16. The Grain Elevators Board may refuse to allocate a 1970-1971 quota or a 1970-1971 northern prime hard quota, or may allocate a reduced 1970-1971 quota or a reduced 1970-1971 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

- (a) was not entitled to be allocated a basic quota; or
- (b) was not entitled to be allocated a basic quota of the quantity allocated.

17.

Wheat Quotas.

17. Where, after the Grain Elevators Board has allocated a 1970-1971 quota, or a 1970-1971 northern prime hard quota, to a person, that Board is satisfied—

Quota may be cancelled.

- 5 (a) that the basic quota allocated to that person was calculated incorrectly;
- (b) that that person was, under a law of another State, allocated a quota of a kind that, in the opinion of the Grain Elevators Board, is equivalent to a basic quota;
- 10 (c) that the basic quotas allocated to that person and another person or other persons were calculated by reference, wholly or partly, to the same wheat delivered to the Board in any of the relevant seasons within the meaning of the Wheat Quotas Act, 1969, or sown for harvesting in the 1969-1970 season within the meaning of that Act; or
- 15 (d) that the 1970-1971 quota, or the 1970-1971 northern prime hard quota, allocated to that person was calculated incorrectly,

20 the Grain Elevators Board may cancel that person's 1970-1971 quota or his 1970-1971 northern prime hard quota and if it thinks fit allocate to him another 1970-1971 quota or 1970-1971 northern prime hard quota for such quantity of wheat as it thinks fit.

25 18. Where a person has been allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1970-1971 quota or 1970-1971 northern prime hard quota and allocate

30 it to such person as is, or allocate it in such proportions and to such persons as are, specified in the application.

Transfer of quotas.

19. (1) Where a person to whom a 1970-1971 quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board wheat as, or as part of, his 1970-1971 quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

Cancellation or reduction of 1970-1971 quota where wheat cannot be delivered as part of that quota, etc.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 5 1970-1971 quota, the Grain Elevators Board shall cancel that person's 1970-1971 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be able 10 to deliver to the Board wheat as part of his 1970-1971 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 quota to that quantity.

20 **20.** (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1970-1971 quotas will be less than ninety-nine million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of wheat which is likely to be 20 the short fall.

Allocation of short fall of wheat under 1970-1971 quotas.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 quotas as the Minister may determine 25 and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section the Minister shall give preference to persons whose basic quotas were cancelled under subsection two, or reduced under subsection three, of 30 section thirty-five of the Wheat Quotas Act, 1969.

35 **21.** (1) Where a person to whom a 1970-1971 northern prime hard quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board northern prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

Cancellation or reduction of 1970-1971 northern prime hard quotas where northern prime hard wheat cannot be delivered.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be unable to deliver to the Board any northern prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1970-1971 northern prime hard quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1970-1971 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 northern prime hard quota to that quantity.

22. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which may be delivered pursuant to all 1970-1971 northern prime hard wheat quotas will be less than twelve million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of northern prime hard wheat which is likely to be the short fall.

Allocation of short fall of northern prime hard wheat.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 northern prime hard quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section, the Minister shall give preference to persons whose northern prime hard quotas under the Wheat Quotas Act, 1969, were cancelled under subsection two, or reduced under subsection three, of section thirty-one of that Act.

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23. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1970-1971 quota to any person, that 1970-1971 quota shall be deemed to have been allocated to that person under this Act. Quotas allocated before commencement of Act.

5 (2) The Grain Elevators Board—

(a) shall, in the case of a person to whom a 1970-1971 quota is allocated by that Board; or

10 (b) may, in the case of a person to whom a 1970-1971 northern prime hard quota is allocated by that Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1970-1971 quota or 1970-1971 northern prime hard quota, as the case may be.

15 24. (1) If any quota authority is lost or destroyed or defaced before all the wheat in respect of which it was issued has been delivered to the Board, the Grain Elevators Board may, subject to this section, issue a new quota authority in lieu thereof. Lost quota authorities.

20 (2) Where a quota authority is lost or destroyed the new quota authority shall not be issued unless the person who lost the quota authority lodges a statutory declaration with the Grain Elevators Board containing a statement that the quota authority has been lost or destroyed.

25 (3) Where a quota authority is defaced the new quota authority shall not be issued unless the defaced quota authority is lodged with the Grain Elevators Board for cancellation.

30 (4) In issuing a new quota authority under this section, the Grain Elevators Board shall ensure that the quantity of wheat specified in the new quota authority is the quantity

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quantity specified in the lost, destroyed or defaced quota authority less any quantity of wheat delivered pursuant to that quota authority before it was lost, destroyed or defaced.

5 **25.** (1) Nothing in this Act affects the operation of any scheme prepared by the Grain Elevators Board under section 12A of the Grain Elevators Act, 1954.

Schemes under section 12A of Grain Elevators Act, 1954, not affected.

(2) Notwithstanding any other provision of this or of any other Act, the Grain Elevators Board—

10 (a) may refuse to accept delivery of any wheat as being part of a 1970–1971 quota from a person if that person's quota authority is not presented to that Board at the time of the delivery; and

15 (b) shall refuse to accept delivery of any wheat as being part of a 1970–1971 northern prime hard quota unless it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act and is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is
20 prime hard wheat.

26. (1) Notwithstanding any other provision of this Act, the Grain Elevators Board, with the approval of the Minister, may, in a special case and if it thinks it equitable or proper to do so, allocate a 1970–1971 quota to any person who, but
25 for this section, would not be entitled to a 1970–1971 quota and as soon as practicable thereafter forward to that person a quota authority, or increase a 1970–1971 quota allocated to any person.

1970–1971 quotas may be allocated in special cases.

30 (2) Where the Grain Elevators Board determines that the total quantity of wheat in respect of which 1970–1971 quotas have been allocated exceeds ninety-nine million bushels, that Board shall reduce all the 1970–71 quotas, in so far as they apply to wheat that has not at the date of the determination

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determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

- 5 (3) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1970-1971 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall reduce all the 1970-1971 northern prime hard quotas, in so far as they apply to northern prime hard wheat that has not
10 at the date of the determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

27. (1) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota is increased, reduced or cancelled
15 under this Act the person to whom the 1970-1971 quota or 1970-1971 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

Quota authorities to be returned after increase, reduction or cancellation.

- 20 (2) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1970-1971
25 quota or a 1970-1971 northern prime hard quota, as the case may be, equal to that specified quantity.

28. A 1970-1971 quota shall not be allocated to—

Basic quotas not to be allocated to certain persons.

- (a) a person in respect of wheat sown for harvesting
30 in the 1970-1971 season on land situated wholly or partly within the area defined by a proclamation in force under section four of the Border Railways (Grain Elevators) Amendment Act, 1957; or

(b)

Wheat Quotas.

- 5 (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1970-1971 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

10 **29.** (1) The provisions of any Act of the State of Victoria that provides for the allocation of quotas for the delivery of wheat, or of storage space for wheat, grown on land referred to in paragraph (a) of section twenty-eight of this Act apply, in respect of wheat of the 1970-1971 season, to persons who have sown wheat for harvesting in that season on that land as if that land were part of the State of Victoria.

Certain areas deemed to be part of Victoria for certain purposes.

15 (2) A person who has grown wheat of the 1970-1971 season on land other than land referred to in paragraph (a) of section twenty-eight of this Act is not entitled to deliver that wheat to any of the elevators or works operated by the Grain Elevators Board of the State of Victoria situated on
20 any land so referred to, except with the consent of that Board.

30. No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against—

Where no action shall lie.

- (a) Her Majesty;
- 25 (b) the Minister; or
- (c) the Grain Elevators Board, or any member or employee thereof,

for anything bona fide done or omitted to be done for the purposes of carrying out or giving effect to this Act.

31.

Wheat Quotas.

5 **31.** (1) No writ of injunction or mandamus or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act. Decisions of Minister, etc., to be final.

(2) The validity of any proceeding or decision of the Minister or the Grain Elevators Board shall not be challenged in any manner whatsoever.

10 **32.** Any person who contravenes or fails to comply with a provision of this Act for which no penalty is expressly provided is guilty of an offence against this Act and liable to a penalty not exceeding four hundred dollars. Penalty.

15 **33.** All proceedings for offences against this Act or the regulations made under this Act shall be disposed of summarily before a court of petty sessions. Proceedings.

34. The provisions of section thirty-two of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act. Offences by companies and joint offenders.

20 **35.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to 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.

25 (2) The regulations may make different provisions in respect of different matters according to time, place or circumstances.

Wheat Quotas.

(3) The regulations may prescribe a penalty not exceeding four hundred dollars for any contravention of, or failure to comply with any provision of, the regulations.

SCHEDULE.

Secs. 11,
12 and 13.

5	Armatree	Gravesend
	Baan Baa	Gular
	Baradine	Gunnedah
	Bellata	Gurley
	Biniguy	Gwabegar
10	Boggabilla	Merah North
	Boggabri	Merrywinebone
	Burren Junction	Milguy
	Combara	Moree
	Combo	Mungeribar
15	Coonamble	Narrabri West
	Crooble	Narromine
	Croppa Creek	Nea
	Cryon	Nevertire
	Culgoora	North Star
20	Curban	Nyngan
	Curlewis	Premier
	Delungra	Quirindi
	Edgeroi	Springridge
	Emerald Hill	Tamarang
25	Eumungerie	Trangie
	Garah	Weemelah
	Gilgandra	Wee Waa

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[20c]

Wheat

The wheat situation was very good in 1930. The crop was abundant and the price was high. The demand for wheat was also high.

Wheat

1930

Canada
France
Germany
Italy
Japan
Mexico
Netherlands
Poland
Rumania
Soviet Union
Spain
Sweden
Switzerland
Turkey
U.S.A.
U.S.S.R.
Yugoslavia

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

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 October, 1970.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to provide for the allocation of quotas in respect of wheat of the 1970–1971 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend that Act; and for purposes connected therewith.

BE

30577 373—A

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Wheat Quotas.

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. (1) This Act may be cited as the "Wheat Quotas Act, 1970". Short title and commencement.

10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is divided as follows :— Division of Act.

PART I.—PRELIMINARY—*ss.* 1–4.

15 PART II.—MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT, 1968—*s.* 5.

PART III.—QUOTAS FOR THE 1970–1971 SEASON—*ss.* 6–13.

DIVISION 1.—1969–1970 *Season Growers*—*s.* 6.

20 DIVISION 2.—*New Growers*—*ss.* 7–9.

DIVISION 3.—1970–1971 *Northern Prime Hard Quotas*—*ss.* 10–13.

PART IV.—SHAREFARMERS—*ss.* 14, 15.

PART V.—MISCELLANEOUS—*ss.* 16–35.

25 SCHEDULE.

3. (1) For the purposes of this Act, the year that commenced on the first day of October, one thousand nine hundred and sixty-nine, and each subsequent year, not being a year in respect of which a proclamation is made under subsection two of this section, is a quota season. Quota seasons.

(2)

Wheat Quotas.

(2) The Governor may, by proclamation published in the Gazette on or before the first day of April in any year, declare that the year commencing on the next following first day of October is not a quota season for the purposes of this Act.

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

Interpretation.

“basic quota” means, subject to subsection two of section forty-one of the Wheat Quotas Act, 1969, a basic quota allocated under section six, section nine or subsection one of section thirty-three of that Act;

“1970–1971 quota” means 1970–1971 quota allocated under this Act;

“1970–1971 northern prime hard quota” means 1970–1971 northern prime hard quota allocated under this Act;

“owner”, in relation to land, includes—

(a) every person who jointly or severally, whether at law or in equity—

(i) is entitled to the land for any estate of freehold in possession;

(ii) is a person to whom the Crown has lawfully contracted to grant the fee-simple under the Crown Lands Acts or any other Act relating to the alienation of lands of the Crown; or

(iii) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise;

(b) the lessee from any owner as defined in paragraph (a) of this definition; and

(c)

Wheat Quotas.

5 (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) of this definition and entitles the licensee to grow wheat on that owner's land,

but where two or more persons are the owners of any land and—

10 (d) are owners, as defined in paragraph (a) of this definition, of that land and are joint tenants or tenants in common of that land;

(e) are owners, as defined in paragraph (b) of this definition, of that land and are joint lessees of that land; or

15 (f) are owners, as defined in paragraph (c) of this definition, of that land and are joint licensees of that land,

those persons shall, for the purposes of this Act, be regarded as only one owner;

20 "sharefarmer" means a person who has entered into an agreement with the owner of any land that is in New South Wales or in the Australian Capital Territory whereby—

25 (a) that owner grants a licence to that person to use and occupy the whole or any part of the land for agricultural or pastoral purposes or partly for agricultural and partly for pastoral purposes;

30 (b) that person undertakes to provide labour either with or without materials or stock for the working of the land to which the agreement relates; and

35 (c) the owner and that person agree that the produce of the land to which the agreement relates, derived during the currency of the agreement, or the proceeds of the sale of that produce, shall be divided between the parties in specified proportions or shares,

where

Wheat Quotas.

5 where that person, pursuant to that agreement, sowed wheat before the ~~thirty first day of August~~ **thirtieth day of September**, one thousand nine hundred and seventy, for harvesting in the 1970-1971 season on the land to which the agreement relates;

10 “sharefarming agreement” means an agreement of the nature referred to in the definition of “sharefarmer” in this subsection made between a sharefarmer and the owner of any land to whom a 1970-1971 quota is allocated;

“the 1969-1970 season” has the meaning ascribed thereto in section three of the Wheat Quotas Act, 1969;

15 “the 1970-1971 season” means the year that commenced on the first day of October, one thousand nine hundred and seventy;

20 “wheatgrower” means a person who, before the ~~thirty first day of August~~ **thirtieth day of September**, one thousand nine hundred and seventy, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1970-1971 season.

(2) This Act shall be read and construed with and as part of the Wheat Industry Stabilization Act, 1968.

PART II.

MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT, 1968.

5. (1) In this section “prescribed season” means—
- 30 (a) a quota season; or
- (b) a season that is not a quota season but next follows a quota season.
- Modification of operation of Wheat Industry Stabilization Act, 1968.

(2)

Wheat Quotas.

(2) In relation to a prescribed season, section fourteen of the Wheat Industry Stabilization Act, 1968, has effect as if references in that section to wheat or wheat of a season were references to wheat included in the pool for that
5 prescribed season in accordance with this section.

(3) The pool for a prescribed season that is a quota season (in this subsection referred to as the relevant season) consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization
10 Act, 1968, or of a law of another State or of the Commonwealth) :—

(a) wheat (whether of the relevant season or of any quota season that preceded the relevant season) delivered during the relevant season or any quota
15 season that preceded the relevant season and appearing from the records of the Board to be the whole or a part of a quota that is applicable in relation to a person in respect of the relevant season under this Act or under a law of another
20 State providing for the fixing of wheat quotas ;

(b) any other wheat, being wheat of the relevant season declared by the Board to have been sold by the Board, and paid for in full, during the relevant season ; and

25 (c) any other wheat, being wheat of any quota season that preceded the relevant season and wheat that—

(i) was delivered to the Board before the relevant season ;

(ii) was not included in the pool for any season
30 that preceded the relevant season ; and

(iii) is declared by the Board to have been sold by the Board, and paid for in full, during the relevant season.

(4)

Wheat Quotas.

(4) The pool for a prescribed season that is not a quota season consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization Act, 1968, or of a law of another State or of the Commonwealth) :—

- (a) wheat of that season; and
- (b) wheat of any quota season that preceded that prescribed season and was not included in the pool for any season that preceded that prescribed season.

(5) The Board may, in such manner as it considers equitable, attribute sales of wheat the subject of a declaration by the Board referred to in paragraph (b) or (c) of subsection three of this section, being wheat of a particular kind, to all or any of the wheat of that particular kind delivered by particular persons.

PART III.

QUOTAS FOR THE 1970-1971 SEASON.

DIVISION 1.—1969-1970 Season Growers.

6. (1) In this Part—

20 “over-quota wheat” means wheat delivered to the Board during the 1969-1970 season that—

Calculation
and
allocation of
1970-1971
quotas.

- (a) did not form part of the pool referred to in subsection two of section four of the Wheat Quotas Act, 1969; and
- 25 (b) was not wheat in respect of which a person was disqualified by section ten of the Wheat Quotas Act, 1969, from receiving a basic quota;

“prescribed person” means a person—

- 30 (a) to whom a basic quota was allocated;
- (b)

Wheat Quotas.

5 (b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section thirty-five excepted);

(c) who delivered over-quota wheat; and

(d) who is not a person referred to in subsection five of this section;

10 “prescribed quantity” in relation to a prescribed person means the 1970–1971 quota which that person would have been allocated if he had been entitled to a quota under this section (subsection five excepted).

15 (2) Subject to subsection four of this section and sections sixteen and twenty-eight of this Act, the Grain Elevators Board shall allocate a 1970–1971 quota, calculated in accordance with the formula specified in subsection three of this section, to a person—

20 (a) to whom a basic quota was allocated;

(b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section
25 thirty-five excepted);

(c) who did not deliver over-quota wheat; and

(d) who is a wheatgrower.

(3) The formula referred to in subsection two of this section is—

30
$$a = b - \frac{b \times c}{100}$$

where—

Wheat Quotas.

where—

- a = the quantity (in bushels) of wheat which is the 1970–1971 quota to be allocated to that person;
- 5 b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and
- c = the figure specified in the second column of the table hereto opposite an item specified in the first column of that table, being an item within the limits of which the basic quota allocated to that person fell.

10 TABLE.

	First Column.	Second Column.	Third Column.
15	BASIC QUOTAS. Quantity (in bushels) of wheat.	REDUCTION FIGURE.	MINIMUM 1970–1971 QUOTAS. Quantity (in bushels) of wheat.
	Under 1000	—	
	1000–2000	5	1000
	2001–3000	7½	1900
	3001–4000	10	2775
20	4001–5000	12½	3600
	5001–6000	15	4375
	6001–7000	17½	5100
	7001–8000	20	5775
	8001–9000	22½	6400
25	9001–10000	25	6975
	10001–12000	27½	7500
	12001–14000	30	7975
	14001–20000	32½	9100
	20001–40000	34	13500
30	40001 and over	35	26400

(4) Where—

- (a) the basic quota of a person entitled under subsection two of this section to a 1970–1971 quota was within the limits of an item in the first column of the table
- 35 to subsection three of this section; and

(b)

Wheat Quotas.

5 (b) the amount ascertained by the application in respect of that basic quota of the formula in subsection three of this section is less than the amount specified opposite that item in the third column of that table,

the Grain Elevators Board shall, in lieu of allocating to that person under subsection two of this section a quota of the amount so ascertained, allocate to that person a quota of the amount so specified in that third column.

10 (5) Where a person would, but for the fact that he delivered over-quota wheat, be allocated a 1970-1971 quota under subsection two or four of this section of a quantity exceeding the quantity of over-quota wheat delivered by him—

15 (a) the Grain Elevators Board shall, subject to section twenty-eight of this Act, allocate to him a 1970-1971 quota of a quantity equal to the amount of that excess; and

20 (b) without affecting that quota he shall, for the purposes of Part II of this Act, be deemed to have delivered that over-quota wheat to the Board pursuant to a 1970-1971 quota during the 1970-1971 season.

25 (6) A prescribed person shall, for the purposes of Part II of this Act, be deemed to have, pursuant to a 1970-1971 quota, delivered to the Board during the 1970-1971 season a quantity of wheat that is the prescribed quantity for that person.

DIVISION 2.—New Growers.

30 7. In this Part, "new grower" means owner of land in New South Wales or the Australian Capital Territory on which wheat was, before the ~~thirty-first day of August~~ **thirtieth day of September**, one thousand nine hundred and seventy, sown for harvesting in the 1970-1971 season, but
35 does not include a person who was allocated a basic quota.

8.

Wheat Quotas.

8. Subject to section nine of this Act, where a new grower— 1970-1971 quota for a new grower.

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1970-1971 quota;
- 5 (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant;
- (c) duly furnishes any such additional information within the time specified for the purpose in the notice; and
- 10 (d) is a member of a class of new growers that the Minister notifies the Grain Elevators Board to be a class of new growers of which the members may be allocated 1970-1971 quotas,

15 the Grain Elevators Board may allocate a 1970-1971 quota to that new grower in the manner, and for the quantity, notified by the Minister to the Grain Elevators Board.

9. The Grain Elevators Board may, by a notice referred to in paragraph (b) of section eight of this Act, require any Verification of certain information.

20 or all of the additional information specified in the notice to be verified by statutory declaration and any such additional information to which such a requirement relates shall be deemed not to have been duly furnished to the Grain Elevators Board unless it has been so verified.

25 DIVISION 3.—1970-1971 *Northern Prime Hard Quotas.*

10. In this Part “northern prime hard wheat” means Interpretation.

wheat—

- (a) that complies with the standard for fair average quality wheat determined by the Board for the
- 30 1970-1971 season;
- (b) that is one of the following varieties :—
- Timgalen, Mendos, Gamut, Gatcher, Spica,
Windebri, Winglen or Gala;

(c)

Wheat Quotas.

- (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture ;
- (d) that contains an admixture of no more than ten per centum by volume of mottled, soft or bleached grains.

11. Where a person—

- (a) is entitled to a 1970–1971 quota pursuant to subsection two or four, or paragraph (a) of subsection five, of section six of this Act ; and
- (b) has been allocated storage space during the 1970–1971 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act.

Allocation
of 1970–
1971
northern
prime hard
quotas.

the Grain Elevators Board shall allocate to that person a northern prime hard quota calculated in accordance with the formula specified in section twelve of this Act.

12. The formula referred to in section eleven of this Act is—

$$a = 11,500,000 \times \frac{b}{c}$$

Formula
for alloca-
tion of
1970–1971
northern
prime hard
quotas.

where—

- a = the quantity (in bushels) of northern prime hard wheat which is the 1970–1971 northern prime hard quota to be allocated to that person ;
- b = the quantity (in bushels) of wheat that was the basic quota allocated to that person ; and
- c = the quantity (in bushels) of wheat calculated by aggregating the quantity (in bushels) of wheat specified in the basic quotas of all persons who are allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970–1971 season.

13.

Wheat Quotas.

13. (1) Where a person who is allocated a 1970-1971 quota under Division 1 of this Part has not been allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

Allocation
of additional
1970-1971
northern
prime hard
quotas.

(2) Where a person who is allocated a 1970-1971 quota under Division 2 of this Part is allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

PART IV.

SHAREFARMERS.

14. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota (in this Part referred to as an allottee) is a party to a sharefarming agreement and it proposes to forward a quota authority under section twenty-three of this Act in respect of that quota, it shall specify in that quota authority that the quota has been allocated to specified persons jointly (being the parties to the sharefarming agreement) and the quota shall be deemed to have been allocated to those persons jointly in lieu of to the allottee.

Quota
authority
to include
name of
sharefarmer.

Wheat Quotas.

15. (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1970-1971 quota or, as the case may be, the 1970-1971 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties, the Board shall cancel the quota so allocated and shall notify the allottee and each of the parties to the sharefarming agreement that, within a time specified in the notification, they may make to the Board such written representations as they think fit in connection with the dispute.

Grain Elevators Board to settle quota dispute among parties to share-farming agreement.

(2) Where a quota is cancelled pursuant to subsection one of this section the Grain Elevators Board shall, after considering any representations made to it by the allottee and other parties and any other matters it considers relevant, allocate 1970-1971 quotas or, as the case may require, 1970-1971 northern prime hard quotas, to the allottee and the other parties to the sharefarming agreement in such manner and for such quantities not exceeding in the aggregate the quantity of the cancelled quota, as it thinks fit.

(3) The Grain Elevators Board may require any information furnished to it by an allottee or other party to a sharefarming agreement to be verified by statutory declaration.

PART V.

MISCELLANEOUS.

16. The Grain Elevators Board may refuse to allocate a 1970-1971 quota or a 1970-1971 northern prime hard quota, or may allocate a reduced 1970-1971 quota or a reduced 1970-1971 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

- (a) was not entitled to be allocated a basic quota; or
- (b) was not entitled to be allocated a basic quota of the quantity allocated.

17.

Wheat Quotas.

17. Where, after the Grain Elevators Board has allocated a 1970-1971 quota, or a 1970-1971 northern prime hard quota, to a person, that Board is satisfied— Quota may be cancelled.
- 5 (a) that the basic quota allocated to that person was calculated incorrectly;
- (b) that that person was, under a law of another State, allocated a quota of a kind that, in the opinion of the Grain Elevators Board, is equivalent to a basic quota;
- 10 (c) that the basic quotas allocated to that person and another person or other persons were calculated by reference, wholly or partly, to the same wheat delivered to the Board in any of the relevant seasons within the meaning of the Wheat Quotas Act, 1969, or sown for harvesting in the 1969-1970 season within the meaning of that Act; or
- 15 (d) that the 1970-1971 quota, or the 1970-1971 northern prime hard quota, allocated to that person was calculated incorrectly,
- 20 the Grain Elevators Board may cancel that person's 1970-1971 quota or his 1970-1971 northern prime hard quota and if it thinks fit allocate to him another 1970-1971 quota or 1970-1971 northern prime hard quota for such quantity of wheat as it thinks fit.
- 25 18. Where a person has been allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1970-1971 quota or 1970-1971 northern prime hard quota and allocate Transfer of quotas.
- 30 it to such person as is, or allocate it in such proportions and to such persons as are, specified in the application.
19. (1) Where a person to whom a 1970-1971 quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board wheat as, or as part of, Cancellation or reduction of 1970-1971 quota where wheat cannot be delivered as part of that quota, etc.
- 35 his 1970-1971 quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.
- (2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 5 1970-1971 quota, the Grain Elevators Board shall cancel that person's 1970-1971 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be able 10 to deliver to the Board wheat as part of his 1970-1971 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 quota to that quantity.

20 20. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1970-1971 quotas will be less than ninety-nine million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of wheat which is likely to be 20 the short fall.

Allocation of short fall of wheat under 1970-1971 quotas.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 quotas as the Minister may determine 25 and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section the Minister shall give preference to persons whose basic quotas were cancelled under subsection two, or reduced under subsection three, of 30 section thirty-five of the Wheat Quotas Act, 1969.

35 21. (1) Where a person to whom a 1970-1971 northern prime hard quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board northern prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

Cancellation or reduction of 1970-1971 northern prime hard quotas where northern prime hard wheat cannot be delivered.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be unable to deliver to the Board any northern
5 prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1970-1971 northern prime hard quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person
10 to whom a 1970-1971 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1970-1971 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971
15 northern prime hard quota to that quantity.

22. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which may be delivered pursuant to all 1970-1971 northern prime hard wheat quotas will be less than twelve million bushels
20 (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of northern prime hard wheat which is likely to be the short fall.

Allocation
of short
fall of
northern
prime hard
wheat.

(2) The Grain Elevators Board shall, in such manner
25 as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 northern prime hard quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas
30 to be increased under this section, the Minister shall give preference to persons whose northern prime hard quotas under the Wheat Quotas Act, 1969, were cancelled under subsection two, or reduced under subsection three, of section thirty-one of that Act.

Wheat Quotas.

23. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1970-1971 quota to any person, that 1970-1971 quota shall be deemed to have been allocated to that person under this Act. Quotas allocated before commencement of Act.

5 (2) The Grain Elevators Board—

(a) shall, in the case of a person to whom a 1970-1971 quota is allocated by that Board; or

10 (b) may, in the case of a person to whom a 1970-1971 northern prime hard quota is allocated by that Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1970-1971 quota or 1970-1971 northern prime hard quota, as the case may be.

15 24. (1) If any quota authority is lost or destroyed or defaced before all the wheat in respect of which it was issued has been delivered to the Board, the Grain Elevators Board may, subject to this section, issue a new quota authority in lieu thereof. Lost quota authorities.

20 (2) Where a quota authority is lost or destroyed the new quota authority shall not be issued unless the person who lost the quota authority lodges a statutory declaration with the Grain Elevators Board containing a statement that the quota authority has been lost or destroyed.

25 (3) Where a quota authority is defaced the new quota authority shall not be issued unless the defaced quota authority is lodged with the Grain Elevators Board for cancellation.

30 (4) In issuing a new quota authority under this section, the Grain Elevators Board shall ensure that the quantity of wheat specified in the new quota authority is the
quantity

Wheat Quotas.

quantity specified in the lost, destroyed or defaced quota authority less any quantity of wheat delivered pursuant to that quota authority before it was lost, destroyed or defaced.

5 **25.** (1) Nothing in this Act affects the operation of any scheme prepared by the Grain Elevators Board under section 12A of the Grain Elevators Act, 1954.

Schemes under section 12A of Grain Elevators Act, 1954, not affected.

(2) Notwithstanding any other provision of this or of any other Act, the Grain Elevators Board—

10 (a) may refuse to accept delivery of any wheat as being part of a 1970–1971 quota from a person if that person's quota authority is not presented to that Board at the time of the delivery; and

15 (b) shall refuse to accept delivery of any wheat as being part of a 1970–1971 northern prime hard quota unless it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act and is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is
20 prime hard wheat.

26. (1) Notwithstanding any other provision of this Act, the Grain Elevators Board, with the approval of the Minister, may, in a special case and if it thinks it equitable or proper to do so, allocate a 1970–1971 quota to any person who, but
25 for this section, would not be entitled to a 1970–1971 quota and as soon as practicable thereafter forward to that person a quota authority, or increase a 1970–1971 quota allocated to any person.

1970–1971 quotas may be allocated in special cases.

30 (2) Where the Grain Elevators Board determines that the total quantity of wheat in respect of which 1970–1971 quotas have been allocated exceeds ninety-nine million bushels, that Board shall reduce all the 1970–71 quotas, in so far as they apply to wheat that has not at the date of the determination

Wheat Quotas.

determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

- 5 (3) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1970-1971 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall reduce all the 1970-1971 northern prime hard quotas, in so far as they apply to northern prime hard wheat that has not
10 at the date of the determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

27. (1) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota is increased, reduced or cancelled
15 under this Act the person to whom the 1970-1971 quota or 1970-1971 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

Quota authorities to be returned after increase, reduction or cancellation.

- 20 (2) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1970-1971
25 quota or a 1970-1971 northern prime hard quota, as the case may be, equal to that specified quantity.

28. A 1970-1971 quota shall not be allocated to—

- (a) a person in respect of wheat sown for harvesting
30 in the 1970-1971 season on land situated wholly or partly within the area defined by a proclamation in force under section four of the Border Railways (Grain Elevators) Amendment Act, 1957; or

Basic quotas not to be allocated to certain persons.

(b)

Wheat Quotas.

5 (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1970-1971 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

15 **29.** (1) The provisions of any Act of the State of Victoria that provides for the allocation of quotas for the delivery of wheat, or of storage space for wheat, grown on land referred to in paragraph (a) of section twenty-eight of this Act apply, in respect of wheat of the 1970-1971 season, to persons who have sown wheat for harvesting in that season on that land as if that land were part of the State of Victoria. Certain areas deemed to be part of Victoria for certain purposes.

15 (2) A person who has grown wheat of the 1970-1971 season on land other than land referred to in paragraph (a) of section twenty-eight of this Act is not entitled to deliver that wheat to any of the elevators or works operated by the Grain Elevators Board of the State of Victoria situated on
20 any land so referred to, except with the consent of that Board.

30. No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against— Where no action shall lie.

- (a) Her Majesty;
- 25 (b) the Minister; or
- (c) the Grain Elevators Board, or any member or employee thereof,

for anything bona fide done or omitted to be done for the purposes of carrying out or giving effect to this Act.

31.

Wheat Quotas.

31. (1) No writ of injunction or mandamus or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act.

Decisions of Minister, etc., to be final.

(2) The validity of any proceeding or decision of the Minister or the Grain Elevators Board shall not be challenged in any manner whatsoever.

32. Any person who contravenes or fails to comply with a provision of this Act for which no penalty is expressly provided is guilty of an offence against this Act and liable to a penalty not exceeding four hundred dollars.

Penalty.

33. All proceedings for offences against this Act or the regulations made under this Act shall be disposed of summarily before a court of petty sessions.

Proceedings.

34. The provisions of section thirty-two of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act.

Offences by companies and joint offenders.

35. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to 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 make different provisions in respect of different matters according to time, place or circumstances.

Wheat Quotas.

(3) The regulations may prescribe a penalty not exceeding four hundred dollars for any contravention of, or failure to comply with any provision of, the regulations.

SCHEDULE.

Secs. 11,
12 and 13.

5	Armatree	Gravesend
	Baan Baa	Gular
	Baradine	Gunnedah
	Bellata	Gurley
	Biniguy	Gwabegar
10	Boggabilla	Merah North
	Boggabri	Merrywinebone
	Burren Junction	Milguy
	Combara	Moree
	Combo	Mungeribar
15	Coonamble	Narrabri West
	Crooble	Narromine
	Croppa Creek	Nea
	Cryon	Nevertire
	Culgoora	North Star
20	Curban	Nyngan
	Curlewis	Premer
	Delungra	Quirindi
	Edgeroi	Springridge
	Emerald Hill	Tamarang
25	Eumungerie	Trangie
	Garah	Weemelah
	Gilgandra	Wee Waa

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

1910

Act No. 100
New York

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

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 October, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to provide for the allocation of quotas in respect of wheat of the 1970–1971 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend that Act; and for purposes connected therewith.

BE

Wheat Quotas.

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. (1) This Act may be cited as the "Wheat Quotas Act, 1970". Short title and commencement.

10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is divided as follows :— Division of Act.

PART I.—PRELIMINARY—*ss.* 1-4.

15 PART II.—MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT, 1968—*s.* 5.

PART III.—QUOTAS FOR THE 1970-1971 SEASON—*ss.* 6-13.

DIVISION 1.—1969-1970 *Season Growers*—*s.* 6.

20 DIVISION 2.—*New Growers*—*ss.* 7-9.

DIVISION 3.—1970-1971 *Northern Prime Hard Quotas*—*ss.* 10-13.

PART IV.—SHAREFARMERS—*ss.* 14, 15.

PART V.—MISCELLANEOUS—*ss.* 16-35.

25 SCHEDULE.

3. (1) For the purposes of this Act, the year that commenced on the first day of October, one thousand nine hundred and sixty-nine, and each subsequent year, not being a year in respect of which a proclamation is made under subsection two of this section, is a quota season. Quota seasons.

(2)

Wheat Quotas.

(2) The Governor may, by proclamation published in the Gazette on or before the first day of April in any year, declare that the year commencing on the next following first day of October is not a quota season for the purposes of this Act.

4. (1) In this Act, except in so far as the context or Interpretation. subject-matter otherwise indicates or requires—

“basic quota” means, subject to subsection two of section forty-one of the Wheat Quotas Act, 1969, a basic quota allocated under section six, section nine or subsection one of section thirty-three of that Act;

“1970–1971 quota” means 1970–1971 quota allocated under this Act;

“1970–1971 northern prime hard quota” means 1970–1971 northern prime hard quota allocated under this Act;

“owner”, in relation to land, includes—

(a) every person who jointly or severally, whether at law or in equity—

(i) is entitled to the land for any estate of freehold in possession;

(ii) is a person to whom the Crown has lawfully contracted to grant the fee-simple under the Crown Lands Acts or any other Act relating to the alienation of lands of the Crown; or

(iii) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise;

(b) the lessee from any owner as defined in paragraph (a) of this definition; and

(c)

Wheat Quotas.

5 (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) of this definition and entitles the licensee to grow wheat on that owner's land,

but where two or more persons are the owners of any land and—

10 (d) are owners, as defined in paragraph (a) of this definition, of that land and are joint tenants or tenants in common of that land;

(e) are owners, as defined in paragraph (b) of this definition, of that land and are joint lessees of that land; or

15 (f) are owners, as defined in paragraph (c) of this definition, of that land and are joint licensees of that land,

those persons shall, for the purposes of this Act, be regarded as only one owner;

20 "sharefarmer" means a person who has entered into an agreement with the owner of any land that is in New South Wales or in the Australian Capital Territory whereby—

25 (a) that owner grants a licence to that person to use and occupy the whole or any part of the land for agricultural or pastoral purposes or partly for agricultural and partly for pastoral purposes;

30 (b) that person undertakes to provide labour either with or without materials or stock for the working of the land to which the agreement relates; and

35 (c) the owner and that person agree that the produce of the land to which the agreement relates, derived during the currency of the agreement, or the proceeds of the sale of that produce, shall be divided between the parties in specified proportions or shares,

where

Wheat Quotas.

5 where that person, pursuant to that agreement, sowed wheat before the thirty-first day of August, one thousand nine hundred and seventy, for harvesting in the 1970–1971 season on the land to which the agreement relates;

10 “sharefarming agreement” means an agreement of the nature referred to in the definition of “sharefarmer” in this subsection made between a sharefarmer and the owner of any land to whom a 1970–1971 quota is allocated;

“the 1969–1970 season” has the meaning ascribed thereto in section three of the Wheat Quotas Act, 1969;

15 “the 1970–1971 season” means the year that commenced on the first day of October, one thousand nine hundred and seventy;

20 “wheatgrower” means a person who, before the thirty-first day of August, one thousand nine hundred and seventy, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1970–1971 season.

(2) This Act shall be read and construed with and as part of the Wheat Industry Stabilization Act, 1968.

PART II.

25 MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT, 1968.

5. (1) In this section “prescribed season” means—
- (a) a quota season; or
 - (b) a season that is not a quota season but next follows a quota season.
- 30

Modification of operation of Wheat Industry Stabilization Act, 1968.

(2)

Wheat Quotas.

(2) In relation to a prescribed season, section fourteen of the Wheat Industry Stabilization Act, 1968, has effect as if references in that section to wheat or wheat of a season were references to wheat included in the pool for that
5 prescribed season in accordance with this section.

(3) The pool for a prescribed season that is a quota season (in this subsection referred to as the relevant season) consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization
10 Act, 1968, or of a law of another State or of the Commonwealth) :—

- 15 (a) wheat (whether of the relevant season or of any quota season that preceded the relevant season) delivered during the relevant season or any quota season that preceded the relevant season and appearing from the records of the Board to be the whole or a part of a quota that is applicable in relation to a person in respect of the relevant season under this Act or under a law of another
20 State providing for the fixing of wheat quotas ;
- (b) any other wheat, being wheat of the relevant season declared by the Board to have been sold by the Board, and paid for in full, during the relevant season ; and
- 25 (c) any other wheat, being wheat of any quota season that preceded the relevant season and wheat that—
 - (i) was delivered to the Board before the relevant season ;
 - (ii) was not included in the pool for any season
30 that preceded the relevant season ; and
 - (iii) is declared by the Board to have been sold by the Board, and paid for in full, during the relevant season.

(4)

Wheat Quotas.

(4) The pool for a prescribed season that is not a quota season consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization Act, 1968, or of a law of another State or of the
5 Commonwealth) :—

- (a) wheat of that season; and
- (b) wheat of any quota season that preceded that prescribed season and was not included in the pool for any season that preceded that prescribed season.

10 (5) The Board may, in such manner as it considers equitable, attribute sales of wheat the subject of a declaration by the Board referred to in paragraph (b) or (c) of subsection three of this section, being wheat of a particular kind, to all or any of the wheat of that particular kind delivered
15 by particular persons.

PART III.

QUOTAS FOR THE 1970-1971 SEASON.

DIVISION 1.—1969-1970 *Season Growers.*

6. (1) In this Part—
20 “over-quota wheat” means wheat delivered to the Board during the 1969-1970 season that—

Calculation
and
allocation of
1970-1971
quotas.

- (a) did not form part of the pool referred to in subsection two of section four of the Wheat Quotas Act, 1969; and
- 25 (b) was not wheat in respect of which a person was disqualified by section ten of the Wheat Quotas Act, 1969, from receiving a basic quota;

“prescribed person” means a person—

- 30 (a) to whom a basic quota was allocated;
- (b)

Wheat Quotas.

5 (b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section thirty-five excepted);

(c) who delivered over-quota wheat; and

(d) who is not a person referred to in subsection five of this section;

10 “prescribed quantity” in relation to a prescribed person means the 1970–1971 quota which that person would have been allocated if he had been entitled to a quota under this section (subsection five excepted).

15 (2) Subject to subsection four of this section and sections sixteen and twenty-eight of this Act, the Grain Elevators Board shall allocate a 1970–1971 quota, calculated in accordance with the formula specified in subsection three of this section, to a person—

20 (a) to whom a basic quota was allocated;

(b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section
25 thirty-five excepted);

(c) who did not deliver over-quota wheat; and

(d) who is a wheatgrower.

(3) The formula referred to in subsection two of this section is—

30
$$a = b - \frac{b \times c}{100}$$

where—

Wheat Quotas.

where—

a = the quantity (in bushels) of wheat which is the 1970–1971 quota to be allocated to that person;

5 b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and

c = the figure specified in the second column of the table hereto opposite an item specified in the first column of that table, being an item within the limits of which the basic quota allocated to that person fell.

10 TABLE.

	First Column.	Second Column.	Third Column.
15	BASIC QUOTAS. Quantity (in bushels) of wheat.	REDUCTION FIGURE.	MINIMUM 1970–1971 QUOTAS. Quantity (in bushels) of wheat.
	Under 1000	—	
	1000–2000	5	1000
	2001–3000	7½	1900
	3001–4000	10	2775
20	4001–5000	12½	3600
	5001–6000	15	4375
	6001–7000	17½	5100
	7001–8000	20	5775
	8001–9000	22½	6400
25	9001–10000	25	6975
	10001–12000	27½	7500
	12001–14000	30	7975
	14001–20000	32½	9100
	20001–40000	34	13500
30	40001 and over	35	26400

(4) Where—

(a) the basic quota of a person entitled under subsection two of this section to a 1970–1971 quota was within the limits of an item in the first column of the table to subsection three of this section; and

35

(b)

Wheat Quotas.

5 (b) the amount ascertained by the application in respect of that basic quota of the formula in subsection three of this section is less than the amount specified opposite that item in the third column of that table,

the Grain Elevators Board shall, in lieu of allocating to that person under subsection two of this section a quota of the amount so ascertained, allocate to that person a quota of the amount so specified in that third column.

10 (5) Where a person would, but for the fact that he delivered over-quota wheat, be allocated a 1970–1971 quota under subsection two or four of this section of a quantity exceeding the quantity of over-quota wheat delivered by him—

15 (a) the Grain Elevators Board shall, subject to section twenty-eight of this Act, allocate to him a 1970–1971 quota of a quantity equal to the amount of that excess; and

20 (b) without affecting that quota he shall, for the purposes of Part II of this Act, be deemed to have delivered that over-quota wheat to the Board pursuant to a 1970–1971 quota during the 1970–1971 season.

25 (6) A prescribed person shall, for the purposes of Part II of this Act, be deemed to have, pursuant to a 1970–1971 quota, delivered to the Board during the 1970–1971 season a quantity of wheat that is the prescribed quantity for that person.

DIVISION 2.—*New Growers.*

30 7. In this Part, “new grower” means owner of land in New South Wales or the Australian Capital Territory on which wheat was, before the thirty-first day of August, one thousand nine hundred and seventy, sown for harvesting in the 1970–1971 season, but does not include a person who
35 was allocated a basic quota.

8.

Wheat Quotas.

8. Subject to section nine of this Act, where a new grower— 1970-1971 quota for a new grower.

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1970-1971 quota;
- 5 (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant;
- (c) duly furnishes any such additional information within the time specified for the purpose in the notice; and
- 10 (d) is a member of a class of new growers that the Minister notifies the Grain Elevators Board to be a class of new growers of which the members may be allocated 1970-1971 quotas,

15 the Grain Elevators Board may allocate a 1970-1971 quota to that new grower in the manner, and for the quantity, notified by the Minister to the Grain Elevators Board.

9. The Grain Elevators Board may, by a notice referred to in paragraph (b) of section eight of this Act, require any Verification of certain information.

20 or all of the additional information specified in the notice to be verified by statutory declaration and any such additional information to which such a requirement relates shall be deemed not to have been duly furnished to the Grain Elevators Board unless it has been so verified.

25 DIVISION 3.—1970-1971 *Northern Prime Hard Quotas.*

10. In this Part “northern prime hard wheat” means Interpretation.

wheat—

- (a) that complies with the standard for fair average quality wheat determined by the Board for the
- 30 1970-1971 season;
- (b) that is one of the following varieties :—
Timgalen, Mendos, Gamut, Gatcher, Spica,
Windebri, Winglen or Gala;

(c)

Wheat Quotas.

(c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture;

(d) that contains an admixture of no more than ten per centum by volume of mottled, soft or bleached grains.

11. Where a person—

(a) is entitled to a 1970–1971 quota pursuant to subsection two or four, or paragraph (a) of subsection five, of section six of this Act; and

Allocation
of 1970–
1971
northern
prime hard
quotas.

(b) has been allocated storage space during the 1970–1971 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act,

the Grain Elevators Board shall allocate to that person a northern prime hard quota calculated in accordance with the formula specified in section twelve of this Act.

12. The formula referred to in section eleven of this Act is—

$$a = 11,500,000 \times \frac{b}{c}$$

Formula
for alloca-
tion of
1970–1971
northern
prime hard
quotas.

where—

a = the quantity (in bushels) of northern prime hard wheat which is the 1970–1971 northern prime hard quota to be allocated to that person;

b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and

c = the quantity (in bushels) of wheat calculated by aggregating the quantity (in bushels) of wheat specified in the basic quotas of all persons who are allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970–1971 season.

13.

Wheat Quotas.

13. (1) Where a person who is allocated a 1970-1971 quota under Division 1 of this Part has not been allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

Allocation of additional 1970-1971 northern prime hard quotas.

(2) Where a person who is allocated a 1970-1971 quota under Division 2 of this Part is allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

PART IV.

SHAREFARMERS.

14. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota (in this Part referred to as an allottee) is a party to a sharefarming agreement and it proposes to forward a quota authority under section twenty-three of this Act in respect of that quota, it shall specify in that quota authority that the quota has been allocated to specified persons jointly (being the parties to the sharefarming agreement) and the quota shall be deemed to have been allocated to those persons jointly in lieu of to the allottee.

Quota authority to include name of sharefarmer.

15.

Wheat Quotas.

15 **15.** (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1970-1971 quota or, as the case may be, the 1970-1971 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties, the Board shall cancel the quota so allocated and shall notify the allottee and each of the parties to the sharefarming agreement that, within a time specified in the notification, they may make to the Board such written representations as they think fit in connection with the dispute.

Grain Elevators Board to settle quota dispute among parties to sharefarming agreement.

15 (2) Where a quota is cancelled pursuant to subsection one of this section the Grain Elevators Board shall, after considering any representations made to it by the allottee and other parties and any other matters it considers relevant, allocate 1970-1971 quotas or, as the case may require, 1970-1971 northern prime hard quotas, to the allottee and the other parties to the sharefarming agreement in such manner and for such quantities not exceeding in the aggregate the quantity of the cancelled quota, as it thinks fit.

(3) The Grain Elevators Board may require any information furnished to it by an allottee or other party to a sharefarming agreement to be verified by statutory declaration.

PART V.

25

MISCELLANEOUS.

16. The Grain Elevators Board may refuse to allocate a 1970-1971 quota or a 1970-1971 northern prime hard quota, or may allocate a reduced 1970-1971 quota or a reduced 1970-1971 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

- 30 (a) was not entitled to be allocated a basic quota; or
 (b) was not entitled to be allocated a basic quota of the quantity allocated.

17.

Wheat Quotas.

17. Where, after the Grain Elevators Board has allocated a 1970-1971 quota, or a 1970-1971 northern prime hard quota, to a person, that Board is satisfied— Quota may be cancelled.

- 5 (a) that the basic quota allocated to that person was calculated incorrectly;
- (b) that that person was, under a law of another State, allocated a quota of a kind that, in the opinion of the Grain Elevators Board, is equivalent to a basic quota;
- 10 (c) that the basic quotas allocated to that person and another person or other persons were calculated by reference, wholly or partly, to the same wheat delivered to the Board in any of the relevant seasons within the meaning of the Wheat Quotas Act, 1969, or sown for harvesting in the 1969-1970 season within the meaning of that Act; or
- 15 (d) that the 1970-1971 quota, or the 1970-1971 northern prime hard quota, allocated to that person was calculated incorrectly,

20 the Grain Elevators Board may cancel that person's 1970-1971 quota or his 1970-1971 northern prime hard quota and if it thinks fit allocate to him another 1970-1971 quota or 1970-1971 northern prime hard quota for such quantity of wheat as it thinks fit.

25 18. Where a person has been allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1970-1971 quota or 1970-1971 northern prime hard quota and allocate Transfer of quotas.

30 it to such person as is, or allocate it in such proportions and to such persons as are, specified in the application.

19. (1) Where a person to whom a 1970-1971 quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board wheat as, or as part of, his 1970-1971 quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver. Cancellation or reduction of 1970-1971 quota where wheat cannot be delivered as part of that quota, etc.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 5 1970-1971 quota, the Grain Elevators Board shall cancel that person's 1970-1971 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be able 10 to deliver to the Board wheat as part of his 1970-1971 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 quota to that quantity.

20. (1) Where the Grain Elevators Board is of the 15 opinion that the quantity of wheat which may be delivered pursuant to all 1970-1971 quotas will be less than ninety-nine million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of wheat which is likely to be 20 the short fall.

Allocation of short fall of wheat under 1970-1971 quotas.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such 25 classes of 1970-1971 quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section the Minister shall give preference to persons whose basic quotas were cancelled 30 under subsection two, or reduced under subsection three, of section thirty-five of the Wheat Quotas Act, 1969.

21. (1) Where a person to whom a 1970-1971 northern prime hard quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board northern prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota he shall forthwith notify the Grain Elevators 35 Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

Cancellation or reduction of 1970-1971 northern prime hard quotas where northern prime hard wheat cannot be delivered.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be unable to deliver to the Board any northern
5 prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1970-1971 northern prime hard quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person
10 to whom a 1970-1971 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1970-1971 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971
15 northern prime hard quota to that quantity.

22. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which may be delivered pursuant to all 1970-1971 northern prime hard wheat quotas will be less than twelve million bushels
20 (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of northern prime hard wheat which is likely to be the short fall.

Allocation of short fall of northern prime hard wheat.

(2) The Grain Elevators Board shall, in such manner
25 as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 northern prime hard quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas
30 to be increased under this section, the Minister shall give preference to persons whose northern prime hard quotas under the Wheat Quotas Act, 1969, were cancelled under subsection two, or reduced under subsection three, of section thirty-one of that Act.

Wheat Quotas.

23. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1970-1971 quota to any person, that 1970-1971 quota shall be deemed to have been allocated to that person under this Act. Quotas allocated before commencement of Act.

5 (2) The Grain Elevators Board—

(a) shall, in the case of a person to whom a 1970-1971 quota is allocated by that Board; or

(b) may, in the case of a person to whom a 1970-1971 northern prime hard quota is allocated by that Board,

10 forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1970-1971 quota or 1970-1971 northern prime hard quota, as the case may be.

15 24. (1) If any quota authority is lost or destroyed or defaced before all the wheat in respect of which it was issued has been delivered to the Board, the Grain Elevators Board may, subject to this section, issue a new quota authority in lieu thereof. Lost quota authorities.

20 (2) Where a quota authority is lost or destroyed the new quota authority shall not be issued unless the person who lost the quota authority lodges a statutory declaration with the Grain Elevators Board containing a statement that the quota authority has been lost or destroyed.

25 (3) Where a quota authority is defaced the new quota authority shall not be issued unless the defaced quota authority is lodged with the Grain Elevators Board for cancellation.

30 (4) In issuing a new quota authority under this section, the Grain Elevators Board shall ensure that the quantity of wheat specified in the new quota authority is the

quantity

Wheat Quotas.

quantity specified in the lost, destroyed or defaced quota authority less any quantity of wheat delivered pursuant to that quota authority before it was lost, destroyed or defaced.

5 **25.** (1) Nothing in this Act affects the operation of any scheme prepared by the Grain Elevators Board under section 12A of the Grain Elevators Act, 1954.

Schemes under section 12A of Grain Elevators Act, 1954, not affected.

(2) Notwithstanding any other provision of this or of any other Act, the Grain Elevators Board—

10 (a) may refuse to accept delivery of any wheat as being part of a 1970–1971 quota from a person if that person's quota authority is not presented to that Board at the time of the delivery; and

15 (b) shall refuse to accept delivery of any wheat as being part of a 1970–1971 northern prime hard quota unless it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act and is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is
20 prime hard wheat.

26. (1) Notwithstanding any other provision of this Act, the Grain Elevators Board, with the approval of the Minister, may, in a special case and if it thinks it equitable or proper to do so, allocate a 1970–1971 quota to any person who, but
25 for this section, would not be entitled to a 1970–1971 quota and as soon as practicable thereafter forward to that person a quota authority, or increase a 1970–1971 quota allocated to any person.

1970–1971 quotas may be allocated in special cases.

30 (2) Where the Grain Elevators Board determines that the total quantity of wheat in respect of which 1970–1971 quotas have been allocated exceeds ninety-nine million bushels, that Board shall reduce all the 1970–71 quotas, in so far as they apply to wheat that has not at the date of the determination

Wheat Quotas.

determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

- 5 (3) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1970-1971 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall reduce all the 1970-1971 northern prime hard quotas, in so far as they apply to northern prime hard wheat that has not
10 at the date of the determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

27. (1) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota is increased, reduced or cancelled
15 under this Act the person to whom the 1970-1971 quota or 1970-1971 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

Quota authorities to be returned after increase, reduction or cancellation.

- 20 (2) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1970-1971
25 quota or a 1970-1971 northern prime hard quota, as the case may be, equal to that specified quantity.

28. A 1970-1971 quota shall not be allocated to—

Basic quotas not to be allocated to certain persons.

- 30 (a) a person in respect of wheat sown for harvesting in the 1970-1971 season on land situated wholly or partly within the area defined by a proclamation in force under section four of the Border Railways (Grain Elevators) Amendment Act, 1957; or

(b)

Wheat Quotas.

5 (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1970-1971 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

10 29. (1) The provisions of any Act of the State of Victoria that provides for the allocation of quotas for the delivery of wheat, or of storage space for wheat, grown on land referred to in paragraph (a) of section twenty-eight of this Act apply, in respect of wheat of the 1970-1971 season, to persons who have sown wheat for harvesting in that season on that land as if that land were part of the State of Victoria. Certain areas deemed to be part of Victoria for certain purposes.

15 (2) A person who has grown wheat of the 1970-1971 season on land other than land referred to in paragraph (a) of section twenty-eight of this Act is not entitled to deliver that wheat to any of the elevators or works operated by the Grain Elevators Board of the State of Victoria situated on
20 any land so referred to, except with the consent of that Board.

30. No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against— Where no action shall lie.

- (a) Her Majesty;
- 25 (b) the Minister; or
- (c) the Grain Elevators Board, or any member or employee thereof,

for anything bona fide done or omitted to be done for the purposes of carrying out or giving effect to this Act.

31.

(E)

Wheat Quotas.

31. (1) No writ of injunction or mandamus or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act. Decisions of Minister, etc., to be final.

(2) The validity of any proceeding or decision of the Minister or the Grain Elevators Board shall not be challenged in any manner whatsoever.

32. Any person who contravenes or fails to comply with a provision of this Act for which no penalty is expressly provided is guilty of an offence against this Act and liable to a penalty not exceeding four hundred dollars. Penalty.

33. All proceedings for offences against this Act or the regulations made under this Act shall be disposed of summarily before a court of petty sessions. Proceedings.

34. The provisions of section thirty-two of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act. Offences by companies and joint offenders.

35. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to 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 make different provisions in respect of different matters according to time, place or circumstances.

Wheat Quotas.

(3) The regulations may prescribe a penalty not exceeding four hundred dollars for any contravention of, or failure to comply with any provision of, the regulations.

SCHEDULE.

Secs. 11,
12 and 13.

5	Armatree	Gravesend
	Baan Baa	Gular
	Baradine	Gunnedah
	Bellata	Gurley
	Biniguy	Gwabegar
10	Boggabilla	Merah North
	Boggabri	Merrywinebone
	Burren Junction	Milguy
	Combara	Moree
	Combo	Mungeribar
15	Coonamble	Narrabri West
	Crooble	Narromine
	Croppa Creek	Nea
	Cryon	Nevertire
	Culgoora	North Star
20	Curban	Nyngan
	Curlewis	Premer
	Delungra	Quirindi
	Edgeroi	Springridge
	Emerald Hill	Tamarang
25	Eumungerie	Trangie
	Garah	Weemelah
	Gilgandra	Wee Waa

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[20c]

1970

(2) The number of ...
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No. , 1970.

A BILL

To provide for the allocation of quotas in respect of wheat of the 1970-1971 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend that Act; and for purposes connected therewith.

[MR CRAWFORD —27 October, 1970.]

BE

Wheat Quotas.

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. (1) This Act may be cited as the "Wheat Quotas Act, 1970". Short title and commencement.

10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is divided as follows :—

Division of Act.

PART I.—PRELIMINARY—*ss.* 1–4.

15 PART II.—MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT, 1968—*s.* 5.

PART III.—QUOTAS FOR THE 1970–1971 SEASON—*ss.* 6–13.

DIVISION 1.—1969–1970 *Season Growers*—*s.* 6.

20 DIVISION 2.—*New Growers*—*ss.* 7–9.

DIVISION 3.—1970–1971 *Northern Prime Hard Quotas*—*ss.* 10–13.

PART IV.—SHAREFARMERS—*ss.* 14, 15.

PART V.—MISCELLANEOUS—*ss.* 16–35.

25 SCHEDULE.

3. (1) For the purposes of this Act, the year that commenced on the first day of October, one thousand nine hundred and sixty-nine, and each subsequent year, not being a year in respect of which a proclamation is made under subsection two of this section, is a quota season. Quota seasons.

(2)

Wheat Quotas.

(2) The Governor may, by proclamation published in the Gazette on or before the first day of April in any year, declare that the year commencing on the next following first day of October is not a quota season for the purposes of this Act.

4. (1) In this Act, except in so far as the context or Interpretation. subject-matter otherwise indicates or requires—

“basic quota” means, subject to subsection two of section forty-one of the Wheat Quotas Act, 1969, a basic quota allocated under section six, section nine or subsection one of section thirty-three of that Act;

“1970–1971 quota” means 1970–1971 quota allocated under this Act;

“1970–1971 northern prime hard quota” means 1970–1971 northern prime hard quota allocated under this Act;

“owner”, in relation to land, includes—

(a) every person who jointly or severally, whether at law or in equity—

(i) is entitled to the land for any estate of freehold in possession;

(ii) is a person to whom the Crown has lawfully contracted to grant the fee-simple under the Crown Lands Acts or any other Act relating to the alienation of lands of the Crown; or

(iii) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise;

(b) the lessee from any owner as defined in paragraph (a) of this definition; and

(c)

Wheat Quotas.

5 (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) of this definition and entitles the licensee to grow wheat on that owner's land,

but where two or more persons are the owners of any land and—

10 (d) are owners, as defined in paragraph (a) of this definition, of that land and are joint tenants or tenants in common of that land;

(e) are owners, as defined in paragraph (b) of this definition, of that land and are joint lessees of that land; or

15 (f) are owners, as defined in paragraph (c) of this definition, of that land and are joint licensees of that land,

those persons shall, for the purposes of this Act, be regarded as only one owner;

20 "sharefarmer" means a person who has entered into an agreement with the owner of any land that is in New South Wales or in the Australian Capital Territory whereby—

25 (a) that owner grants a licence to that person to use and occupy the whole or any part of the land for agricultural or pastoral purposes or partly for agricultural and partly for pastoral purposes;

30 (b) that person undertakes to provide labour either with or without materials or stock for the working of the land to which the agreement relates; and

35 (c) the owner and that person agree that the produce of the land to which the agreement relates, derived during the currency of the agreement, or the proceeds of the sale of that produce, shall be divided between the parties in specified proportions or shares,

where

Wheat Quotas.

5 where that person, pursuant to that agreement, sowed wheat before the thirty-first day of August, one thousand nine hundred and seventy, for harvesting in the 1970-1971 season on the land to which the agreement relates;

10 "sharefarming agreement" means an agreement of the nature referred to in the definition of "sharefarmer" in this subsection made between a sharefarmer and the owner of any land to whom a 1970-1971 quota is allocated;

"the 1969-1970 season" has the meaning ascribed thereto in section three of the Wheat Quotas Act, 1969;

15 "the 1970-1971 season" means the year that commenced on the first day of October, one thousand nine hundred and seventy;

20 "wheatgrower" means a person who, before the thirty-first day of August, one thousand nine hundred and seventy, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1970-1971 season.

(2) This Act shall be read and construed with and as part of the Wheat Industry Stabilization Act, 1968.

PART II.

25 MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT, 1968.

5. (1) In this section "prescribed season" means—
- (a) a quota season; or
 - (b) a season that is not a quota season but next follows a quota season.
- 30

Modification of operation of Wheat Industry Stabilization Act, 1968.

(2)

Wheat Quotas.

(2) In relation to a prescribed season, section fourteen of the Wheat Industry Stabilization Act, 1968, has effect as if references in that section to wheat or wheat of a season were references to wheat included in the pool for that prescribed season in accordance with this section.

(3) The pool for a prescribed season that is a quota season (in this subsection referred to as the relevant season) consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization Act, 1968, or of a law of another State or of the Commonwealth) :—

- (a) wheat (whether of the relevant season or of any quota season that preceded the relevant season) delivered during the relevant season or any quota season that preceded the relevant season and appearing from the records of the Board to be the whole or a part of a quota that is applicable in relation to a person in respect of the relevant season under this Act or under a law of another State providing for the fixing of wheat quotas;
- (b) any other wheat, being wheat of the relevant season declared by the Board to have been sold by the Board, and paid for in full, during the relevant season; and
- (c) any other wheat, being wheat of any quota season that preceded the relevant season and wheat that—
 - (i) was delivered to the Board before the relevant season;
 - (ii) was not included in the pool for any season that preceded the relevant season; and
 - (iii) is declared by the Board to have been sold by the Board, and paid for in full, during the relevant season.

(4)

Wheat Quotas.

(4) The pool for a prescribed season that is not a quota season consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization Act, 1968, or of a law of another State or of the Commonwealth) :—

- (a) wheat of that season; and
- (b) wheat of any quota season that preceded that prescribed season and was not included in the pool for any season that preceded that prescribed season.

(5) The Board may, in such manner as it considers equitable, attribute sales of wheat the subject of a declaration by the Board referred to in paragraph (b) or (c) of subsection three of this section, being wheat of a particular kind, to all or any of the wheat of that particular kind delivered by particular persons.

PART III.

QUOTAS FOR THE 1970-1971 SEASON.

DIVISION 1.—1969-1970 *Season Growers.*

6. (1) In this Part—

20 “over-quota wheat” means wheat delivered to the Board during the 1969-1970 season that—

Calculation and allocation of 1970-1971 quotas.

- (a) did not form part of the pool referred to in subsection two of section four of the Wheat Quotas Act, 1969; and
- 25 (b) was not wheat in respect of which a person was disqualified by section ten of the Wheat Quotas Act, 1969, from receiving a basic quota;

“prescribed person” means a person—

30 (a) to whom a basic quota was allocated;

(b)

Wheat Quotas.

5 (b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section thirty-five excepted);

(c) who delivered over-quota wheat; and

(d) who is not a person referred to in subsection five of this section;

10 “prescribed quantity” in relation to a prescribed person means the 1970–1971 quota which that person would have been allocated if he had been entitled to a quota under this section (subsection five excepted).

15 (2) Subject to subsection four of this section and sections sixteen and twenty-eight of this Act, the Grain Elevators Board shall allocate a 1970–1971 quota, calculated in accordance with the formula specified in subsection three of this section, to a person—

20 (a) to whom a basic quota was allocated;

(b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section 25 thirty-five excepted);

(c) who did not deliver over-quota wheat; and

(d) who is a wheatgrower.

(3) The formula referred to in subsection two of this section is—

30
$$a = b - \frac{b \times c}{100}$$

where—

Wheat Quotas.

where—

a = the quantity (in bushels) of wheat which is the 1970–1971 quota to be allocated to that person;

5 b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and

c = the figure specified in the second column of the table hereto opposite an item specified in the first column of that table, being an item within the limits of which the basic quota allocated to that person fell.

10

TABLE.

First Column.	Second Column.	Third Column.
BASIC QUOTAS. Quantity (in bushels) of wheat.	REDUCTION FIGURE.	MINIMUM 1970–1971 QUOTAS. Quantity (in bushels) of wheat.
Under 1000	—	
1000–2000	5	1000
2001–3000	7½	1900
3001–4000	10	2775
20 4001–5000	12½	3600
5001–6000	15	4375
6001–7000	17½	5100
7001–8000	20	5775
8001–9000	22½	6400
25 9001–10000	25	6975
10001–12000	27½	7500
12001–14000	30	7975
14001–20000	32½	9100
20001–40000	34	13500
30 40001 and over	35	26400

(4) Where—

(a) the basic quota of a person entitled under subsection two of this section to a 1970–1971 quota was within the limits of an item in the first column of the table to subsection three of this section; and

35

(b)

Wheat Quotas.

- 5 (b) the amount ascertained by the application in respect of that basic quota of the formula in subsection three of this section is less than the amount specified opposite that item in the third column of that table,

the Grain Elevators Board shall, in lieu of allocating to that person under subsection two of this section a quota of the amount so ascertained, allocate to that person a quota of the amount so specified in that third column.

- 10 (5) Where a person would, but for the fact that he delivered over-quota wheat, be allocated a 1970-1971 quota under subsection two or four of this section of a quantity exceeding the quantity of over-quota wheat delivered by him—

- 15 (a) the Grain Elevators Board shall, subject to section twenty-eight of this Act, allocate to him a 1970-1971 quota of a quantity equal to the amount of that excess; and

- 20 (b) without affecting that quota he shall, for the purposes of Part II of this Act, be deemed to have delivered that over-quota wheat to the Board pursuant to a 1970-1971 quota during the 1970-1971 season.

- 25 (6) A prescribed person shall, for the purposes of Part II of this Act, be deemed to have, pursuant to a 1970-1971 quota, delivered to the Board during the 1970-1971 season a quantity of wheat that is the prescribed quantity for that person.

DIVISION 2.—New Growers.

- 30 7. In this Part, "new grower" means owner of land in New South Wales or the Australian Capital Territory on which wheat was, before the thirty-first day of August, one thousand nine hundred and seventy, sown for harvesting in the 1970-1971 season, but does not include a person who
35 was allocated a basic quota.

Wheat Quotas.

8. Subject to section nine of this Act, where a new grower— 1970-1971 quota for a new grower.
- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1970-1971 quota;
- 5 (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant;
- (c) duly furnishes any such additional information within the time specified for the purpose in the notice; and
- 10 (d) is a member of a class of new growers that the Minister notifies the Grain Elevators Board to be a class of new growers of which the members may be allocated 1970-1971 quotas,
- 15 the Grain Elevators Board may allocate a 1970-1971 quota to that new grower in the manner, and for the quantity, notified by the Minister to the Grain Elevators Board.

9. The Grain Elevators Board may, by a notice referred to in paragraph (b) of section eight of this Act, require any Verification of certain information.
- 20 or all of the additional information specified in the notice to be verified by statutory declaration and any such additional information to which such a requirement relates shall be deemed not to have been duly furnished to the Grain Elevators Board unless it has been so verified.

25 *DIVISION 3.—1970-1971 Northern Prime Hard Quotas.*

10. In this Part "northern prime hard wheat" means Interpretation.
- wheat—
- (a) that complies with the standard for fair average quality wheat determined by the Board for the
- 30 1970-1971 season;
- (b) that is one of the following varieties :—
- Timgalen, Mendos, Gamut, Gatcher, Spica, Windebri, Winglen or Gala;
- (c)

Wheat Quotas.

- (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture;
- (d) that contains an admixture of no more than ten per centum by volume of mottled, soft or bleached grains.

11. Where a person—

- (a) is entitled to a 1970–1971 quota pursuant to subsection two or four, or paragraph (a) of subsection five, of section six of this Act; and
- (b) has been allocated storage space during the 1970–1971 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act,

Allocation of 1970–1971 northern prime hard quotas.

the Grain Elevators Board shall allocate to that person a northern prime hard quota calculated in accordance with the formula specified in section twelve of this Act.

12. The formula referred to in section eleven of this Act is—

$$a = 11,500,000 \times \frac{b}{c}$$

Formula for allocation of 1970–1971 northern prime hard quotas.

where—

- a = the quantity (in bushels) of northern prime hard wheat which is the 1970–1971 northern prime hard quota to be allocated to that person;
- b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and
- c = the quantity (in bushels) of wheat calculated by aggregating the quantity (in bushels) of wheat specified in the basic quotas of all persons who are allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970–1971 season.

13.

Wheat Quotas.

13. (1) Where a person who is allocated a 1970-1971 quota under Division 1 of this Part has not been allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

Allocation of additional 1970-1971 northern prime hard quotas.

(2) Where a person who is allocated a 1970-1971 quota under Division 2 of this Part is allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

PART IV.

SHAREFARMERS.

14. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota (in this Part referred to as an allottee) is a party to a sharefarming agreement and it proposes to forward a quota authority under section twenty-three of this Act in respect of that quota, it shall specify in that quota authority that the quota has been allocated to specified persons jointly (being the parties to the sharefarming agreement) and the quota shall be deemed to have been allocated to those persons jointly in lieu of to the allottee.

Quota authority to include name of sharefarmer.

15.

Wheat Quotas.

15 **15.** (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1970-1971 quota or, as the case may be, the 1970-1971 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties, the Board shall cancel the quota so allocated and shall notify the allottee and each of the parties to the sharefarming agreement that, within a time specified in the notification, they may make to the Board such written representations as they think fit in connection with the dispute.

Grain Elevators Board to settle quota dispute among parties to share-farming agreement.

15 (2) Where a quota is cancelled pursuant to subsection one of this section the Grain Elevators Board shall, after considering any representations made to it by the allottee and other parties and any other matters it considers relevant, allocate 1970-1971 quotas or, as the case may require, 1970-1971 northern prime hard quotas, to the allottee and the other parties to the sharefarming agreement in such manner and for such quantities not exceeding in the aggregate the quantity 20 of the cancelled quota, as it thinks fit.

(3) The Grain Elevators Board may require any information furnished to it by an allottee or other party to a sharefarming agreement to be verified by statutory declaration.

PART V.

25

MISCELLANEOUS.

16. The Grain Elevators Board may refuse to allocate a 1970-1971 quota or a 1970-1971 northern prime hard quota, or may allocate a reduced 1970-1971 quota or a reduced 1970-1971 northern prime hard quota, to a person 30 who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

- (a) was not entitled to be allocated a basic quota; or
- (b) was not entitled to be allocated a basic quota of the quantity allocated.

17.

Wheat Quotas.

17. Where, after the Grain Elevators Board has allocated a 1970-1971 quota, or a 1970-1971 northern prime hard quota, to a person, that Board is satisfied— Quota may be cancelled.

- 5 (a) that the basic quota allocated to that person was calculated incorrectly;
- (b) that that person was, under a law of another State, allocated a quota of a kind that, in the opinion of the Grain Elevators Board, is equivalent to a basic quota;
- 10 (c) that the basic quotas allocated to that person and another person or other persons were calculated by reference, wholly or partly, to the same wheat delivered to the Board in any of the relevant seasons within the meaning of the Wheat Quotas Act, 1969, or sown for harvesting in the 1969-1970 season within the meaning of that Act; or
- 15 (d) that the 1970-1971 quota, or the 1970-1971 northern prime hard quota, allocated to that person was calculated incorrectly,

20 the Grain Elevators Board may cancel that person's 1970-1971 quota or his 1970-1971 northern prime hard quota and if it thinks fit allocate to him another 1970-1971 quota or 1970-1971 northern prime hard quota for such quantity of wheat as it thinks fit.

25 18. Where a person has been allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1970-1971 quota or 1970-1971 northern prime hard quota and allocate Transfer of quotas.

30 it to such person as is, or allocate it in such proportions and to such persons as are, specified in the application.

19. (1) Where a person to whom a 1970-1971 quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board wheat as, or as part of, his 1970-1971 quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver. Cancellation or reduction of 1970-1971 quota where wheat cannot be delivered as part of that quota, etc.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 5 1970-1971 quota, the Grain Elevators Board shall cancel that person's 1970-1971 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be able 10 to deliver to the Board wheat as part of his 1970-1971 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 quota to that quantity.

20. (1) Where the Grain Elevators Board is of the 15 opinion that the quantity of wheat which may be delivered pursuant to all 1970-1971 quotas will be less than ninety-nine million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of wheat which is likely to be 20 the short fall.

Allocation
of short
fall of
wheat
under
1970-1971
quotas.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 quotas as the Minister may determine 25 and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section the Minister shall give preference to persons whose basic quotas were cancelled under subsection two, or reduced under subsection three, of 30 section thirty-five of the Wheat Quotas Act, 1969.

21. (1) Where a person to whom a 1970-1971 northern prime hard quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board northern prime hard wheat as, or as part of, his 1970-1971 northern 35 prime hard quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

Cancellation
or reduction
of 1970-
1971
northern
prime hard
quotas where
northern
prime hard
wheat cannot
be delivered.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be unable to deliver to the Board any northern prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1970-1971 northern prime hard quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1970-1971 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 northern prime hard quota to that quantity.

22. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which may be delivered pursuant to all 1970-1971 northern prime hard wheat quotas will be less than twelve million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of northern prime hard wheat which is likely to be the short fall.

Allocation of short fall of northern prime hard wheat.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 northern prime hard quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section, the Minister shall give preference to persons whose northern prime hard quotas under the Wheat Quotas Act, 1969, were cancelled under subsection two, or reduced under subsection three, of section thirty-one of that Act.

Wheat Quotas.

23. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1970-1971 quota to any person, that 1970-1971 quota shall be deemed to have been allocated to that person under this Act. Quotas allocated before commencement of Act.

5 (2) The Grain Elevators Board—

(a) shall, in the case of a person to whom a 1970-1971 quota is allocated by that Board; or

10 (b) may, in the case of a person to whom a 1970-1971 northern prime hard quota is allocated by that Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1970-1971 quota or 1970-1971 northern prime hard quota, as the case may be.

15 24. (1) If any quota authority is lost or destroyed or defaced before all the wheat in respect of which it was issued has been delivered to the Board, the Grain Elevators Board may, subject to this section, issue a new quota authority in lieu thereof. Lost quota authorities.

20 (2) Where a quota authority is lost or destroyed the new quota authority shall not be issued unless the person who lost the quota authority lodges a statutory declaration with the Grain Elevators Board containing a statement that the quota authority has been lost or destroyed.

25 (3) Where a quota authority is defaced the new quota authority shall not be issued unless the defaced quota authority is lodged with the Grain Elevators Board for cancellation.

30 (4) In issuing a new quota authority under this section, the Grain Elevators Board shall ensure that the quantity of wheat specified in the new quota authority is the quantity

Wheat Quotas.

quantity specified in the lost, destroyed or defaced quota authority less any quantity of wheat delivered pursuant to that quota authority before it was lost, destroyed or defaced.

5 **25.** (1) Nothing in this Act affects the operation of any scheme prepared by the Grain Elevators Board under section 12A of the Grain Elevators Act, 1954.

Schemes under section 12A of Grain Elevators Act, 1954, not affected.

(2) Notwithstanding any other provision of this or of any other Act, the Grain Elevators Board—

10 (a) may refuse to accept delivery of any wheat as being part of a 1970-1971 quota from a person if that person's quota authority is not presented to that Board at the time of the delivery; and

15 (b) shall refuse to accept delivery of any wheat as being part of a 1970-1971 northern prime hard quota unless it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act and is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is
20 prime hard wheat.

25 **26.** (1) Notwithstanding any other provision of this Act, the Grain Elevators Board, with the approval of the Minister, may, in a special case and if it thinks it equitable or proper to do so, allocate a 1970-1971 quota to any person who, but for this section, would not be entitled to a 1970-1971 quota and as soon as practicable thereafter forward to that person a quota authority, or increase a 1970-1971 quota allocated to any person.

1970-1971 quotas may be allocated in special cases.

30 (2) Where the Grain Elevators Board determines that the total quantity of wheat in respect of which 1970-1971 quotas have been allocated exceeds ninety-nine million bushels, that Board shall reduce all the 1970-1971 quotas, in so far as they apply to wheat that has not at the date of the determination

determination

Wheat Quotas.

determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

5 (3) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1970-1971 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall reduce all the 1970-1971 northern prime hard quotas, in so far as they apply to northern prime hard wheat that has not
10 at the date of the determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

27. (1) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota is increased, reduced or cancelled
15 under this Act the person to whom the 1970-1971 quota or 1970-1971 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

Quota authorities to be returned after increase, reduction or cancellation.

20 (2) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1970-1971
25 quota or a 1970-1971 northern prime hard quota, as the case may be, equal to that specified quantity.

28. A 1970-1971 quota shall not be allocated to—

Basic quotas not to be allocated to certain persons.

30 (a) a person in respect of wheat sown for harvesting in the 1970-1971 season on land situated wholly or partly within the area defined by a proclamation in force under section four of the Border Railways (Grain Elevators) Amendment Act, 1957; or

(b)

Wheat Quotas.

5 (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1970-1971 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

10 **29.** (1) The provisions of any Act of the State of Victoria that provides for the allocation of quotas for the delivery of wheat, or of storage space for wheat, grown on land referred to in paragraph (a) of section twenty-eight of this Act apply, in respect of wheat of the 1970-1971 season, to persons who have sown wheat for harvesting in that season on that land as if that land were part of the State of Victoria. Certain areas deemed to be part of Victoria for certain purposes.

15 (2) A person who has grown wheat of the 1970-1971 season on land other than land referred to in paragraph (a) of section twenty-eight of this Act is not entitled to deliver that wheat to any of the elevators or works operated by the Grain Elevators Board of the State of Victoria situated on
20 any land so referred to, except with the consent of that Board.

30. No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against— Where no action shall lie.

- (a) Her Majesty;
- 25 (b) the Minister; or
- (c) the Grain Elevators Board, or any member or employee thereof,

for anything bona fide done or omitted to be done for the purposes of carrying out or giving effect to this Act.

Wheat Quotas.

31. (1) No writ of injunction or mandamus or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act. Decisions of Minister, etc., to be final.

(2) The validity of any proceeding or decision of the Minister or the Grain Elevators Board shall not be challenged in any manner whatsoever.

32. Any person who contravenes or fails to comply with a provision of this Act for which no penalty is expressly provided is guilty of an offence against this Act and liable to a penalty not exceeding four hundred dollars. Penalty.

33. All proceedings for offences against this Act or the regulations made under this Act shall be disposed of summarily before a court of petty sessions. Proceedings.

34. The provisions of section thirty-two of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act. Offences by companies and joint offenders.

35. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to 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 make different provisions in respect of different matters according to time, place or circumstances.

Wheat Quotas.

(3) The regulations may prescribe a penalty not exceeding four hundred dollars for any contravention of, or failure to comply with any provision of, the regulations.

SCHEDULE.

Secs. 11,
12 and 13.

5	Armatree	Gravesend
	Baan Baa	Gular
	Baradine	Gunnedah
	Bellata	Gurley
	Biniguy	Gwabegar
10	Boggabilla	Merah North
	Boggabri	Merrywinebone
	Burren Junction	Milguy
	Combara	Moree
	Combo	Mungeribar
15	Coonamble	Narrabri West
	Crooble	Narromine
	Croppa Creek	Nea
	Cryon	Nevertire
	Culgoora	North Star
20	Curban	Nyngan
	Curlewis	Premer
	Delungra	Quirindi
	Edgeroi	Springridge
	Emerald Hill	Tamarang
25	Eumungerie	Trangie
	Garah	Weemelah
	Gilgandra	Wee Waa

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

FROM QUOTE

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Alaska	Alaska
Arizona	Arizona
Arkansas	Arkansas
California	California
Colorado	Colorado
Connecticut	Connecticut
Delaware	Delaware
District of Columbia	District of Columbia
Florida	Florida
Georgia	Georgia
Idaho	Idaho
Illinois	Illinois
Indiana	Indiana
Iowa	Iowa
Kansas	Kansas
Kentucky	Kentucky
Louisiana	Louisiana
Maine	Maine
Maryland	Maryland
Massachusetts	Massachusetts
Michigan	Michigan
Minnesota	Minnesota
Mississippi	Mississippi
Missouri	Missouri
Montana	Montana
Nebraska	Nebraska
Nevada	Nevada
New Hampshire	New Hampshire
New Jersey	New Jersey
New Mexico	New Mexico
New York	New York
North Carolina	North Carolina
North Dakota	North Dakota
Ohio	Ohio
Oklahoma	Oklahoma
Oregon	Oregon
Pennsylvania	Pennsylvania
Rhode Island	Rhode Island
South Carolina	South Carolina
South Dakota	South Dakota
Tennessee	Tennessee
Texas	Texas
Vermont	Vermont
Virginia	Virginia
Washington	Washington
West Virginia	West Virginia
Wisconsin	Wisconsin
Wyoming	Wyoming

PROOF

WHEAT QUOTAS BILL, 1970

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to limit the quantity of wheat of the 1970–1971 season for which the Australian Wheat Board is required to pay prices calculated in accordance with the Wheat Industry Stabilization Act, 1968;
- (b) to authorise payment of those prices in respect of certain wheat of the 1969–1970 season;
- (c) to provide for the allocation by the Grain Elevators Board of wheat quotas and northern prime hard wheat quotas;
- (d) to make other provisions consequential upon or ancillary to the foregoing.

1910

WHEAT QUOTAS BILL 1910

EXPLANATORY NOTE

The purpose of this bill is to provide for the regulation of the wheat trade in this country. It is intended to be a permanent law, and it is believed that it will be of great benefit to the country. The bill provides for the establishment of a wheat quota, and it also provides for the regulation of the wheat trade. It is believed that this bill will be of great benefit to the country, and it is hoped that it will be passed by the Congress.

1910

PROOF

No. , 1970.

A BILL

To provide for the allocation of quotas in respect of wheat of the 1970-1971 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend that Act; and for purposes connected therewith.

[MR CRAWFORD —27 October, 1970.]

BE

Wheat Quotas.

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. (1) This Act may be cited as the "Wheat Quotas Act, 1970".

Short title
and com-
mencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is divided as follows :—

Division of
Act.

PART I.—PRELIMINARY—ss. 1-4.

PART II.—MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT, 1968—s. 5.

PART III.—QUOTAS FOR THE 1970-1971 SEASON—ss. 6-13.

DIVISION 1.—1969-1970 Season Growers—s. 6.

DIVISION 2.—New Growers—ss. 7-9.

DIVISION 3.—1970-1971 Northern Prime Hard Quotas—ss. 10-13.

PART IV.—SHAREFARMERS—ss. 14, 15.

PART V.—MISCELLANEOUS—ss. 16-35.

SCHEDULE.

3. (1) For the purposes of this Act, the year that commenced on the first day of October, one thousand nine hundred and sixty-nine, and each subsequent year, not being a year in respect of which a proclamation is made under subsection two of this section, is a quota season.

(2)

Wheat Quotas.

(2) The Governor may, by proclamation published in the Gazette on or before the first day of April in any year, declare that the year commencing on the next following first day of October is not a quota season for the purposes of this Act.

4. (1) In this Act, except in so far as the context or Interpretation. subject-matter otherwise indicates or requires—

10 “basic quota” means, subject to subsection two of section forty-one of the Wheat Quotas Act, 1969, a basic quota allocated under section six, section nine or subsection one of section thirty-three of that Act;

“1970–1971 quota” means 1970–1971 quota allocated under this Act;

15 “1970–1971 northern prime hard quota” means 1970–1971 northern prime hard quota allocated under this Act;

“owner”, in relation to land, includes—

20 (a) every person who jointly or severally, whether at law or in equity—

(i) is entitled to the land for any estate of freehold in possession;

25 (ii) is a person to whom the Crown has lawfully contracted to grant the fee-simple under the Crown Lands Acts or any other Act relating to the alienation of lands of the Crown; or

30 (iii) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise;

35 (b) the lessee from any owner as defined in paragraph (a) of this definition; and

(c)

Wheat Quotas.

5 (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) of this definition and entitles the licensee to grow wheat on that owner's land,

but where two or more persons are the owners of any land and—

10 (d) are owners, as defined in paragraph (a) of this definition, of that land and are joint tenants or tenants in common of that land;

(e) are owners, as defined in paragraph (b) of this definition, of that land and are joint lessees of that land; or

15 (f) are owners, as defined in paragraph (c) of this definition, of that land and are joint licensees of that land,

those persons shall, for the purposes of this Act, be regarded as only one owner;

20 "sharefarmer" means a person who has entered into an agreement with the owner of any land that is in New South Wales or in the Australian Capital Territory whereby—

25 (a) that owner grants a licence to that person to use and occupy the whole or any part of the land for agricultural or pastoral purposes or partly for agricultural and partly for pastoral purposes;

30 (b) that person undertakes to provide labour either with or without materials or stock for the working of the land to which the agreement relates; and

35 (c) the owner and that person agree that the produce of the land to which the agreement relates, derived during the currency of the agreement, or the proceeds of the sale of that produce, shall be divided between the parties in specified proportions or shares,

where

Wheat Quotas.

5 where that person, pursuant to that agreement, sowed wheat before the thirty-first day of August, one thousand nine hundred and seventy, for harvesting in the 1970-1971 season on the land to which the agreement relates;

10 "sharefarming agreement" means an agreement of the nature referred to in the definition of "sharefarmer" in this subsection made between a sharefarmer and the owner of any land to whom a 1970-1971 quota is allocated;

"the 1969-1970 season" has the meaning ascribed thereto in section three of the Wheat Quotas Act, 1969;

15 "the 1970-1971 season" means the year that commenced on the first day of October, one thousand nine hundred and seventy;

20 "wheatgrower" means a person who, before the thirty-first day of August, one thousand nine hundred and seventy, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1970-1971 season.

(2) This Act shall be read and construed with and as part of the Wheat Industry Stabilization Act, 1968.

PART II.

25 MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT, 1968.

5. (1) In this section "prescribed season" means—
(a) a quota season; or
(b) a season that is not a quota season but next follows a quota season.

Modification of operation of Wheat Industry Stabilization Act, 1968.

(2)

Wheat Quotas.

(2) In relation to a prescribed season, section fourteen of the Wheat Industry Stabilization Act, 1968, has effect as if references in that section to wheat or wheat of a season were references to wheat included in the pool for that
5 prescribed season in accordance with this section.

(3) The pool for a prescribed season that is a quota season (in this subsection referred to as the relevant season) consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization
10 Act, 1968, or of a law of another State or of the Commonwealth) :—

(a) wheat (whether of the relevant season or of any quota season that preceded the relevant season) delivered during the relevant season or any quota
15 season that preceded the relevant season and appearing from the records of the Board to be the whole or a part of a quota that is applicable in relation to a person in respect of the relevant season under this Act or under a law of another
20 State providing for the fixing of wheat quotas ;

(b) any other wheat, being wheat of the relevant season declared by the Board to have been sold by the Board, and paid for in full, during the relevant season ; and

25 (c) any other wheat, being wheat of any quota season that preceded the relevant season and wheat that—

(i) was delivered to the Board before the relevant season ;

(ii) was not included in the pool for any season that preceded the relevant season ; and

30 (iii) is declared by the Board to have been sold by the Board, and paid for in full, during the relevant season.

(4)

Wheat Quotas.

(4) The pool for a prescribed season that is not a quota season consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization Act, 1968, or of a law of another State or of the Commonwealth) :—

- (a) wheat of that season; and
- (b) wheat of any quota season that preceded that prescribed season and was not included in the pool for any season that preceded that prescribed season.

(5) The Board may, in such manner as it considers equitable, attribute sales of wheat the subject of a declaration by the Board referred to in paragraph (b) or (c) of subsection three of this section, being wheat of a particular kind, to all or any of the wheat of that particular kind delivered by particular persons.

PART III.

QUOTAS FOR THE 1970-1971 SEASON.

DIVISION 1.—1969-1970 *Season Growers.*

6. (1) In this Part—

20 “over-quota wheat” means wheat delivered to the Board during the 1969-1970 season that—

Calculation and allocation of 1970-1971 quotas.

- (a) did not form part of the pool referred to in subsection two of section four of the Wheat Quotas Act, 1969; and
- 25 (b) was not wheat in respect of which a person was disqualified by section ten of the Wheat Quotas Act, 1969, from receiving a basic quota;

“prescribed person” means a person—

- 30 (a) to whom a basic quota was allocated;

(b)

Wheat Quotas.

5 (b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section thirty-five excepted);

(c) who delivered over-quota wheat; and

(d) who is not a person referred to in subsection five of this section;

10 "prescribed quantity" in relation to a prescribed person means the 1970-1971 quota which that person would have been allocated if he had been entitled to a quota under this section (subsection five excepted).

15 (2) Subject to subsection four of this section and sections sixteen and twenty-eight of this Act, the Grain Elevators Board shall allocate a 1970-1971 quota, calculated in accordance with the formula specified in subsection three of this section, to a person—

20 (a) to whom a basic quota was allocated;

(b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section 25 thirty-five excepted);

(c) who did not deliver over-quota wheat; and

(d) who is a wheatgrower.

(3) The formula referred to in subsection two of this section is—

30
$$a = b - \frac{b \times c}{100}$$

where—

Wheat Quotas.

where—

a = the quantity (in bushels) of wheat which is the 1970–1971 quota to be allocated to that person;

5 b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and

c = the figure specified in the second column of the table hereto opposite an item specified in the first column of that table, being an item within the limits of which the basic quota allocated to that person fell.

10 TABLE.

	First Column.	Second Column.	Third Column.
15	BASIC QUOTAS. Quantity (in bushels) of wheat.	REDUCTION FIGURE.	MINIMUM 1970–1971 QUOTAS. Quantity (in bushels) of wheat.
	Under 1000	—	
	1000–2000	5	1000
	2001–3000	7½	1900
	3001–4000	10	2775
20	4001–5000	12½	3600
	5001–6000	15	4375
	6001–7000	17½	5100
	7001–8000	20	5775
	8001–9000	22½	6400
25	9001–10000	25	6975
	10001–12000	27½	7500
	12001–14000	30	7975
	14001–20000	32½	9100
	20001–40000	34	13500
30	40001 and over	35	26400

(4) Where—

(a) the basic quota of a person entitled under subsection two of this section to a 1970–1971 quota was within the limits of an item in the first column of the table to subsection three of this section; and

35

(b)

Wheat Quotas.

5 (b) the amount ascertained by the application in respect of that basic quota of the formula in subsection three of this section is less than the amount specified opposite that item in the third column of that table,

the Grain Elevators Board shall, in lieu of allocating to that person under subsection two of this section a quota of the amount so ascertained, allocate to that person a quota of the amount so specified in that third column.

10 (5) Where a person would, but for the fact that he delivered over-quota wheat, be allocated a 1970-1971 quota under subsection two or four of this section of a quantity exceeding the quantity of over-quota wheat delivered by him—

15 (a) the Grain Elevators Board shall, subject to section twenty-eight of this Act, allocate to him a 1970-1971 quota of a quantity equal to the amount of that excess; and

20 (b) without affecting that quota he shall, for the purposes of Part II of this Act, be deemed to have delivered that over-quota wheat to the Board pursuant to a 1970-1971 quota during the 1970-1971 season.

25 (6) A prescribed person shall, for the purposes of Part II of this Act, be deemed to have, pursuant to a 1970-1971 quota, delivered to the Board during the 1970-1971 season a quantity of wheat that is the prescribed quantity for that person.

DIVISION 2.—New Growers.

30 7. In this Part, "new grower" means owner of land in New South Wales or the Australian Capital Territory on which wheat was, before the thirty-first day of August, one thousand nine hundred and seventy, sown for harvesting in the 1970-1971 season, but does not include a person who
35 was allocated a basic quota.

8.

Wheat Quotas.

8. Subject to section nine of this Act, where a new grower—
- 1970-1971 quota for a new grower.
- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1970-1971 quota;
- 5 (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant;
- (c) duly furnishes any such additional information within the time specified for the purpose in the notice; and
- 10 (d) is a member of a class of new growers that the Minister notifies the Grain Elevators Board to be a class of new growers of which the members may be allocated 1970-1971 quotas,
- 15 the Grain Elevators Board may allocate a 1970-1971 quota to that new grower in the manner, and for the quantity, notified by the Minister to the Grain Elevators Board.

9. The Grain Elevators Board may, by a notice referred to in paragraph (b) of section eight of this Act, require any
- 20 or all of the additional information specified in the notice to be verified by statutory declaration and any such additional information to which such a requirement relates shall be deemed not to have been duly furnished to the Grain Elevators Board unless it has been so verified.
- Verification of certain information.

25 DIVISION 3.—1970-1971 *Northern Prime Hard Quotas.*

10. In this Part “northern prime hard wheat” means
- wheat—
- Interpretation.

- (a) that complies with the standard for fair average quality wheat determined by the Board for the
- 30 1970-1971 season;
- (b) that is one of the following varieties :—
- Timgalen, Mendos, Gamut, Gatcher, Spica, Windebri, Winglen or Gala;

(c)

Wheat Quotas.

- (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture ;
- (d) that contains an admixture of no more than ten per centum by volume of mottled, soft or bleached grains.

11. Where a person—

- (a) is entitled to a 1970–1971 quota pursuant to subsection two or four, or paragraph (a) of subsection five, of section six of this Act ; and

Allocation
of 1970–
1971
northern
prime hard
quotas.

- (b) has been allocated storage space during the 1970–1971 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act,

the Grain Elevators Board shall allocate to that person a northern prime hard quota calculated in accordance with the formula specified in section twelve of this Act.

12. The formula referred to in section eleven of this Act is—

$$a = 11,500,000 \times \frac{b}{c}$$

Formula
for allocation
of
1970–1971
northern
prime hard
quotas.

where—

- a = the quantity (in bushels) of northern prime hard wheat which is the 1970–1971 northern prime hard quota to be allocated to that person ;
- b = the quantity (in bushels) of wheat that was the basic quota allocated to that person ; and
- c = the quantity (in bushels) of wheat calculated by aggregating the quantity (in bushels) of wheat specified in the basic quotas of all persons who are allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970–1971 season.

13.

Wheat Quotas.

13. (1) Where a person who is allocated a 1970-1971 quota under Division 1 of this Part has not been allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

Allocation of additional 1970-1971 northern prime hard quotas.

(2) Where a person who is allocated a 1970-1971 quota under Division 2 of this Part is allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

PART IV.

SHAREFARMERS.

14. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota (in this Part referred to as an allottee) is a party to a sharefarming agreement and it proposes to forward a quota authority under section twenty-three of this Act in respect of that quota, it shall specify in that quota authority that the quota has been allocated to specified persons jointly (being the parties to the sharefarming agreement) and the quota shall be deemed to have been allocated to those persons jointly in lieu of to the allottee.

Quota authority to include name of sharefarmer.

Wheat Quotas.

15. (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1970-1971 quota or, as the case may be, the 1970-1971 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties, the Board shall cancel the quota so allocated and shall notify the allottee and each of the parties to the sharefarming agreement that, within a time specified in the notification, they may make to the Board such written representations as they think fit in connection with the dispute.

Grain Elevators Board to settle quota dispute among parties to sharefarming agreement.

(2) Where a quota is cancelled pursuant to subsection one of this section the Grain Elevators Board shall, after considering any representations made to it by the allottee and other parties and any other matters it considers relevant, allocate 1970-1971 quotas or, as the case may require, 1970-1971 northern prime hard quotas, to the allottee and the other parties to the sharefarming agreement in such manner and for such quantities not exceeding in the aggregate the quantity of the cancelled quota, as it thinks fit.

(3) The Grain Elevators Board may require any information furnished to it by an allottee or other party to a sharefarming agreement to be verified by statutory declaration.

PART V.

25 MISCELLANEOUS.

16. The Grain Elevators Board may refuse to allocate a 1970-1971 quota or a 1970-1971 northern prime hard quota, or may allocate a reduced 1970-1971 quota or a reduced 1970-1971 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

- (a) was not entitled to be allocated a basic quota; or
- (b) was not entitled to be allocated a basic quota of the quantity allocated.

17.

Wheat Quotas.

- 17.** Where, after the Grain Elevators Board has allocated a 1970–1971 quota, or a 1970–1971 northern prime hard quota, to a person, that Board is satisfied— Quota may be cancelled.
- 5 (a) that the basic quota allocated to that person was calculated incorrectly;
- (b) that that person was, under a law of another State, allocated a quota of a kind that, in the opinion of the Grain Elevators Board, is equivalent to a basic quota;
- 10 (c) that the basic quotas allocated to that person and another person or other persons were calculated by reference, wholly or partly, to the same wheat delivered to the Board in any of the relevant seasons within the meaning of the Wheat Quotas Act, 1969, or sown for harvesting in the 1969–1970 season within the meaning of that Act; or
- 15 (d) that the 1970–1971 quota, or the 1970–1971 northern prime hard quota, allocated to that person was calculated incorrectly,
- 20 the Grain Elevators Board may cancel that person's 1970–1971 quota or his 1970–1971 northern prime hard quota and if it thinks fit allocate to him another 1970–1971 quota or 1970–1971 northern prime hard quota for such quantity of wheat as it thinks fit.
- 25 **18.** Where a person has been allocated a 1970–1971 quota or a 1970–1971 northern prime hard quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1970–1971 quota or 1970–1971 northern prime hard quota and allocate Transfer of quotas.
- 30 it to such person as is, or allocate it in such proportions and to such persons as are, specified in the application.
- 19.** (1) Where a person to whom a 1970–1971 quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board wheat as, or as part of, Cancellation or reduction of 1970–1971 quota where wheat cannot be delivered as part of that quota, etc.
- 35 his 1970–1971 quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.
- (2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1970-1971 quota, the Grain Elevators Board shall cancel that person's 1970-1971 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be able to deliver to the Board wheat as part of his 1970-1971 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 quota to that quantity.

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1970-1971 quotas will be less than ninety-nine million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of wheat which is likely to be the short fall.

Allocation of short fall of wheat under 1970-1971 quotas.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section the Minister shall give preference to persons whose basic quotas were cancelled under subsection two, or reduced under subsection three, of section thirty-five of the Wheat Quotas Act, 1969.

21. (1) Where a person to whom a 1970-1971 northern prime hard quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board northern prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

Cancellation or reduction of 1970-1971 northern prime hard quotas where northern prime hard wheat cannot be delivered.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be unable to deliver to the Board any northern prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1970-1971 northern prime hard quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1970-1971 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 northern prime hard quota to that quantity.

22. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which may be delivered pursuant to all 1970-1971 northern prime hard wheat quotas will be less than twelve million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of northern prime hard wheat which is likely to be the short fall.

Allocation of short fall of northern prime hard wheat.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 northern prime hard quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section, the Minister shall give preference to persons whose northern prime hard quotas under the Wheat Quotas Act, 1969, were cancelled under subsection two, or reduced under subsection three, of section thirty-one of that Act.

Wheat Quotas.

23. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1970–1971 quota to any person, that 1970–1971 quota shall be deemed to have been allocated to that person under this Act. Quotas allocated before commencement of Act.

5 (2) The Grain Elevators Board—

(a) shall, in the case of a person to whom a 1970–1971 quota is allocated by that Board; or

10 (b) may, in the case of a person to whom a 1970–1971 northern prime hard quota is allocated by that Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1970–1971 quota or 1970–1971 northern prime hard quota, as the case may be.

15 **24.** (1) If any quota authority is lost or destroyed or defaced before all the wheat in respect of which it was issued has been delivered to the Board, the Grain Elevators Board **may**, subject to this section, issue a new quota authority in lieu thereof. Lost quota authorities.

20 (2) Where a quota authority is lost or destroyed the new quota authority shall not be issued unless the person who lost the quota authority lodges a statutory declaration with the Grain Elevators Board containing a statement that the quota authority has been lost or destroyed.

25 (3) Where a quota authority is defaced the new quota authority shall not be issued unless the defaced quota authority is lodged with the Grain Elevators Board for cancellation.

30 (4) In issuing a new quota authority under this section, the Grain Elevators Board shall ensure that the quantity of wheat specified in the new quota authority is the quantity

Wheat Quotas.

quantity specified in the lost, destroyed or defaced quota authority less any quantity of wheat delivered pursuant to that quota authority before it was lost, destroyed or defaced.

5 **25.** (1) Nothing in this Act affects the operation of any scheme prepared by the Grain Elevators Board under section 12A of the Grain Elevators Act, 1954.

Schemes under section 12A of Grain Elevators Act, 1954, not affected.

(2) Notwithstanding any other provision of this or of any other Act, the Grain Elevators Board—

10 (a) may refuse to accept delivery of any wheat as being part of a 1970–1971 quota from a person if that person's quota authority is not presented to that Board at the time of the delivery; and

15 (b) shall refuse to accept delivery of any wheat as being part of a 1970–1971 northern prime hard quota unless it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act and is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is
20 prime hard wheat.

25 **26.** (1) Notwithstanding any other provision of this Act, the Grain Elevators Board, with the approval of the Minister, may, in a special case and if it thinks it equitable or proper to do so, allocate a 1970–1971 quota to any person who, but for this section, would not be entitled to a 1970–1971 quota and as soon as practicable thereafter forward to that person a quota authority, or increase a 1970–1971 quota allocated to any person.

1970–1971 quotas may be allocated in special cases.

30 (2) Where the Grain Elevators Board determines that the total quantity of wheat in respect of which 1970–1971 quotas have been allocated exceeds ninety-nine million bushels, that Board shall reduce all the 1970–1971 quotas, in so far as they apply to wheat that has not at the date of the determination

Wheat Quotas.

determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

- 5 (3) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1970-1971 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall reduce all the 1970-1971 northern prime hard quotas, in so far as they apply to northern prime hard wheat that has not
10 at the date of the determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

27. (1) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota is increased, reduced or cancelled
15 under this Act the person to whom the 1970-1971 quota or 1970-1971 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

Quota authorities to be returned after increase, reduction or cancellation.

- 20 (2) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1970-1971
25 quota or a 1970-1971 northern prime hard quota, as the case may be, equal to that specified quantity.

28. A 1970-1971 quota shall not be allocated to—

Basic quotas not to be allocated to certain persons.

- (a) a person in respect of wheat sown for harvesting in the 1970-1971 season on land situated wholly
30 or partly within the area defined by a proclamation in force under section four of the Border Railways (Grain Elevators) Amendment Act, 1957; or

(b)

Wheat Quotas.

5 (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1970-1971 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

10 **29.** (1) The provisions of any Act of the State of Victoria that provides for the allocation of quotas for the delivery of wheat, or of storage space for wheat, grown on land referred to in paragraph (a) of section twenty-eight of this Act apply, in respect of wheat of the 1970-1971 season, to persons who have sown wheat for harvesting in that season on that land as if that land were part of the State of Victoria.

Certain areas deemed to be part of Victoria for certain purposes.

15 (2) A person who has grown wheat of the 1970-1971 season on land other than land referred to in paragraph (a) of section twenty-eight of this Act is not entitled to deliver that wheat to any of the elevators or works operated by the Grain Elevators Board of the State of Victoria situated on
20 any land so referred to, except with the consent of that Board.

30. No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against—

Where no action shall lie.

- (a) Her Majesty;
- 25 (b) the Minister; or
- (c) the Grain Elevators Board, or any member or employee thereof,

for anything bona fide done or omitted to be done for the purposes of carrying out or giving effect to this Act.

31.

Wheat Quotas.

31. (1) No writ of injunction or mandamus or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act. Decisions of Minister, etc., to be final.

(2) The validity of any proceeding or decision of the Minister or the Grain Elevators Board shall not be challenged in any manner whatsoever.

32. Any person who contravenes or fails to comply with a provision of this Act for which no penalty is expressly provided is guilty of an offence against this Act and liable to a penalty not exceeding four hundred dollars. Penalty.

33. All proceedings for offences against this Act or the regulations made under this Act shall be disposed of summarily before a court of petty sessions. Proceedings.

34. The provisions of section thirty-two of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act. Offences by companies and joint offenders.

35. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to 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 make different provisions in respect of different matters according to time, place or circumstances.

Wheat Quotas.

(3) The regulations may prescribe a penalty not exceeding four hundred dollars for any contravention of, or failure to comply with any provision of, the regulations.

SCHEDULE.

Secs. 11,
12 and 13.

5	Armatree	Gravesend
	Baan Baa	Gular
	Baradine	Gunnedah
	Bellata	Gurley
	Biniguy	Gwabegar
10	Boggabilla	Merah North
	Boggabri	Merrywinebone
	Burren Junction	Milguy
	Combara	Moree
	Combo	Mungeribar
15	Coonamble	Narrabri West
	Crooble	Narromine
	Croppa Creek	Nea
	Cryon	Nevertire
	Culgoora	North Star
20	Curban	Nyngan
	Curlewis	Premer
	Delungra	Quirindi
	Edgeroi	Springridge
	Emerald Hill	Tamarang
25	Eumungerie	Trangie
	Garah	Weemelah
	Gilgandra	Wee Waa

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

BY AUTHORITY OF THE BOARD OF SUPERVISORS
COUNTY OF ALBANY, N. Y.

PROOF

WHEAT QUOTAS BILL, 1970

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to limit the quantity of wheat of the 1970–1971 season for which the Australian Wheat Board is required to pay prices calculated in accordance with the Wheat Industry Stabilization Act, 1968;
- (b) to authorise payment of those prices in respect of certain wheat of the 1969–1970 season;
- (c) to provide for the allocation by the Grain Elevators Board of wheat quotas and northern prime hard wheat quotas;
- (d) to make other provisions consequential upon or ancillary to the foregoing.

WHEAT QUOTAS BILL 1978

EXPLANATORY STATEMENT

The Wheat Quotas Bill 1978 is a measure to provide for the control of the export of wheat from the United Kingdom to certain countries. The Bill is necessary in order to give effect to the arrangements made under the terms of the Wheat Export Agreement with the Government of the United States of America, which was signed on 15th July 1978. The Bill will enable the Secretary of State to issue licences for the export of wheat to the United States of America, and to control the quantity of wheat which may be exported to that country. The Bill will also provide for the control of the export of wheat to other countries, and for the control of the import of wheat from certain countries. The Bill will be subject to the provisions of the Wheat Export Agreement, and to the provisions of the Wheat Export Regulations 1978.

PROOF

No. , 1970.

A BILL

To provide for the allocation of quotas in respect of wheat of the 1970-1971 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend that Act; and for purposes connected therewith.

[MR CRAWFORD —27 October, 1970.]

BE

Wheat Quotas.

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. (1) This Act may be cited as the "Wheat Quotas Act, 1970".

Short title and commencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is divided as follows :—

Division of Act.

PART I.—PRELIMINARY—ss. 1-4.

PART II.—MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT, 1968—s. 5.

PART III.—QUOTAS FOR THE 1970-1971 SEASON—ss. 6-13.

DIVISION 1.—1969-1970 Season Growers—s. 6.

DIVISION 2.—New Growers—ss. 7-9.

DIVISION 3.—1970-1971 Northern Prime Hard Quotas—ss. 10-13.

PART IV.—SHAREFARMERS—ss. 14, 15.

PART V.—MISCELLANEOUS—ss. 16-35.

SCHEDULE.

3. (1) For the purposes of this Act, the year that commenced on the first day of October, one thousand nine hundred and sixty-nine, and each subsequent year, not being a year in respect of which a proclamation is made under subsection two of this section, is a quota season.

(2)

Wheat Quotas.

(2) The Governor may, by proclamation published in the Gazette on or before the first day of April in any year, declare that the year commencing on the next following first day of October is not a quota season for the purposes of this Act.

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

Interpretation.

“basic quota” means, subject to subsection two of section forty-one of the Wheat Quotas Act, 1969, a basic quota allocated under section six, section nine or subsection one of section thirty-three of that Act;

“1970–1971 quota” means 1970–1971 quota allocated under this Act;

“1970–1971 northern prime hard quota” means 1970–1971 northern prime hard quota allocated under this Act;

“owner”, in relation to land, includes—

(a) every person who jointly or severally, whether at law or in equity—

(i) is entitled to the land for any estate of freehold in possession;

(ii) is a person to whom the Crown has lawfully contracted to grant the fee-simple under the Crown Lands Acts or any other Act relating to the alienation of lands of the Crown; or

(iii) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise;

(b) the lessee from any owner as defined in paragraph (a) of this definition; and

(c)

Wheat Quotas.

5 (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) of this definition and entitles the licensee to grow wheat on that owner's land,

but where two or more persons are the owners of any land and—

10 (d) are owners, as defined in paragraph (a) of this definition, of that land and are joint tenants or tenants in common of that land;

(e) are owners, as defined in paragraph (b) of this definition, of that land and are joint lessees of that land; or

15 (f) are owners, as defined in paragraph (c) of this definition, of that land and are joint licensees of that land,

those persons shall, for the purposes of this Act, be regarded as only one owner;

20 "sharefarmer" means a person who has entered into an agreement with the owner of any land that is in New South Wales or in the Australian Capital Territory whereby—

25 (a) that owner grants a licence to that person to use and occupy the whole or any part of the land for agricultural or pastoral purposes or partly for agricultural and partly for pastoral purposes;

30 (b) that person undertakes to provide labour either with or without materials or stock for the working of the land to which the agreement relates; and

35 (c) the owner and that person agree that the produce of the land to which the agreement relates, derived during the currency of the agreement, or the proceeds of the sale of that produce, shall be divided between the parties in specified proportions or shares,

where

Wheat Quotas.

5 where that person, pursuant to that agreement,
sowed wheat before the thirty-first day of August,
one thousand nine hundred and seventy, for
harvesting in the 1970-1971 season on the land
to which the agreement relates;

10 "sharefarming agreement" means an agreement of the
nature referred to in the definition of "sharefarmer"
in this subsection made between a sharefarmer and
the owner of any land to whom a 1970-1971 quota
is allocated;

"the 1969-1970 season" has the meaning ascribed
thereto in section three of the Wheat Quotas Act,
1969;

15 "the 1970-1971 season" means the year that com-
menced on the first day of October, one thousand
nine hundred and seventy;

20 "wheatgrower" means a person who, before the thirty-
first day of August, one thousand nine hundred and
seventy, sowed wheat on land in New South Wales
or the Australian Capital Territory for harvesting
in the 1970-1971 season.

(2) This Act shall be read and construed with and as
part of the Wheat Industry Stabilization Act, 1968.

PART II.

25 **MODIFICATION OF WHEAT INDUSTRY STABILIZATION
ACT, 1968.**

5. (1) In this section "prescribed season" means—
- (a) a quota season; or
- (b) a season that is not a quota season but next follows
30 a quota season.

Modification
of operation
of Wheat
Industry
Stabilization
Act, 1968.

(2)

Wheat Quotas.

(2) In relation to a prescribed season, section fourteen of the Wheat Industry Stabilization Act, 1968, has effect as if references in that section to wheat or wheat of a season were references to wheat included in the pool for that
5 prescribed season in accordance with this section.

(3) The pool for a prescribed season that is a quota season (in this subsection referred to as the relevant season) consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization
10 Act, 1968, or of a law of another State or of the Commonwealth) :—

- (a) wheat (whether of the relevant season or of any
15 quota season that preceded the relevant season) delivered during the relevant season or any quota season that preceded the relevant season and appearing from the records of the Board to be the whole or a part of a quota that is applicable in relation to a person in respect of the relevant
20 season under this Act or under a law of another State providing for the fixing of wheat quotas ;
- (b) any other wheat, being wheat of the relevant season declared by the Board to have been sold by the Board, and paid for in full, during the relevant season ; and
- 25 (c) any other wheat, being wheat of any quota season that preceded the relevant season and wheat that—
- (i) was delivered to the Board before the relevant season ;
- (ii) was not included in the pool for any season that preceded the relevant season ; and
- 30 (iii) is declared by the Board to have been sold by the Board, and paid for in full, during the relevant season.

(3)

(4)

Wheat Quotas.

(4) The pool for a prescribed season that is not a quota season consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization Act, 1968, or of a law of another State or of the Commonwealth) :—

- (a) wheat of that season; and
- (b) wheat of any quota season that preceded that prescribed season and was not included in the pool for any season that preceded that prescribed season.

(5) The Board may, in such manner as it considers equitable, attribute sales of wheat the subject of a declaration by the Board referred to in paragraph (b) or (c) of subsection three of this section, being wheat of a particular kind, to all or any of the wheat of that particular kind delivered by particular persons.

PART III.**QUOTAS FOR THE 1970-1971 SEASON.****DIVISION 1.—1969-1970 Season Growers.**

6. (1) In this Part—

20 “over-quota wheat” means wheat delivered to the Board during the 1969-1970 season that—

Calculation and allocation of 1970-1971 quotas.

- (a) did not form part of the pool referred to in subsection two of section four of the Wheat Quotas Act, 1969; and
- 25 (b) was not wheat in respect of which a person was disqualified by section ten of the Wheat Quotas Act, 1969, from receiving a basic quota;

“prescribed person” means a person—

30 (a) to whom a basic quota was allocated;

(b)

Wheat Quotas.

5 (b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section thirty-five excepted);

(c) who delivered over-quota wheat; and

(d) who is not a person referred to in subsection five of this section;

10 "prescribed quantity" in relation to a prescribed person means the 1970-1971 quota which that person would have been allocated if he had been entitled to a quota under this section (subsection five excepted).

15 (2) Subject to subsection four of this section and sections sixteen and twenty-eight of this Act, the Grain Elevators Board shall allocate a 1970-1971 quota, calculated in accordance with the formula specified in subsection three of this section, to a person—

20 (a) to whom a basic quota was allocated;

25 (b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section thirty-five excepted);

(c) who did not deliver over-quota wheat; and

(d) who is a wheatgrower.

(3) The formula referred to in subsection two of this section is—

30
$$a = b - \frac{b \times c}{100}$$

where—

Wheat Quotas.

where—

a = the quantity (in bushels) of wheat which is the 1970–1971 quota to be allocated to that person;

5 b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and

c = the figure specified in the second column of the table hereto opposite an item specified in the first column of that table, being an item within the limits of which the basic quota allocated to that person fell.

10 TABLE.

	First Column.	Second Column.	Third Column.
15	BASIC QUOTAS. Quantity (in bushels) of wheat.	REDUCTION FIGURE.	MINIMUM 1970–1971 QUOTAS. Quantity (in bushels) of wheat.
	Under 1000	—	
	1000–2000	5	1000
	2001–3000	7½	1900
	3001–4000	10	2775
20	4001–5000	12½	3600
	5001–6000	15	4375
	6001–7000	17½	5100
	7001–8000	20	5775
	8001–9000	22½	6400
25	9001–10000	25	6975
	10001–12000	27½	7500
	12001–14000	30	7975
	14001–20000	32½	9100
	20001–40000	34	13500
30	40001 and over	35	26400

(4) Where—

(a) the basic quota of a person entitled under subsection two of this section to a 1970–1971 quota was within the limits of an item in the first column of the table to subsection three of this section; and

35

(b)

Wheat Quotas.

5 (b) the amount ascertained by the application in respect of that basic quota of the formula in subsection three of this section is less than the amount specified opposite that item in the third column of that table,

the Grain Elevators Board shall, in lieu of allocating to that person under subsection two of this section a quota of the amount so ascertained, allocate to that person a quota of the amount so specified in that third column.

10 (5) Where a person would, but for the fact that he delivered over-quota wheat, be allocated a 1970-1971 quota under subsection two or four of this section of a quantity exceeding the quantity of over-quota wheat delivered by him—

15 (a) the Grain Elevators Board shall, subject to section twenty-eight of this Act, allocate to him a 1970-1971 quota of a quantity equal to the amount of that excess; and

20 (b) without affecting that quota he shall, for the purposes of Part II of this Act, be deemed to have delivered that over-quota wheat to the Board pursuant to a 1970-1971 quota during the 1970-1971 season.

25 (6) A prescribed person shall, for the purposes of Part II of this Act, be deemed to have, pursuant to a 1970-1971 quota, delivered to the Board during the 1970-1971 season a quantity of wheat that is the prescribed quantity for that person.

DIVISION 2.—New Growers.

30 7. In this Part, "new grower" means owner of land in New South Wales or the Australian Capital Territory on which wheat was, before the thirty-first day of August, one thousand nine hundred and seventy, sown for harvesting in the 1970-1971 season, but does not include a person who
35 was allocated a basic quota.

8.

Wheat Quotas.

8. Subject to section nine of this Act, where a new grower— 1970-1971 quota for a new grower.

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1970-1971 quota;
- 5 (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant;
- (c) duly furnishes any such additional information within the time specified for the purpose in the notice; and
- 10 (d) is a member of a class of new growers that the Minister notifies the Grain Elevators Board to be a class of new growers of which the members may be allocated 1970-1971 quotas,

15 the Grain Elevators Board may allocate a 1970-1971 quota to that new grower in the manner, and for the quantity, notified by the Minister to the Grain Elevators Board.

9. The Grain Elevators Board may, by a notice referred to in paragraph (b) of section eight of this Act, require any Verification of certain information.

20 or all of the additional information specified in the notice to be verified by statutory declaration and any such additional information to which such a requirement relates shall be deemed not to have been duly furnished to the Grain Elevators Board unless it has been so verified.

25 DIVISION 3.—1970-1971 *Northern Prime Hard Quotas.*

10. In this Part “northern prime hard wheat” means Interpretation.

wheat—

- (a) that complies with the standard for fair average quality wheat determined by the Board for the 1970-1971 season;
- 30 (b) that is one of the following varieties :—
Timgalen, Mendos, Gamut, Gatcher, Spica,
Windebri, Winglen or Gala;
- (c)

Wheat Quotas.

- (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture;
- (d) that contains an admixture of no more than ten per centum by volume of mottled, soft or bleached grains.

11. Where a person—

- (a) is entitled to a 1970–1971 quota pursuant to subsection two or four, or paragraph (a) of subsection five, of section six of this Act; and
- (b) has been allocated storage space during the 1970–1971 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act,

Allocation of 1970–1971 northern prime hard quotas.

the Grain Elevators Board shall allocate to that person a northern prime hard quota calculated in accordance with the formula specified in section twelve of this Act.

12. The formula referred to in section eleven of this Act is—

$$a = 11,500,000 \times \frac{b}{c}$$

Formula for allocation of 1970–1971 northern prime hard quotas.

where—

- a = the quantity (in bushels) of northern prime hard wheat which is the 1970–1971 northern prime hard quota to be allocated to that person;
- b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and
- c = the quantity (in bushels) of wheat calculated by aggregating the quantity (in bushels) of wheat specified in the basic quotas of all persons who are allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970–1971 season.

13.

Wheat Quotas.

13. (1) Where a person who is allocated a 1970-1971 quota under Division 1 of this Part has not been allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

Allocation
of additional
1970-1971
northern
prime hard
quotas.

(2) Where a person who is allocated a 1970-1971 quota under Division 2 of this Part is allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

PART IV.

SHAREFARMERS.

14. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota (in this Part referred to as an allottee) is a party to a sharefarming agreement and it proposes to forward a quota authority under section twenty-three of this Act in respect of that quota, it shall specify in that quota authority that the quota has been allocated to specified persons jointly (being the parties to the sharefarming agreement) and the quota shall be deemed to have been allocated to those persons jointly in lieu of to the allottee.

Quota
authority
to include
name of
sharefarmer.

Wheat Quotas.

15 **15.** (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1970-1971 quota or, as the case may be, the 1970-1971 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties, the Board shall cancel the quota so allocated and shall notify the allottee and each of the parties to the sharefarming agreement that, within a time specified in the notification, they may make to the Board such written representations as they think fit in connection with the dispute.

Grain Elevators Board to settle quota dispute among parties to share-farming agreement.

15 (2) Where a quota is cancelled pursuant to subsection one of this section the Grain Elevators Board shall, after considering any representations made to it by the allottee and other parties and any other matters it considers relevant, allocate 1970-1971 quotas or, as the case may require, 1970-1971 northern prime hard quotas, to the allottee and the other parties to the sharefarming agreement in such manner and for such quantities not exceeding in the aggregate the quantity of the cancelled quota, as it thinks fit.

(3) The Grain Elevators Board may require any information furnished to it by an allottee or other party to a sharefarming agreement to be verified by statutory declaration.

PART V.

25 MISCELLANEOUS.

30 **16.** The Grain Elevators Board may refuse to allocate a 1970-1971 quota or a 1970-1971 northern prime hard quota, or may allocate a reduced 1970-1971 quota or a reduced 1970-1971 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

- (a) was not entitled to be allocated a basic quota; or
- (b) was not entitled to be allocated a basic quota of the quantity allocated.

17.

Wheat Quotas.

17. Where, after the Grain Elevators Board has allocated a 1970-1971 quota, or a 1970-1971 northern prime hard quota, to a person, that Board is satisfied—

Quota may be cancelled.

- 5 (a) that the basic quota allocated to that person was calculated incorrectly;
- (b) that that person was, under a law of another State, allocated a quota of a kind that, in the opinion of the Grain Elevators Board, is equivalent to a basic quota;
- 10 (c) that the basic quotas allocated to that person and another person or other persons were calculated by reference, wholly or partly, to the same wheat delivered to the Board in any of the relevant seasons within the meaning of the Wheat Quotas Act, 1969,
- 15 or sown for harvesting in the 1969-1970 season within the meaning of that Act; or
- (d) that the 1970-1971 quota, or the 1970-1971 northern prime hard quota, allocated to that person was calculated incorrectly,

20 the Grain Elevators Board may cancel that person's 1970-1971 quota or his 1970-1971 northern prime hard quota and if it thinks fit allocate to him another 1970-1971 quota or 1970-1971 northern prime hard quota for such quantity of wheat as it thinks fit.

25 18. Where a person has been allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1970-1971 quota or 1970-1971 northern prime hard quota and allocate

30 it to such person as is, or allocate it in such proportions and to such persons as are, specified in the application.

Transfer of quotas.

19. (1) Where a person to whom a 1970-1971 quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board wheat as, or as part of, his 1970-1971 quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

Cancellation or reduction of 1970-1971 quota where wheat cannot be delivered as part of that quota, etc.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1970-1971 quota, the Grain Elevators Board shall cancel that person's 1970-1971 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be able to deliver to the Board wheat as part of his 1970-1971 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 quota to that quantity.

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1970-1971 quotas will be less than ninety-nine million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of wheat which is likely to be the short fall.

Allocation of short fall of wheat under 1970-1971 quotas.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section the Minister shall give preference to persons whose basic quotas were cancelled under subsection two, or reduced under subsection three, of section thirty-five of the Wheat Quotas Act, 1969.

21. (1) Where a person to whom a 1970-1971 northern prime hard quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board northern prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

Cancellation or reduction of 1970-1971 northern prime hard quotas where northern prime hard wheat cannot be delivered.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be unable to deliver to the Board any northern
5 prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1970-1971 northern prime hard quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person
10 to whom a 1970-1971 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1970-1971 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971
15 northern prime hard quota to that quantity.

22. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which may be delivered pursuant to all 1970-1971 northern prime hard wheat quotas will be less than twelve million bushels
20 (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of northern prime hard wheat which is likely to be the short fall.

Allocation of short fall of northern prime hard wheat.

(2) The Grain Elevators Board shall, in such manner
25 as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 northern prime hard quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas
30 to be increased under this section, the Minister shall give preference to persons whose northern prime hard quotas under the Wheat Quotas Act, 1969, were cancelled under subsection two, or reduced under subsection three, of section thirty-one of that Act.

Wheat Quotas.

23. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1970-1971 quota to any person, that 1970-1971 quota shall be deemed to have been allocated to that person under this Act. Quotas allocated before commencement of Act.
- 5 (2) The Grain Elevators Board—
- (a) shall, in the case of a person to whom a 1970-1971 quota is allocated by that Board; or
- (b) may, in the case of a person to whom a 1970-1971 northern prime hard quota is allocated by that Board,
- 10 forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1970-1971 quota or 1970-1971 northern prime hard quota, as the case may be.
- 15 **24.** (1) If any quota authority is lost or destroyed or defaced before all the wheat in respect of which it was issued has been delivered to the Board, the Grain Elevators Board may, subject to this section, issue a new quota authority in lieu thereof. Lost quota authorities.
- 20 (2) Where a quota authority is lost or destroyed the new quota authority shall not be issued unless the person who lost the quota authority lodges a statutory declaration with the Grain Elevators Board containing a statement that the quota authority has been lost or destroyed.
- 25 (3) Where a quota authority is defaced the new quota authority shall not be issued unless the defaced quota authority is lodged with the Grain Elevators Board for cancellation.
- 30 (4) In issuing a new quota authority under this section, the Grain Elevators Board shall ensure that the quantity of wheat specified in the new quota authority is the quantity

Wheat Quotas.

quantity specified in the lost, destroyed or defaced quota authority less any quantity of wheat delivered pursuant to that quota authority before it was lost, destroyed or defaced.

5 **25.** (1) Nothing in this Act affects the operation of any scheme prepared by the Grain Elevators Board under section 12A of the Grain Elevators Act, 1954.

Schemes under section 12A of Grain Elevators Act, 1954, not affected.

(2) Notwithstanding any other provision of this or of any other Act, the Grain Elevators Board—

10 (a) may refuse to accept delivery of any wheat as being part of a 1970–1971 quota from a person if that person's quota authority is not presented to that Board at the time of the delivery; and

15 (b) shall refuse to accept delivery of any wheat as being part of a 1970–1971 northern prime hard quota unless it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act and is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is
20 prime hard wheat.

26. (1) Notwithstanding any other provision of this Act, the Grain Elevators Board, with the approval of the Minister, may, in a special case and if it thinks it equitable or proper to do so, allocate a 1970–1971 quota to any person who, but
25 for this section, would not be entitled to a 1970–1971 quota and as soon as practicable thereafter forward to that person a quota authority, or increase a 1970–1971 quota allocated to any person.

1970–1971 quotas may be allocated in special cases.

30 (2) Where the Grain Elevators Board determines that the total quantity of wheat in respect of which 1970–1971 quotas have been allocated exceeds ninety-nine million bushels, that Board shall reduce all the 1970–1971 quotas, in so far as they apply to wheat that has not at the date of the determination

Wheat Quotas.

determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

5 (3) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1970-1971 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall reduce all the 1970-1971 northern prime hard quotas, in so far as they apply to northern prime hard wheat that has not
10 at the date of the determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

27. (1) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota is increased, reduced or cancelled
15 under this Act the person to whom the 1970-1971 quota or 1970-1971 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him. Quota authorities to be returned after increase, reduction or cancellation.

20 (2) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1970-1971
25 quota or a 1970-1971 northern prime hard quota, as the case may be, equal to that specified quantity.

28. A 1970-1971 quota shall not be allocated to— Basic quotas not to be allocated to certain persons.

30 (a) a person in respect of wheat sown for harvesting in the 1970-1971 season on land situated wholly or partly within the area defined by a proclamation in force under section four of the Border Railways (Grain Elevators) Amendment Act, 1957; or

(b)

Wheat Quotas.

5 (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1970-1971 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

10 **29.** (1) The provisions of any Act of the State of Victoria that provides for the allocation of quotas for the delivery of wheat, or of storage space for wheat, grown on land referred to in paragraph (a) of section twenty-eight of this Act apply, in respect of wheat of the 1970-1971 season, to persons who have sown wheat for harvesting in that season on that land as if that land were part of the State of Victoria. Certain areas deemed to be part of Victoria for certain purposes.

15 (2) A person who has grown wheat of the 1970-1971 season on land other than land referred to in paragraph (a) of section twenty-eight of this Act is not entitled to deliver that wheat to any of the elevators or works operated by the Grain Elevators Board of the State of Victoria situated on
20 any land so referred to, except with the consent of that Board.

30. No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against— Where no action shall lie.

- (a) Her Majesty;
- 25 (b) the Minister; or
- (c) the Grain Elevators Board, or any member or employee thereof,

for anything bona fide done or omitted to be done for the purposes of carrying out or giving effect to this Act.

31.

Wheat Quotas.

31. (1) No writ of injunction or mandamus or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act.

Decisions
of Minister,
etc., to be
final.

(2) The validity of any proceeding or decision of the Minister or the Grain Elevators Board shall not be challenged in any manner whatsoever.

32. Any person who contravenes or fails to comply with a provision of this Act for which no penalty is expressly provided is guilty of an offence against this Act and liable to a penalty not exceeding four hundred dollars.

Penalty.

33. All proceedings for offences against this Act or the regulations made under this Act shall be disposed of summarily before a court of petty sessions.

Proceedings.

34. The provisions of section thirty-two of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act.

Offences by
companies
and joint
offenders.

35. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to 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 make different provisions in respect of different matters according to time, place or circumstances.

Wheat Quotas.

(3) The regulations may prescribe a penalty not exceeding four hundred dollars for any contravention of, or failure to comply with any provision of, the regulations.

SCHEDULE.

Secs. 11,
12 and 13.

5	Armatree	Gravesend
	Baan Baa	Gular
	Baradine	Gunnedah
	Bellata	Gurley
	Biniguy	Gwabegar
10	Boggabilla	Merah North
	Boggabri	Merrywinebone
	Burren Junction	Milguy
	Combara	Moree
	Combo	Mungeribar
15	Coonamble	Narrabri West
	Crooble	Narromine
	Croppa Creek	Nea
	Cryon	Nevertire
	Culgoora	North Star
20	Curban	Nyngan
	Curlewis	Premer
	Delungra	Quirindi
	Edgeroi	Springridge
	Emerald Hill	Tamarang
25	Eumungerie	Trangie
	Garah	Weemelah
	Gilgandra	Wee Waa

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

BY AUTHORITY:
W. C. MONTGOMERY, DIRECTOR, NEW SOUTH WALES

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 66, 1970.

An Act to provide for the allocation of quotas in respect of wheat of the 1970-1971 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend that Act; and for purposes connected therewith. [Assented to, 24th November, 1970.]

BE

Wheat Quotas.

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
and com-
mencement.

1. (1) This Act may be cited as the "Wheat Quotas Act, 1970".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Division of
Act.

2. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–4.

PART II.—MODIFICATION OF WHEAT INDUSTRY
STABILIZATION ACT, 1968—s. 5.

PART III.—QUOTAS FOR THE 1970–1971 SEASON
—ss. 6–13.

DIVISION 1.—1969–1970 *Season Growers*—s. 6.

DIVISION 2.—*New Growers*—ss. 7–9.

DIVISION 3.—1970–1971 *Northern Prime Hard
Quotas*—ss. 10–13.

PART IV.—SHAREFARMERS—ss. 14, 15.

PART V.—MISCELLANEOUS—ss. 16–35.

SCHEDULE.

Quota
seasons.

3. (1) For the purposes of this Act, the year that commenced on the first day of October, one thousand nine hundred and sixty-nine, and each subsequent year, not being a year in respect of which a proclamation is made under subsection two of this section, is a quota season.

(2)

Wheat Quotas.

(2) The Governor may, by proclamation published in the Gazette on or before the first day of April in any year, declare that the year commencing on the next following first day of October is not a quota season for the purposes of this Act.

4. (1) In this Act, except in so far as the context or ^{Interpre-} subject-matter otherwise indicates or requires— ^{tation.}

“basic quota” means, subject to subsection two of section forty-one of the Wheat Quotas Act, 1969, a basic quota allocated under section six, section nine or subsection one of section thirty-three of that Act;

“1970–1971 quota” means 1970–1971 quota allocated under this Act;

“1970–1971 northern prime hard quota” means 1970–1971 northern prime hard quota allocated under this Act;

“owner”, in relation to land, includes—

(a) every person who jointly or severally, whether at law or in equity—

(i) is entitled to the land for any estate of freehold in possession;

(ii) is a person to whom the Crown has lawfully contracted to grant the fee-simple under the Crown Lands Acts or any other Act relating to the alienation of lands of the Crown; or

(iii) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise;

(b) the lessee from any owner as defined in paragraph (a) of this definition; and

(c)

Wheat Quotas.

- (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) of this definition and entitles the licensee to grow wheat on that owner's land,

but where two or more persons are the owners of any land and—

- (d) are owners, as defined in paragraph (a) of this definition, of that land and are joint tenants or tenants in common of that land;
- (e) are owners, as defined in paragraph (b) of this definition, of that land and are joint lessees of that land; or
- (f) are owners, as defined in paragraph (c) of this definition, of that land and are joint licensees of that land,

those persons shall, for the purposes of this Act, be regarded as only one owner;

“sharefarmer” means a person who has entered into an agreement with the owner of any land that is in New South Wales or in the Australian Capital Territory whereby—

- (a) that owner grants a licence to that person to use and occupy the whole or any part of the land for agricultural or pastoral purposes or partly for agricultural and partly for pastoral purposes;
- (b) that person undertakes to provide labour either with or without materials or stock for the working of the land to which the agreement relates; and
- (c) the owner and that person agree that the produce of the land to which the agreement relates, derived during the currency of the agreement, or the proceeds of the sale of that produce, shall be divided between the parties in specified proportions or shares,

where

Wheat Quotas.

where that person, pursuant to that agreement, sowed wheat before the thirtieth day of September, one thousand nine hundred and seventy, for harvesting in the 1970–1971 season on the land to which the agreement relates;

“sharefarming agreement” means an agreement of the nature referred to in the definition of “sharefarmer” in this subsection made between a sharefarmer and the owner of any land to whom a 1970–1971 quota is allocated;

“the 1969–1970 season” has the meaning ascribed thereto in section three of the Wheat Quotas Act, 1969;

“the 1970–1971 season” means the year that commenced on the first day of October, one thousand nine hundred and seventy;

“wheatgrower” means a person who, before the thirtieth day of September, one thousand nine hundred and seventy, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1970–1971 season.

(2) This Act shall be read and construed with and as part of the Wheat Industry Stabilization Act, 1968.

PART II.

MODIFICATION OF WHEAT INDUSTRY STABILIZATION
ACT, 1968.

5. (1) In this section “prescribed season” means—
- (a) a quota season; or
 - (b) a season that is not a quota season but next follows a quota season.

Modification
of operation
of Wheat
Industry
Stabilization
Act, 1968.

(2)

Wheat Quotas.

(2) In relation to a prescribed season, section fourteen of the Wheat Industry Stabilization Act, 1968, has effect as if references in that section to wheat or wheat of a season were references to wheat included in the pool for that prescribed season in accordance with this section.

(3) The pool for a prescribed season that is a quota season (in this subsection referred to as the relevant season) consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization Act, 1968, or of a law of another State or of the Commonwealth) :—

- (a) wheat (whether of the relevant season or of any quota season that preceded the relevant season) delivered during the relevant season or any quota season that preceded the relevant season and appearing from the records of the Board to be the whole or a part of a quota that is applicable in relation to a person in respect of the relevant season under this Act or under a law of another State providing for the fixing of wheat quotas ;
- (b) any other wheat, being wheat of the relevant season declared by the Board to have been sold by the Board, and paid for in full, during the relevant season ; and
- (c) any other wheat, being wheat of any quota season that preceded the relevant season and wheat that—
 - (i) was delivered to the Board before the relevant season ;
 - (ii) was not included in the pool for any season that preceded the relevant season ; and
 - (iii) is declared by the Board to have been sold by the Board, and paid for in full, during the relevant season.

Wheat Quotas.

(4) The pool for a prescribed season that is not a quota season consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization Act, 1968, or of a law of another State or of the Commonwealth) :—

- (a) wheat of that season; and
- (b) wheat of any quota season that preceded that prescribed season and was not included in the pool for any season that preceded that prescribed season.

(5) The Board may, in such manner as it considers equitable, attribute sales of wheat the subject of a declaration by the Board referred to in paragraph (b) or (c) of subsection three of this section, being wheat of a particular kind, to all or any of the wheat of that particular kind delivered by particular persons.

PART III.
QUOTAS FOR THE 1970-1971 SEASON.
DIVISION 1.—1969-1970 Season Growers.
6. (1) In this Part—

“over-quota wheat” means wheat delivered to the Board during the 1969-1970 season that—

Calculation
and
allocation of
1970-1971
quotas.

- (a) did not form part of the pool referred to in subsection two of section four of the Wheat Quotas Act, 1969; and
- (b) was not wheat in respect of which a person was disqualified by section ten of the Wheat Quotas Act, 1969, from receiving a basic quota;

“prescribed person” means a person—

- (a) to whom a basic quota was allocated;

(b)

Wheat Quotas.

- (b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section thirty-five excepted);
- (c) who delivered over-quota wheat; and
- (d) who is not a person referred to in subsection five of this section;

“prescribed quantity” in relation to a prescribed person means the 1970–1971 quota which that person would have been allocated if he had been entitled to a quota under this section (subsection five excepted).

(2) Subject to subsection four of this section and sections sixteen and twenty-eight of this Act, the Grain Elevators Board shall allocate a 1970–1971 quota, calculated in accordance with the formula specified in subsection three of this section, to a person—

- (a) to whom a basic quota was allocated;
- (b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section thirty-five excepted);
- (c) who did not deliver over-quota wheat; and
- (d) who is a wheatgrower.

(3) The formula referred to in subsection two of this section is—

$$a = b - \frac{b \times c}{100}$$

where—

Wheat Quotas.

where—

- a = the quantity (in bushels) of wheat which is the 1970–1971 quota to be allocated to that person ;
- b = the quantity (in bushels) of wheat that was the basic quota allocated to that person ; and
- c = the figure specified in the second column of the table hereto opposite an item specified in the first column of that table, being an item within the limits of which the basic quota allocated to that person fell.

TABLE.

First Column.	Second Column.	Third Column.
BASIC QUOTAS. Quantity (in bushels) of wheat.	REDUCTION FIGURE.	MINIMUM 1970–1971 QUOTAS. Quantity (in bushels) of wheat.
Under 1000	—	
1000–2000	5	1000
2001–3000	7½	1900
3001–4000	10	2775
4001–5000	12½	3600
5001–6000	15	4375
6001–7000	17½	5100
7001–8000	20	5775
8001–9000	22½	6400
9001–10000	25	6975
10001–12000	27½	7500
12001–14000	30	7975
14001–20000	32½	9100
20001–40000	34	13500
40001 and over	35	26400

(4) Where—

- (a) the basic quota of a person entitled under subsection two of this section to a 1970–1971 quota was within the limits of an item in the first column of the table to subsection three of this section ; and

(b)

Wheat Quotas.

- (b) the amount ascertained by the application in respect of that basic quota of the formula in subsection three of this section is less than the amount specified opposite that item in the third column of that table,

the Grain Elevators Board shall, in lieu of allocating to that person under subsection two of this section a quota of the amount so ascertained, allocate to that person a quota of the amount so specified in that third column.

(5) Where a person would, but for the fact that he delivered over-quota wheat, be allocated a 1970–1971 quota under subsection two or four of this section of a quantity exceeding the quantity of over-quota wheat delivered by him—

- (a) the Grain Elevators Board shall, subject to section twenty-eight of this Act, allocate to him a 1970–1971 quota of a quantity equal to the amount of that excess; and
- (b) without affecting that quota he shall, for the purposes of Part II of this Act, be deemed to have delivered that over-quota wheat to the Board pursuant to a 1970–1971 quota during the 1970–1971 season.

(6) A prescribed person shall, for the purposes of Part II of this Act, be deemed to have, pursuant to a 1970–1971 quota, delivered to the Board during the 1970–1971 season a quantity of wheat that is the prescribed quantity for that person.

DIVISION 2.—*New Growers.*

New
growers.

7. In this Part, “new grower” means owner of land in New South Wales or the Australian Capital Territory on which wheat was, before the thirtieth day of September, one thousand nine hundred and seventy, sown for harvesting in the 1970–1971 season, but does not include a person who was allocated a basic quota.

8.

Wheat Quotas.

8. Subject to section nine of this Act, where a new grower—

1970-1971
quota for
a new
grower.

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1970-1971 quota;
- (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant;
- (c) duly furnishes any such additional information within the time specified for the purpose in the notice; and
- (d) is a member of a class of new growers that the Minister notifies the Grain Elevators Board to be a class of new growers of which the members may be allocated 1970-1971 quotas,

the Grain Elevators Board may allocate a 1970-1971 quota to that new grower in the manner, and for the quantity, notified by the Minister to the Grain Elevators Board.

9. The Grain Elevators Board may, by a notice referred to in paragraph (b) of section eight of this Act, require any or all of the additional information specified in the notice to be verified by statutory declaration and any such additional information to which such a requirement relates shall be deemed not to have been duly furnished to the Grain Elevators Board unless it has been so verified.

Verification
of certain
informa-
tion.

DIVISION 3.—1970-1971 *Northern Prime Hard Quotas.*

10. In this Part “northern prime hard wheat” means

Interpre-
tation.

wheat—

- (a) that complies with the standard for fair average quality wheat determined by the Board for the 1970-1971 season;
- (b) that is one of the following varieties :—
Timgalen, Mendos, Gamut, Gatcher, Spica,
Windebri, Winglen or Gala;

(c)

Wheat Quotas.

- (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture;
- (d) that contains an admixture of no more than ten per centum by volume of mottled, soft or bleached grains.

Allocation of 1970-1971 northern prime hard quotas.

11. Where a person—

- (a) is entitled to a 1970-1971 quota pursuant to subsection two or four, or paragraph (a) of subsection five, of section six of this Act; and
- (b) has been allocated storage space during the 1970-1971 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act,

the Grain Elevators Board shall allocate to that person a northern prime hard quota calculated in accordance with the formula specified in section twelve of this Act.

Formula for allocation of 1970-1971 northern prime hard quotas.

12. The formula referred to in section eleven of this Act is—

$$a = 11,500,000 \times \frac{b}{c}$$

where—

- a = the quantity (in bushels) of northern prime hard wheat which is the 1970-1971 northern prime hard quota to be allocated to that person;
- b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and
- c = the quantity (in bushels) of wheat calculated by aggregating the quantity (in bushels) of wheat specified in the basic quotas of all persons who are allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season.

13.

Wheat Quotas.

13. (1) Where a person who is allocated a 1970-1971 quota under Division 1 of this Part has not been allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

Allocation of additional 1970-1971 northern prime hard quotas.

(2) Where a person who is allocated a 1970-1971 quota under Division 2 of this Part is allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

PART IV.
SHAREFARMERS.

14. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota (in this Part referred to as an allottee) is a party to a sharefarming agreement and it proposes to forward a quota authority under section twenty-three of this Act in respect of that quota, it shall specify in that quota authority that the quota has been allocated to specified persons jointly (being the parties to the sharefarming agreement) and the quota shall be deemed to have been allocated to those persons jointly in lieu of to the allottee.

Quota authority to include name of sharefarmer.

15.

Wheat Quotas.

Grain Elevators Board to settle quota dispute among parties to share-farming agreement.

15. (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1970–1971 quota or, as the case may be, the 1970–1971 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties, the Board shall cancel the quota so allocated and shall notify the allottee and each of the parties to the sharefarming agreement that, within a time specified in the notification, they may make to the Board such written representations as they think fit in connection with the dispute.

(2) Where a quota is cancelled pursuant to subsection one of this section the Grain Elevators Board shall, after considering any representations made to it by the allottee and other parties and any other matters it considers relevant, allocate 1970–1971 quotas or, as the case may require, 1970–1971 northern prime hard quotas, to the allottee and the other parties to the sharefarming agreement in such manner and for such quantities not exceeding in the aggregate the quantity of the cancelled quota, as it thinks fit.

(3) The Grain Elevators Board may require any information furnished to it by an allottee or other party to a sharefarming agreement to be verified by statutory declaration.

PART V.
MISCELLANEOUS.

Issue of quota is discretionary in certain circumstances.

16. The Grain Elevators Board may refuse to allocate a 1970–1971 quota or a 1970–1971 northern prime hard quota, or may allocate a reduced 1970–1971 quota or a reduced 1970–1971 northern prime hard quota, to a person who, in the opinion of that Board—

- (a) was not entitled to be allocated a basic quota; or
- (b) was not entitled to be allocated a basic quota of the quantity allocated.

Wheat Quotas.

17. Where, after the Grain Elevators Board has allocated a 1970–1971 quota, or a 1970–1971 northern prime hard quota, to a person, that Board is satisfied— Quota may be cancelled.

- (a) that the basic quota allocated to that person was calculated incorrectly;
- (b) that that person was, under a law of another State, allocated a quota of a kind that, in the opinion of the Grain Elevators Board, is equivalent to a basic quota;
- (c) that the basic quotas allocated to that person and another person or other persons were calculated by reference, wholly or partly, to the same wheat delivered to the Board in any of the relevant seasons within the meaning of the Wheat Quotas Act, 1969, or sown for harvesting in the 1969–1970 season within the meaning of that Act; or
- (d) that the 1970–1971 quota, or the 1970–1971 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1970–1971 quota or his 1970–1971 northern prime hard quota and if it thinks fit allocate to him another 1970–1971 quota or 1970–1971 northern prime hard quota for such quantity of wheat as it thinks fit.

18. Where a person has been allocated a 1970–1971 quota or a 1970–1971 northern prime hard quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1970–1971 quota or 1970–1971 northern prime hard quota and allocate it to such person as is, or allocate it in such proportions and to such persons as are, specified in the application. Transfer of quotas.

19. (1) Where a person to whom a 1970–1971 quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board wheat as, or as part of, his 1970–1971 quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver. Cancellation or reduction of 1970–1971 quota where wheat cannot be delivered as part of that quota, etc.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1970-1971 quota, the Grain Elevators Board shall cancel that person's 1970-1971 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be able to deliver to the Board wheat as part of his 1970-1971 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 quota to that quantity.

Allocation of short fall of wheat under 1970-1971 quotas.

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1970-1971 quotas will be less than ninety-nine million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of wheat which is likely to be the short fall.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section the Minister shall give preference to persons whose basic quotas were cancelled under subsection two, or reduced under subsection three, of section thirty-five of the Wheat Quotas Act, 1969.

Cancellation or reduction of 1970-1971 northern prime hard quotas where northern prime hard wheat cannot be delivered.

21. (1) Where a person to whom a 1970-1971 northern prime hard quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board northern prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be unable to deliver to the Board any northern prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1970-1971 northern prime hard quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1970-1971 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 northern prime hard quota to that quantity.

22. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which may be delivered pursuant to all 1970-1971 northern prime hard wheat quotas will be less than twelve million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of northern prime hard wheat which is likely to be the short fall.

Allocation
of short
fall of
northern
prime hard
wheat.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 northern prime hard quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section, the Minister shall give preference to persons whose northern prime hard quotas under the Wheat Quotas Act, 1969, were cancelled under subsection two, or reduced under subsection three, of section thirty-one of that Act.

23.

Wheat Quotas.

Quotas
allocated
before
commence-
ment of
Act.

23. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1970–1971 quota to any person, that 1970–1971 quota shall be deemed to have been allocated to that person under this Act.

(2) The Grain Elevators Board—

- (a) shall, in the case of a person to whom a 1970–1971 quota is allocated by that Board; or
- (b) may, in the case of a person to whom a 1970–1971 northern prime hard quota is allocated by that Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1970–1971 quota or 1970–1971 northern prime hard quota, as the case may be.

Lost quota
authorities.

24. (1) If any quota authority is lost or destroyed or defaced before all the wheat in respect of which it was issued has been delivered to the Board, the Grain Elevators Board may, subject to this section, issue a new quota authority in lieu thereof.

(2) Where a quota authority is lost or destroyed the new quota authority shall not be issued unless the person who lost the quota authority lodges a statutory declaration with the Grain Elevators Board containing a statement that the quota authority has been lost or destroyed.

(3) Where a quota authority is defaced the new quota authority shall not be issued unless the defaced quota authority is lodged with the Grain Elevators Board for cancellation.

(4) In issuing a new quota authority under this section, the Grain Elevators Board shall ensure that the quantity of wheat specified in the new quota authority is the
quantity

Wheat Quotas.

quantity specified in the lost, destroyed or defaced quota authority less any quantity of wheat delivered pursuant to that quota authority before it was lost, destroyed or defaced.

25. (1) Nothing in this Act affects the operation of any scheme prepared by the Grain Elevators Board under section 12A of the Grain Elevators Act, 1954.

Schemes under section 12A of Grain Elevators Act, 1954, not affected.

(2) Notwithstanding any other provision of this or of any other Act, the Grain Elevators Board—

(a) may refuse to accept delivery of any wheat as being part of a 1970–1971 quota from a person if that person's quota authority is not presented to that Board at the time of the delivery; and

(b) shall refuse to accept delivery of any wheat as being part of a 1970–1971 northern prime hard quota unless it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act and is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is prime hard wheat.

26. (1) Notwithstanding any other provision of this Act, the Grain Elevators Board, with the approval of the Minister, may, in a special case and if it thinks it equitable or proper to do so, allocate a 1970–1971 quota to any person who, but for this section, would not be entitled to a 1970–1971 quota and as soon as practicable thereafter forward to that person a quota authority, or increase a 1970–1971 quota allocated to any person.

1970–1971 quotas may be allocated in special cases.

(2) Where the Grain Elevators Board determines that the total quantity of wheat in respect of which 1970–1971 quotas have been allocated exceeds ninety-nine million bushels, that Board shall reduce all the 1970–1971 quotas, in so far as they apply to wheat that has not at the date of the determination

Wheat Quotas.

determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

(3) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1970–1971 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall reduce all the 1970–1971 northern prime hard quotas, in so far as they apply to northern prime hard wheat that has not at the date of the determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

Quota
authorities
to be re-
turned after
increase,
reduction or
cancellation.

27. (1) Where a 1970–1971 quota or a 1970–1971 northern prime hard quota is increased, reduced or cancelled under this Act the person to whom the 1970–1971 quota or 1970–1971 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

(2) Where a 1970–1971 quota or a 1970–1971 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1970–1971 quota or a 1970–1971 northern prime hard quota, as the case may be, equal to that specified quantity.

Basic quotas
not to be
allocated to
certain
persons.

28. A 1970–1971 quota shall not be allocated to—

- (a) a person in respect of wheat sown for harvesting in the 1970–1971 season on land situated wholly or partly within the area defined by a proclamation in force under section four of the Border Railways (Grain Elevators) Amendment Act, 1957; or

(b)

Wheat Quotas.

- (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1970–1971 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

29. (1) The provisions of any Act of the State of Victoria that provides for the allocation of quotas for the delivery of wheat, or of storage space for wheat, grown on land referred to in paragraph (a) of section twenty-eight of this Act apply, in respect of wheat of the 1970–1971 season, to persons who have sown wheat for harvesting in that season on that land as if that land were part of the State of Victoria.

Certain areas deemed to be part of Victoria for certain purposes.

(2) A person who has grown wheat of the 1970–1971 season on land other than land referred to in paragraph (a) of section twenty-eight of this Act is not entitled to deliver that wheat to any of the elevators or works operated by the Grain Elevators Board of the State of Victoria situated on any land so referred to, except with the consent of that Board.

30. No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against—

Where no action shall lie.

- (a) Her Majesty;
- (b) the Minister; or
- (c) the Grain Elevators Board, or any member or employee thereof,

for anything bona fide done or omitted to be done for the purposes of carrying out or giving effect to this Act.

Wheat Quotas.

Decisions
of Minister,
etc., to be
final.

31. (1) No writ of injunction or mandamus or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act.

(2) The validity of any proceeding or decision of the Minister or the Grain Elevators Board shall not be challenged in any manner whatsoever.

Penalty.

32. Any person who contravenes or fails to comply with a provision of this Act for which no penalty is expressly provided is guilty of an offence against this Act and liable to a penalty not exceeding four hundred dollars.

Proceedings.

33. All proceedings for offences against this Act or the regulations made under this Act shall be disposed of summarily before a court of petty sessions.

Offences by
companies
and joint
offenders.

34. The provisions of section thirty-two of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act.

Regulations.

35. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to 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 make different provisions in respect of different matters according to time, place or circumstances.

Wheat Quotas.

(3) The regulations may prescribe a penalty not exceeding four hundred dollars for any contravention of, or failure to comply with any provision of, the regulations.

SCHEDULE.

Secs. 11,
12 and 13.

Armatree	Gravesend
Baan Baa	Gular
Baradine	Gunnedah
Bellata	Gurley
Biniguy	Gwabegar
Boggabilla	Merah North
Boggabri	Merrywinebone
Burren Junction	Milguy
Combara	Moree
Combo	Mungeribar
Coonamble	Narrabri West
Crooble	Narromine
Croppa Creek	Nea
Cryon	Nevertire
Culgoora	North Star
Curban	Nyngan
Curlewis	Premer
Delungra	Quirindi
Edgeroi	Springridge
Emerald Hill	Tamarang
Eumungerie	Trangie
Garah	Weemelah
Gilgandra	Wee Waa

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

Item 10

(3) The regulations of the Commission shall be subject to the provisions of the regulations of the Commission for any other reason, or failure to comply with any provision of the regulations.

SCHEMATA

Act No. 66, 1970

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 17 November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 66, 1970.

An Act to provide for the allocation of quotas in respect of wheat of the 1970-1971 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend that Act; and for purposes connected therewith. [Assented to, 24th November, 1970.]

BE

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Wheat Quotas.

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
and com-
mencement.

1. (1) This Act may be cited as the "Wheat Quotas Act, 1970".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Division of
Act.

2. This Act is divided as follows:—

PART I.—PRELIMINARY—ss. 1-4.

PART II.—MODIFICATION OF WHEAT INDUSTRY
STABILIZATION ACT, 1968—s. 5.

PART III.—QUOTAS FOR THE 1970-1971 SEASON
—ss. 6-13.

DIVISION 1.—1969-1970 *Season Growers*—s. 6.

DIVISION 2.—*New Growers*—ss. 7-9.

DIVISION 3.—1970-1971 *Northern Prime Hard
Quotas*—ss. 10-13.

PART IV.—SHAREFARMERS—ss. 14, 15.

PART V.—MISCELLANEOUS—ss. 16-35.

SCHEDULE.

Quota
seasons.

3. (1) For the purposes of this Act, the year that commenced on the first day of October, one thousand nine hundred and sixty-nine, and each subsequent year, not being a year in respect of which a proclamation is made under subsection two of this section, is a quota season.

(2)

Wheat Quotas.

(2) The Governor may, by proclamation published in the Gazette on or before the first day of April in any year, declare that the year commencing on the next following first day of October is not a quota season for the purposes of this Act.

4. (1) In this Act, except in so far as the context or Interpretation. subject-matter otherwise indicates or requires—

“basic quota” means, subject to subsection two of section forty-one of the Wheat Quotas Act, 1969, a basic quota allocated under section six, section nine or subsection one of section thirty-three of that Act;

“1970–1971 quota” means 1970–1971 quota allocated under this Act;

“1970–1971 northern prime hard quota” means 1970–1971 northern prime hard quota allocated under this Act;

“owner”, in relation to land, includes—

(a) every person who jointly or severally, whether at law or in equity—

(i) is entitled to the land for any estate of freehold in possession;

(ii) is a person to whom the Crown has lawfully contracted to grant the fee-simple under the Crown Lands Acts or any other Act relating to the alienation of lands of the Crown; or

(iii) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise;

(b) the lessee from any owner as defined in paragraph (a) of this definition; and

(c)

Wheat Quotas.

- (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) of this definition and entitles the licensee to grow wheat on that owner's land,

but where two or more persons are the owners of any land and—

- (d) are owners, as defined in paragraph (a) of this definition, of that land and are joint tenants or tenants in common of that land;
- (e) are owners, as defined in paragraph (b) of this definition, of that land and are joint lessees of that land; or
- (f) are owners, as defined in paragraph (c) of this definition, of that land and are joint licensees of that land,

those persons shall, for the purposes of this Act, be regarded as only one owner;

“sharefarmer” means a person who has entered into an agreement with the owner of any land that is in New South Wales or in the Australian Capital Territory whereby—

- (a) that owner grants a licence to that person to use and occupy the whole or any part of the land for agricultural or pastoral purposes or partly for agricultural and partly for pastoral purposes;
- (b) that person undertakes to provide labour either with or without materials or stock for the working of the land to which the agreement relates; and
- (c) the owner and that person agree that the produce of the land to which the agreement relates, derived during the currency of the agreement, or the proceeds of the sale of that produce, shall be divided between the parties in specified proportions or shares,

where

Wheat Quotas.

where that person, pursuant to that agreement, sowed wheat before the thirtieth day of September, one thousand nine hundred and seventy, for harvesting in the 1970-1971 season on the land to which the agreement relates;

“sharefarming agreement” means an agreement of the nature referred to in the definition of “sharefarmer” in this subsection made between a sharefarmer and the owner of any land to whom a 1970-1971 quota is allocated;

“the 1969-1970 season” has the meaning ascribed thereto in section three of the Wheat Quotas Act, 1969;

“the 1970-1971 season” means the year that commenced on the first day of October, one thousand nine hundred and seventy;

“wheatgrower” means a person who, before the thirtieth day of September, one thousand nine hundred and seventy, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1970-1971 season.

(2) This Act shall be read and construed with and as part of the Wheat Industry Stabilization Act, 1968.

PART II.

MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT, 1968.

- 5.** (1) In this section “prescribed season” means—
- (a) a quota season; or
 - (b) a season that is not a quota season but next follows a quota season.

Modification
of operation
of Wheat
Industry
Stabilization
Act, 1968.

(2)

Wheat Quotas.

(2) In relation to a prescribed season, section fourteen of the Wheat Industry Stabilization Act, 1968, has effect as if references in that section to wheat or wheat of a season were references to wheat included in the pool for that prescribed season in accordance with this section.

(3) The pool for a prescribed season that is a quota season (in this subsection referred to as the relevant season) consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization Act, 1968, or of a law of another State or of the Commonwealth) :—

- (a) wheat (whether of the relevant season or of any quota season that preceded the relevant season) delivered during the relevant season or any quota season that preceded the relevant season and appearing from the records of the Board to be the whole or a part of a quota that is applicable in relation to a person in respect of the relevant season under this Act or under a law of another State providing for the fixing of wheat quotas;
- (b) any other wheat, being wheat of the relevant season declared by the Board to have been sold by the Board, and paid for in full, during the relevant season; and
- (c) any other wheat, being wheat of any quota season that preceded the relevant season and wheat that—
 - (i) was delivered to the Board before the relevant season;
 - (ii) was not included in the pool for any season that preceded the relevant season; and
 - (iii) is declared by the Board to have been sold by the Board, and paid for in full, during the relevant season.

(4)

Wheat Quotas.

(4) The pool for a prescribed season that is not a quota season consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization Act, 1968, or of a law of another State or of the Commonwealth) :—

- (a) wheat of that season; and
- (b) wheat of any quota season that preceded that prescribed season and was not included in the pool for any season that preceded that prescribed season.

(5) The Board may, in such manner as it considers equitable, attribute sales of wheat the subject of a declaration by the Board referred to in paragraph (b) or (c) of subsection three of this section, being wheat of a particular kind, to all or any of the wheat of that particular kind delivered by particular persons.

PART III.

QUOTAS FOR THE 1970–1971 SEASON.

DIVISION 1.—1969–1970 *Season Growers.*

6. (1) In this Part—

“over-quota wheat” means wheat delivered to the Board during the 1969–1970 season that—

Calculation
and
allocation of
1970–1971
quotas.

- (a) did not form part of the pool referred to in subsection two of section four of the Wheat Quotas Act, 1969; and
- (b) was not wheat in respect of which a person was disqualified by section ten of the Wheat Quotas Act, 1969, from receiving a basic quota;

“prescribed person” means a person—

- (a) to whom a basic quota was allocated;

(b)

Wheat Quotas.

- (b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section thirty-five excepted);
- (c) who delivered over-quota wheat; and
- (d) who is not a person referred to in subsection five of this section;

“prescribed quantity” in relation to a prescribed person means the 1970–1971 quota which that person would have been allocated if he had been entitled to a quota under this section (subsection five excepted).

(2) Subject to subsection four of this section and sections sixteen and twenty-eight of this Act, the Grain Elevators Board shall allocate a 1970–1971 quota, calculated in accordance with the formula specified in subsection three of this section, to a person—

- (a) to whom a basic quota was allocated;
- (b) whose basic quota had not, at the commencement of this Act, been cancelled under the Wheat Quotas Act, 1969 (section twenty-seven, subsection two of section thirty-one and subsection two of section thirty-five excepted);
- (c) who did not deliver over-quota wheat; and
- (d) who is a wheatgrower.

(3) The formula referred to in subsection two of this section is—

$$a = b - \frac{b \times c}{100}$$

where—

Wheat Quotas.

where—

a = the quantity (in bushels) of wheat which is the 1970–1971 quota to be allocated to that person;

b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and

c = the figure specified in the second column of the table hereto opposite an item specified in the first column of that table, being an item within the limits of which the basic quota allocated to that person fell.

TABLE.

First Column.	Second Column.	Third Column.
BASIC QUOTAS. Quantity (in bushels) of wheat.	REDUCTION FIGURE.	MINIMUM 1970–1971 QUOTAS. Quantity (in bushels) of wheat.
Under 1000	—	
1000–2000	5	1000
2001–3000	7½	1900
3001–4000	10	2775
4001–5000	12½	3600
5001–6000	15	4375
6001–7000	17½	5100
7001–8000	20	5775
8001–9000	22½	6400
9001–10000	25	6975
10001–12000	27½	7500
12001–14000	30	7975
14001–20000	32½	9100
20001–40000	34	13500
40001 and over	35	26400

(4) Where—

(a) the basic quota of a person entitled under subsection two of this section to a 1970–1971 quota was within the limits of an item in the first column of the table to subsection three of this section; and

(b)

Wheat Quotas.

- (b) the amount ascertained by the application in respect of that basic quota of the formula in subsection three of this section is less than the amount specified opposite that item in the third column of that table,

the Grain Elevators Board shall, in lieu of allocating to that person under subsection two of this section a quota of the amount so ascertained, allocate to that person a quota of the amount so specified in that third column.

(5) Where a person would, but for the fact that he delivered over-quota wheat, be allocated a 1970-1971 quota under subsection two or four of this section of a quantity exceeding the quantity of over-quota wheat delivered by him—

- (a) the Grain Elevators Board shall, subject to section twenty-eight of this Act, allocate to him a 1970-1971 quota of a quantity equal to the amount of that excess; and
- (b) without affecting that quota he shall, for the purposes of Part II of this Act, be deemed to have delivered that over-quota wheat to the Board pursuant to a 1970-1971 quota during the 1970-1971 season.

(6) A prescribed person shall, for the purposes of Part II of this Act, be deemed to have, pursuant to a 1970-1971 quota, delivered to the Board during the 1970-1971 season a quantity of wheat that is the prescribed quantity for that person.

DIVISION 2.—*New Growers.*

New
growers.

7. In this Part, "new grower" means owner of land in New South Wales or the Australian Capital Territory on which wheat was, before the thirtieth day of September, one thousand nine hundred and seventy, sown for harvesting in the 1970-1971 season, but does not include a person who was allocated a basic quota.

8.

Wheat Quotas.

8. Subject to section nine of this Act, where a new grower—

1970-1971
quota for
a new
grower.

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1970-1971 quota;
- (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant;
- (c) duly furnishes any such additional information within the time specified for the purpose in the notice; and
- (d) is a member of a class of new growers that the Minister notifies the Grain Elevators Board to be a class of new growers of which the members may be allocated 1970-1971 quotas,

the Grain Elevators Board may allocate a 1970-1971 quota to that new grower in the manner, and for the quantity, notified by the Minister to the Grain Elevators Board.

9. The Grain Elevators Board may, by a notice referred to in paragraph (b) of section eight of this Act, require any or all of the additional information specified in the notice to be verified by statutory declaration and any such additional information to which such a requirement relates shall be deemed not to have been duly furnished to the Grain Elevators Board unless it has been so verified.

Verification
of certain
informa-
tion.

DIVISION 3.—1970-1971 Northern Prime Hard Quotas.

10. In this Part "northern prime hard wheat" means wheat—

Interpre-
tation.

- (a) that complies with the standard for fair average quality wheat determined by the Board for the 1970-1971 season;
- (b) that is one of the following varieties :—
Timgalen, Mendos, Gamut, Gatcher, Spica,
Windebri, Winglen or Gala;

(c)

Wheat Quotas.

- (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture;
- (d) that contains an admixture of no more than ten per centum by volume of mottled, soft or bleached grains.

Allocation
of 1970-
1971
northern
prime hard
quotas.

11. Where a person—

- (a) is entitled to a 1970-1971 quota pursuant to subsection two or four, or paragraph (a) of subsection five, of section six of this Act; and
- (b) has been allocated storage space during the 1970-1971 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act,

the Grain Elevators Board shall allocate to that person a northern prime hard quota calculated in accordance with the formula specified in section twelve of this Act.

Formula
for alloca-
tion of
1970-1971
northern
prime hard
quotas.

12. The formula referred to in section eleven of this Act is—

$$a = 11,500,000 \times \frac{b}{c}$$

where—

- a = the quantity (in bushels) of northern prime hard wheat which is the 1970-1971 northern prime hard quota to be allocated to that person;
- b = the quantity (in bushels) of wheat that was the basic quota allocated to that person; and
- c = the quantity (in bushels) of wheat calculated by aggregating the quantity (in bushels) of wheat specified in the basic quotas of all persons who are allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season.

13.

Wheat Quotas.

13. (1) Where a person who is allocated a 1970-1971 quota under Division 1 of this Part has not been allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

Allocation
of additional
1970-1971
northern
prime hard
quotas.

(2) Where a person who is allocated a 1970-1971 quota under Division 2 of this Part is allocated storage space at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act during the 1970-1971 season and that person has in his possession northern prime hard wheat of the 1970-1971 season, the Grain Elevators Board shall allocate to that person, in such manner and for such quantity as the Minister may determine and notify to that Board, a 1970-1971 northern prime hard quota.

PART IV.
SHAREFARMERS.

14. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota (in this Part referred to as an allottee) is a party to a sharefarming agreement and it proposes to forward a quota authority under section twenty-three of this Act in respect of that quota, it shall specify in that quota authority that the quota has been allocated to specified persons jointly (being the parties to the sharefarming agreement) and the quota shall be deemed to have been allocated to those persons jointly in lieu of to the allottee.

Quota
authority
to include
name of
sharefarmer.

15.

Wheat Quotas.

Grain Elevators Board to settle quota dispute among parties to share-farming agreement.

15. (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1970-1971 quota or, as the case may be, the 1970-1971 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties, the Board shall cancel the quota so allocated and shall notify the allottee and each of the parties to the sharefarming agreement that, within a time specified in the notification, they may make to the Board such written representations as they think fit in connection with the dispute.

(2) Where a quota is cancelled pursuant to subsection one of this section the Grain Elevators Board shall, after considering any representations made to it by the allottee and other parties and any other matters it considers relevant, allocate 1970-1971 quotas or, as the case may require, 1970-1971 northern prime hard quotas, to the allottee and the other parties to the sharefarming agreement in such manner and for such quantities not exceeding in the aggregate the quantity of the cancelled quota, as it thinks fit.

(3) The Grain Elevators Board may require any information furnished to it by an allottee or other party to a sharefarming agreement to be verified by statutory declaration.

PART V.
MISCELLANEOUS.

Issue of quota is discretionary in certain circumstances.

16. The Grain Elevators Board may refuse to allocate a 1970-1971 quota or a 1970-1971 northern prime hard quota, or may allocate a reduced 1970-1971 quota or a reduced 1970-1971 northern prime hard quota, to a person who, in the opinion of that Board—

- (a) was not entitled to be allocated a basic quota; or
- (b) was not entitled to be allocated a basic quota of the quantity allocated.

17.

Wheat Quotas.

17. Where, after the Grain Elevators Board has allocated a 1970-1971 quota, or a 1970-1971 northern prime hard quota, to a person, that Board is satisfied— Quota may be cancelled.

- (a) that the basic quota allocated to that person was calculated incorrectly;
- (b) that that person was, under a law of another State, allocated a quota of a kind that, in the opinion of the Grain Elevators Board, is equivalent to a basic quota;
- (c) that the basic quotas allocated to that person and another person or other persons were calculated by reference, wholly or partly, to the same wheat delivered to the Board in any of the relevant seasons within the meaning of the Wheat Quotas Act, 1969, or sown for harvesting in the 1969-1970 season within the meaning of that Act; or
- (d) that the 1970-1971 quota, or the 1970-1971 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1970-1971 quota or his 1970-1971 northern prime hard quota and if it thinks fit allocate to him another 1970-1971 quota or 1970-1971 northern prime hard quota for such quantity of wheat as it thinks fit.

18. Where a person has been allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1970-1971 quota or 1970-1971 northern prime hard quota and allocate it to such person as is, or allocate it in such proportions and to such persons as are, specified in the application. Transfer of quotas.

19. (1) Where a person to whom a 1970-1971 quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board wheat as, or as part of, his 1970-1971 quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver. Cancellation or reduction of 1970-1971 quota where wheat cannot be delivered as part of that quota, etc.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1970-1971 quota, the Grain Elevators Board shall cancel that person's 1970-1971 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 quota has been allocated will be able to deliver to the Board wheat as part of his 1970-1971 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 quota to that quantity.

Allocation
of short
fall of
wheat
under
1970-1971
quotas.

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1970-1971 quotas will be less than ninety-nine million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of wheat which is likely to be the short fall.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section the Minister shall give preference to persons whose basic quotas were cancelled under subsection two, or reduced under subsection three, of section thirty-five of the Wheat Quotas Act, 1969.

Cancellation
or reduction
of 1970-
1971
northern
prime hard
quotas where
northern
prime hard
wheat cannot
be delivered.

21. (1) Where a person to whom a 1970-1971 northern prime hard quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board northern prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be unable to deliver to the Board any northern prime hard wheat as, or as part of, his 1970-1971 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1970-1971 northern prime hard quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1970-1971 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1970-1971 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1970-1971 northern prime hard quota to that quantity.

22. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which may be delivered pursuant to all 1970-1971 northern prime hard wheat quotas will be less than twelve million bushels (the deficiency being in this section referred to as the short fall) that Board shall from time to time advise the Minister of the quantity of northern prime hard wheat which is likely to be the short fall.

Allocation
of short
fall of
northern
prime hard
wheat.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain Elevators Board, allocate the short fall by increasing such classes of 1970-1971 northern prime hard quotas as the Minister may determine and so notify.

(3) In determining the classes of 1970-1971 quotas to be increased under this section, the Minister shall give preference to persons whose northern prime hard quotas under the Wheat Quotas Act, 1969, were cancelled under subsection two, or reduced under subsection three, of section thirty-one of that Act.

Wheat Quotas.

Quotas
allocated
before
commence-
ment of
Act.

23. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1970–1971 quota to any person, that 1970–1971 quota shall be deemed to have been allocated to that person under this Act.

(2) The Grain Elevators Board—

- (a) shall, in the case of a person to whom a 1970–1971 quota is allocated by that Board; or
- (b) may, in the case of a person to whom a 1970–1971 northern prime hard quota is allocated by that Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1970–1971 quota or 1970–1971 northern prime hard quota, as the case may be.

Lost quota
authorities.

24. (1) If any quota authority is lost or destroyed or defaced before all the wheat in respect of which it was issued has been delivered to the Board, the Grain Elevators Board may, subject to this section, issue a new quota authority in lieu thereof.

(2) Where a quota authority is lost or destroyed the new quota authority shall not be issued unless the person who lost the quota authority lodges a statutory declaration with the Grain Elevators Board containing a statement that the quota authority has been lost or destroyed.

(3) Where a quota authority is defaced the new quota authority shall not be issued unless the defaced quota authority is lodged with the Grain Elevators Board for cancellation.

(4) In issuing a new quota authority under this section, the Grain Elevators Board shall ensure that the quantity of wheat specified in the new quota authority is the

quantity

Wheat Quotas.

quantity specified in the lost, destroyed or defaced quota authority less any quantity of wheat delivered pursuant to that quota authority before it was lost, destroyed or defaced.

25. (1) Nothing in this Act affects the operation of any scheme prepared by the Grain Elevators Board under section 12A of the Grain Elevators Act, 1954.

Schemes under section 12A of Grain Elevators Act, 1954, not affected.

(2) Notwithstanding any other provision of this or of any other Act, the Grain Elevators Board—

(a) may refuse to accept delivery of any wheat as being part of a 1970–1971 quota from a person if that person's quota authority is not presented to that Board at the time of the delivery; and

(b) shall refuse to accept delivery of any wheat as being part of a 1970–1971 northern prime hard quota unless it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act and is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is prime hard wheat.

26. (1) Notwithstanding any other provision of this Act, the Grain Elevators Board, with the approval of the Minister, may, in a special case and if it thinks it equitable or proper to do so, allocate a 1970–1971 quota to any person who, but for this section, would not be entitled to a 1970–1971 quota and as soon as practicable thereafter forward to that person a quota authority, or increase a 1970–1971 quota allocated to any person.

1970–1971 quotas may be allocated in special cases.

(2) Where the Grain Elevators Board determines that the total quantity of wheat in respect of which 1970–1971 quotas have been allocated exceeds ninety-nine million bushels, that Board shall reduce all the 1970–1971 quotas, in so far as they apply to wheat that has not at the date of the determination

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determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

(3) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1970-1971 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall reduce all the 1970-1971 northern prime hard quotas, in so far as they apply to northern prime hard wheat that has not at the date of the determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

Quota
authorities
to be re-
turned after
increase,
reduction or
cancellation.

27. (1) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota is increased, reduced or cancelled under this Act the person to whom the 1970-1971 quota or 1970-1971 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

(2) Where a 1970-1971 quota or a 1970-1971 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1970-1971 quota or a 1970-1971 northern prime hard quota, as the case may be, equal to that specified quantity.

Basic quotas
not to be
allocated to
certain
persons.

28. A 1970-1971 quota shall not be allocated to—

- (a) a person in respect of wheat sown for harvesting in the 1970-1971 season on land situated wholly or partly within the area defined by a proclamation in force under section four of the Border Railways (Grain Elevators) Amendment Act, 1957; or

(b)

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- (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1970-1971 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

29. (1) The provisions of any Act of the State of Victoria that provides for the allocation of quotas for the delivery of wheat, or of storage space for wheat, grown on land referred to in paragraph (a) of section twenty-eight of this Act apply, in respect of wheat of the 1970-1971 season, to persons who have sown wheat for harvesting in that season on that land as if that land were part of the State of Victoria. Certain areas deemed to be part of Victoria for certain purposes.

(2) A person who has grown wheat of the 1970-1971 season on land other than land referred to in paragraph (a) of section twenty-eight of this Act is not entitled to deliver that wheat to any of the elevators or works operated by the Grain Elevators Board of the State of Victoria situated on any land so referred to, except with the consent of that Board.

30. No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against— Where no action shall lie.

- (a) Her Majesty;
- (b) the Minister; or
- (c) the Grain Elevators Board, or any member or employee thereof,

for anything bona fide done or omitted to be done for the purposes of carrying out or giving effect to this Act.

31.

Wheat Quotas.

Decisions
of Minister,
etc., to be
final.

31. (1) No writ of injunction or mandamus or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act.

(2) The validity of any proceeding or decision of the Minister or the Grain Elevators Board shall not be challenged in any manner whatsoever.

Penalty.

32. Any person who contravenes or fails to comply with a provision of this Act for which no penalty is expressly provided is guilty of an offence against this Act and liable to a penalty not exceeding four hundred dollars.

Proceedings.

33. All proceedings for offences against this Act or the regulations made under this Act shall be disposed of summarily before a court of petty sessions.

Offences by
companies
and joint
offenders.

34. The provisions of section thirty-two of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act.

Regulations.

35. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to 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 make different provisions in respect of different matters according to time, place or circumstances.

(3)

Wheat Quotas.

(3) The regulations may prescribe a penalty not exceeding four hundred dollars for any contravention of, or failure to comply with any provision of, the regulations.

SCHEDULE.

Secs. 11,
12 and 13.

Armatree	Gravesend
Baan Baa	Gular
Baradine	Gunnedah
Bellata	Gurley
Biniguy	Gwabegar
Boggabilla	Merah North
Boggabri	Merrywinebone
Burren Junction	Milguy
Combara	Moree
Combo	Mungeribar
Coonamble	Narrabri West
Crooble	Narromine
Croppa Creek	Nea
Cryon	Nevertire
Culgoora	North Star
Curban	Nyngan
Curlewis	Premier
Delungra	Quirindi
Edgeroi	Springridge
Emerald Hill	Tamarang
Eumungerie	Trangie
Garah	Weemelah
Gilgandra	Wee Waa

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 24th November, 1970.*

Section 1

The provisions of this Act shall apply to any person who is engaged in the business of...

Section 2

1970

1. The provisions of this Act shall apply to any person who is engaged in the business of...

2. The provisions of this Act shall apply to any person who is engaged in the business of...

In witness whereof, I have hereunto set my hand and the seal of the State of...

A. R. CUTLER, Governor

Approved: 1970