

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, 2 December, 1971, A.M.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1971.

An Act to provide for the allocation of quotas in respect of wheat of the 1971-1972 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 the Wheat Quotas Act, 1969, and the Wheat Quotas Act, 1970; 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
5 follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Wheat Quotas Act, Short title.
1971".

10 2. This Act is divided as follows :—

Division of
Act.

PART I.—PRELIMINARY—ss. 1–3.

PART II.—QUOTAS FOR THE 1971–1972 SEASON—ss.
4–8.

DIVISION 1.—1971–1972 *Quotas*—s. 4.

15 DIVISION 2.—1971–1972 *Northern Prime Hard*
Quotas—ss. 5, 6.

DIVISION 3.—1971–1972 *Durum Quotas*—s. 7.

DIVISION 4.—1971–1972 *Sharefarmers' Quotas*—s. 8.

PART III.—SHAREFARMERS—ss. 9, 10.

20 PART IV.—MISCELLANEOUS—ss. 11–34.

SCHEDULE.

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

Interpreta-
tion.

25 "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,
subsection one of section thirty-three or subsection
one of section thirty-nine of that Act;

"durum

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5 “durum agreement” means an agreement in writing whereby a person other than Geo. Fielder and Co. Limited agrees to sow durum wheat on land in New South Wales for harvesting in the 1971–1972 season;

“1971–1972 durum quota” means 1971–1972 durum quota allocated under this Act;

“durum wheat” means wheat—

10 (a) that complies with the standard for fair average quality wheat determined by the Board for the 1971–1972 season;

(b) that is of the Dural or Duramba variety; and

15 (c) that contains an admixture of no more than ten per centum of mottled, soft or bleached grains;

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

20 (a) that owner granted 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;

25 (b) that person undertook to provide labour either with or without materials or stock for the working of the land to which the agreement related; and

30 (c) the owner and that person agreed that the produce of the land to which the agreement related, derived during the currency of the agreement, or the proceeds of the sale of that produce, should be divided between the parties in specified proportions or shares,

where

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where that person, pursuant to that agreement, sowed wheat for harvesting in any of the relevant seasons on the land to which the agreement related;

“former sharefarming agreement” means—

- 5 (a) an agreement of the nature referred to in the definition of “former sharefarmer” in this subsection; or
- (b) a sharefarming agreement within the meaning of the Wheat Quotas Act, 1969, or the
- 10 Wheat Quotas Act, 1970,

which expired or was terminated between the first day of March, one thousand nine hundred and sixty-eight and the thirtieth day of September, one thousand nine hundred and seventy-one;

- 15 “1971–1972 northern prime hard quota” means 1971–1972 northern prime hard quota allocated under this Act;

“northern prime hard wheat” means wheat—

- 20 (a) that complies with the standard for fair average quality wheat determined by the Board for the 1971–1972 season;
- (b) that is of the Timgalen, Mendos, Gamut, Gatcher, Spica, Windebri or Winglen variety;
- 25 (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture; and
- (d) that contains an admixture of no more than
- 30 ten per centum of mottled, soft or bleached grains;

“owner”,

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“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) 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;

“1970–1971

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“1970–1971 quota” means 1970–1971 quota allocated under the Wheat Quotas Act, 1970;

“1971–1972 quota” means 1971–1972 quota allocated under this Act;

5 “relevant seasons” means each of the years that commenced on the first day of October, one thousand nine hundred and sixty-four, one thousand nine hundred and sixty-five, one thousand nine hundred and sixty-six, one thousand nine hundred and sixty-seven and one thousand nine hundred and sixty-eight;

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

15 (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;

20 (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

25 (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,

30 where that person, pursuant to that agreement, sowed wheat on or before the thirtieth day of September, one thousand nine hundred and seventy-one, for harvesting in the 1971–1972 season on the land to which the agreement relates;

35 “1971–1972

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"1971-1972 sharefarmer's quota" means 1971-1972 sharefarmer's quota allocated under this Act;

5 "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 1971-1972 quota is allocated;

10 "the 1968-1969 season" means the year that commenced on the first day of October, one thousand nine hundred and sixty-eight;

"the 1969-1970 season" means the year that commenced on the first day of October, one thousand nine hundred and sixty-nine;

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

"the 1971-1972 season" means the year that commenced on the first day of October, one thousand nine hundred and seventy-one;

20 "wheatgrower" means a person who, on or before the thirtieth day of September, one thousand nine hundred and seventy-one, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1971-1972 season.

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

PART

Wheat Quotas.

PART II.

QUOTAS FOR THE 1971-1972 SEASON.

DIVISION 1.—1971-1972 *Quotas.*

4. (1) In this section, "prescribed person" means a
 5 person—
- (a) who has a basic quota; and
- (b) who is a wheatgrower.

a Calculation and allocation of 1971-1972 quotas.

(2) Subject to subsection four of this section and section twelve of this Act, the Grain Elevators Board shall
 10 allocate to a prescribed person a 1971-1972 quota calculated in accordance with the formula specified in subsection three of this section.

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

15
$$a = b - \frac{b \times c}{100}$$

where—

- 20 a = the quantity in bushels of wheat which is the 1971-1972 quota to be allocated to a prescribed person;
- b = the quantity in bushels of wheat that is the basic quota allocated to that person; and
- 25 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 held by that person falls.

TABLE.

Wheat Quotas.

TABLE.

	First Column.	Second Column.	Third Column.
5	BASIC QUOTA Quantity in bushels of wheat	REDUCTION FIGURE	MINIMUM 1971- 1972 QUOTA Quantity in bushels of wheat
10	Under 1,000	....	....
	1,001— 2,000	....	....
	2,001— 3,000	....	....
	3,001— 4,000	....	....
	4,001— 5,000	2½	4,000
15	5,001— 6,000	5	4,875
	6,001— 7,000	7½	5,700
	7,001— 8,000	10	6,475
	8,001— 9,000	12½	7,200
	9,001—10,000	15	7,875
20	10,001—12,000	17½	8,500
	12,001 and over	20	9,900

(4) Where—

(a) the basic quota held by a prescribed person falls within the limits of an item in the first column of the table to subsection three of this section; and

(b) the quantity in bushels of wheat ascertained by the application of the formula specified in that subsection is less than the quantity 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 quantity so ascertained, allocate to that person a quota of the quantity so specified in the third column of that table.

DIVISION 2.—1971–1972 *Northern Prime Hard Quotas.*

5. Where a person—

(a) is entitled to a 1971–1972 quota pursuant to subsection two of section four of this Act; and

(b)

Calculation and allocation of 1971–1972 northern prime hard quotas.

Wheat Quotas.

- (b) has been allocated storage space during the 1971–1972 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,
- 5 the Grain Elevators Board shall allocate to that person a 1971–1972 northern prime hard quota equal to twenty-five per centum of the quantity in bushels of wheat which is his basic quota.

6. Where a person who is allocated—

- 10 (a) a 1971–1972 quota under subsection two or four of section four or subsection one of section twenty-three of this Act; or
- (b) a 1971–1972 sharefarmer's quota under subsection two of section eight or subsection one of section
- 15 twenty-three of this Act,

Allocation of additional 1971–1972 northern prime hard quotas.

- 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 1971–1972 season and that person has in his possession northern
- 20 prime hard wheat of that 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 1971–1972 northern prime hard quota.

DIVISION 3.—1971–1972 *Durum Quotas.*

- 25 7. (1) Subject to subsection two of this section, where a person enters into a durum agreement with the Board or with Geo. Fielder and Co. Limited, the Grain Elevators Board may allocate to that person, in the manner and for the quantity notified by the Minister to the Grain Elevators Board,
- 30 a 1971–1972 durum quota.

Calculation and allocation of 1971–1972 durum quotas.

Wheat Quotas.

(2) The Grain Elevators Board may, by notice in writing, require a person to furnish information concerning a durum agreement and may require that information to be verified by statutory declaration and any such information to
5 which such a requirement relates shall be deemed not to have been duly furnished to that Board unless it has been so verified.

(3) Where two or more persons enter into the same durum agreement those persons shall, for the purposes of
10 subsection one of this section, be regarded as one person.

DIVISION 4.—1971–1972 Sharefarmers' Quotas.

8. (1) A person to whom this section applies is a person
who—
- (a) is a wheatgrower;
 - 15 (b) owns or has in his possession plant and equipment capable of harvesting wheat;
 - (c) is a former sharefarmer;
 - (d) was a sharefarmer within the meaning of the Wheat Quotas Act, 1969, or the Wheat Quotas Act, 1970;
20 and
 - (e) pursuant to a former sharefarming agreement, last sowed wheat for harvesting in the 1968–1969 season, the 1969–1970 season or the 1970–1971 season.
- 25 (2) Subject to subsection three of this section, where a person to whom this section applies—
- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1971–1972 sharefarmer's quota;
 - 30 (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant; and

Calculation and allocation of 1971–1972 sharefarmers' quotas.

(c)

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(c) duly furnishes any such additional information within the time specified for the purpose in the notice,

5 the Grain Elevators Board may allocate a 1971-1972 share-farmer's quota to that person on the basis notified by the Minister to the Grain Elevators Board.

(3) The Grain Elevators Board may, by a notice referred to in paragraph (b) of subsection two of this section, require any or all of the additional information specified in
10 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.

PART III.

15

SHAREFARMERS.

9. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1971-1972 quota or a 1971-1972 northern prime hard quota (in this Part referred to as an allottee) is a party to a sharefarming agreement and
20 it proposes to forward a quota authority under section twenty 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
25 to those persons jointly in lieu of to the allottee.

10. (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 1971-1972 quota or, as the case may be,
30 the 1971-1972 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties,

Quota authority to include name of share-farmer.

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

Wheat Quotas.

parties, that 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 that 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 1971-1972 quotas or, as the case may require, 1971-1972 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 IV.

MISCELLANEOUS.

11. (1) The Grain Elevators Board may refuse to allocate a 1971-1972 quota or a 1971-1972 northern prime hard quota, or may allocate a reduced 1971-1972 quota or a reduced 1971-1972 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.

(2)

Wheat Quotas.

(2) The Grain Elevators Board may refuse to allocate a 1971-1972 sharefarmer's quota to a person who, in the opinion of the Board, is not a person to whom section eight of this Act applies.

5 **12.** (1) Where, after the Grain Elevators Board has allocated a 1971-1972 quota or a 1971-1972 northern prime hard quota to a person, that Board is satisfied— Quota may be cancelled.

(a) that the basic quota held by that person was calculated incorrectly;

10 (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;

15 (c) that the basic quotas held by 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 or sown for harvesting in the 1969-1970 season; or

20 (d) that the 1971-1972 quota, or the 1971-1972 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1971-1972 quota or his 1971-1972 northern prime hard quota
25 and if it thinks fit allocate to him another 1971-1972 quota or 1971-1972 northern prime hard quota for such quantity of wheat as it thinks fit.

(2) Where, after the Grain Elevators Board has allocated a 1971-1972 sharefarmer's quota to a person, that
30 Board is satisfied that that quota should not have been allocated or that the quota should have been allocated for a quantity of wheat smaller than that allocated, that Board may cancel that person's 1971-1972 sharefarmer's quota and if it thinks fit allocate to him another 1971-1972 share-
35 farmer's quota for such quantity of wheat as it thinks fit.

13.

Wheat Quotas.

13. Where a person has been allocated a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, 5 cancel that person's 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 durum 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 certain
quotas.

14. (1) Where a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's quota has been allocated 10 ascertains that he is or will be unable for any reason to deliver to the Board wheat as, or as part of, his 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, he shall forthwith notify the Grain Elevators Board of 15 that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

Cancellation
or reduc-
tion of
1971-1972
quotas or
1971-1972
share-
farmers'
quotas where
wheat can-
not be
delivered.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's 20 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, the Grain Elevators Board shall cancel that person's 1971-1972 quota or 1971-1972 sharefarmer's quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's 25 quota has been allocated will be able to deliver to the Board wheat as part of his 1971-1972 quota or 1971-1972 share- 30 farmer's quota, as the case may be, but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 quota or 1971-1972 sharefarmer's quota to that quantity.

Wheat Quotas.

15 15. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1971-1972 quotas and 1971-1972 share-farmer's quotas will be less than one hundred and fourteen 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 1971-1972 quotas and 1971-1972 share-farmers' quotas.

10 (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 1971-1972 quotas and 1971-1972 sharefarmer's quotas as the Minister may determine and so notify.

15 16. (1) Where a person to whom a 1971-1972 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 1971-1972 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 1971-1972 northern prime hard quotas where northern prime hard wheat cannot be delivered.

25 (2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 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 1971-1972 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1971-1972 northern prime hard quota.

30 (3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1971-1972 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 northern prime hard quota to that quantity.

Wheat Quotas.

17. (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 1971-1972 northern prime hard 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 wheat
under
1971-1972
northern
prime hard
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 1971-1972 northern prime hard quotas as the Minister may determine and so notify.

18. (1) Where a person to whom a 1971-1972 durum quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board durum wheat as, or as part of, his 1971-1972 durum 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 reduc-
tion of
1971-1972
durum
quotas
where durum
wheat cannot
be delivered.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1971-1972 durum quota, the Grain Elevators Board shall cancel that person's 1971-1972 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1971-1972 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 durum quota to that quantity.

Wheat Quotas.

19. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1971-1972 durum quotas will be less than two 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 durum 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 1971-1972 durum quotas as the Minister may determine and so notify.

20. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1971-1972 quota, a 1971-1972 northern prime hard quota, a 1971-1972 durum quota or a 1971-1972 sharefarmer's quota to any person, the quota so allocated or which purports to have been so allocated, 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 1971-1972 quota is allocated by that Board; or
- (b) may, in the case of a person to whom a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's 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 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 sharefarmer's quota, as the case may be.

(3) The Grain Elevators Board may, in the case of a person to whom a 1971-1972 durum quota is allocated by that Board, forward to that person a quota authority.

21.

Wheat Quotas.

21. (1) If any quota authority is lost, 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.

(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 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.

22. (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 1971–1972 quota or a 1971–1972 share-farmer's quota if the quota authority in respect of that wheat is not presented to that Board at the time of delivery;

(b)

Wheat Quotas.

- (b) shall refuse to accept delivery of any wheat as being part of a 1971-1972 northern prime hard quota unless—
 - (i) it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act; and
 - (ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is northern prime hard wheat; and
- (c) shall refuse to accept delivery of any wheat as being part of a 1971-1972 durum quota unless—
 - (i) it is delivered to the Grain Elevators Board at such of the elevators or works of that Board as may be notified in a manner to be determined by that Board; and
 - (ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is durum wheat.

23. (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—

1971-1972
quotas
may be
allocated
in special
cases.

- (a) allocate a 1971-1972 quota or a 1971-1972 sharefarmer's quota to any person who, but for this section, would not be entitled to a 1971-1972 quota or a 1971-1972 sharefarmer's quota and shall, as soon as practicable thereafter, forward to that person a quota authority; or
- (b) increase a 1971-1972 quota or a 1971-1972 sharefarmer's quota allocated to any person.

(2) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1971-1972 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall reduce

Wheat Quotas.

reduce all the 1971-1972 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
 5 by the Minister and notified to that Board.

24. (1) Where a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's quota is increased, reduced or cancelled under this Act the person to whom the 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 sharefarmer's 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.

(2) Where a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's 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 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's quota, as the case may be, equal to that specified quantity.

25. A 1971-1972 quota shall not be allocated to—

1971-1972
quotas not
to be
allocated
to certain
persons.

(a) a person in respect of wheat sown for harvesting in the 1971-1972 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) 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 1971-1972 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

Wheat Quotas.

26. (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) or (b) of section twenty-five of this Act apply, in respect of wheat of the 1971-1972 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 1971-1972 season on land other than land referred to in paragraph (a) of section twenty-five 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.

27. 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.

28. (1) No proceeding for an injunction or for a judgment or order commanding the doing of an act 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.

29.

Wheat Quotas.

29. Any person who contravenes or fails to comply with a ^{Penalty.} 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.

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

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

32. (1) The Governor may make regulations, not incon- ^{Regulations.} sistent 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 ^{Regulations.} 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) The regulations may prescribe a penalty not ²⁰ exceeding four hundred dollars for any contravention of, or failure to comply with any provision of, the regulations.

33. The Wheat Quotas Act, 1969, is amended—

Amendment
of Act No.
53, 1969.

- (a) by omitting from subsection one of section thirty- ^{Sec. 39.}
nine the words “and as soon as practicable ^{(Basic}
thereafter forward to that person a quota ^{quotas may}
authority,”; ^{be allocated}
^{in special}
^{cases.)}
- (b) by omitting subsection two of the same section.

34.

Wheat Quotas.

34. The Wheat Quotas Act, 1970, is amended by omitting from paragraph (a) of subsection three of section five the words "this Act" and by inserting in lieu thereof the words "this or any other Act".

Amendment
of Act No.
66, 1970.

Sec. 5.

(Modifica-
tion of
operation of
Wheat
Industry
Stabilization
Act, 1968.)

5

SCHEDULE.

Secs. 5, 6
and 22.

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

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[20c]

No. , 1971.

A BILL

To provide for the allocation of quotas in respect of wheat of the 1971-1972 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 the Wheat Quotas Act, 1969, and the Wheat Quotas Act, 1970; and for purposes connected therewith.

[MR CRAWFORD—30 *November*, 1971.]

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
5 follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Wheat Quotas Act, Short title.
1971".

10 2. This Act is divided as follows :—

Division of
Act.

PART I.—PRELIMINARY—ss. 1-3.

PART II.—QUOTAS FOR THE 1971-1972 SEASON—ss.
4-8.

DIVISION 1.—1971-1972 *Quotas*—s. 4.

15 DIVISION 2.—1971-1972 *Northern Prime Hard*
Quotas—ss. 5, 6.

DIVISION 3.—1971-1972 *Durum Quotas*—s. 7.

DIVISION 4.—1971-1972 *Sharefarmers' Quotas*—s. 8.

PART III.—SHAREFARMERS—ss. 9, 10.

20 PART IV.—MISCELLANEOUS—ss. 11-34.

SCHEDULE.

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

25 "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,
subsection one of section thirty-three or subsection
one of section thirty-nine of that Act;

"durum

Wheat Quotas.

“durum agreement” means an agreement in writing whereby a person other than Geo. Fielder and Co. Limited agrees to sow durum wheat on land in New South Wales for harvesting in the 1971–1972 season;

“1971–1972 durum quota” means 1971–1972 durum quota allocated under this Act;

“durum wheat” means wheat—

- (a) that complies with the standard for fair average quality wheat determined by the Board for the 1971–1972 season;
- (b) that is of the Dural or Duramba variety; and
- (c) that contains an admixture of no more than ten per centum of mottled, soft or bleached grains;

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

- (a) that owner granted 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 undertook to provide labour either with or without materials or stock for the working of the land to which the agreement related; and
- (c) the owner and that person agreed that the produce of the land to which the agreement related, derived during the currency of the agreement, or the proceeds of the sale of that produce, should be divided between the parties in specified proportions or shares,

where

Wheat Quotas.

where that person, pursuant to that agreement, sowed wheat for harvesting in any of the relevant seasons on the land to which the agreement related;

“former sharefarming agreement” means—

- 5 (a) an agreement of the nature referred to in the definition of “former sharefarmer” in this subsection; or
- (b) a sharefarming agreement within the meaning of the Wheat Quotas Act, 1969, or the
- 10 Wheat Quotas Act, 1970,

which expired or was terminated between the first day of March, one thousand nine hundred and sixty-eight and the thirtieth day of September, one thousand nine hundred and seventy-one;

- 15 “1971–1972 northern prime hard quota” means 1971–1972 northern prime hard quota allocated under this Act;

“northern prime hard wheat” means wheat—

- 20 (a) that complies with the standard for fair average quality wheat determined by the Board for the 1971–1972 season;
- (b) that is of the Timgalen, Mendos, Gamut, Gatcher, Spica, Windebri or Winglen variety;
- 25 (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture; and
- (d) that contains an admixture of no more than
- 30 ten per centum of mottled, soft or bleached grains;

“owner”,

Wheat Quotas.

“owner”, in relation to land, includes—

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

5 (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

10 (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

20 (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,

25 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;

30 (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,

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

“1970–1971

Wheat Quotas.

“1970–1971 quota” means 1970–1971 quota allocated under the Wheat Quotas Act, 1970;

“1971–1972 quota” means 1971–1972 quota allocated under this Act;

5 “relevant seasons” means each of the years that commenced on the first day of October, one thousand nine hundred and sixty-four, one thousand nine hundred and sixty-five, one thousand nine hundred and sixty-six, one thousand nine hundred and sixty-seven and one thousand nine hundred and sixty-eight;

15 “sharefarmer” means a person who has entered into an agreement with the owner of any land that is in New South Wales or 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

25 (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,

30 where that person, pursuant to that agreement, sowed wheat on or before the thirtieth day of September, one thousand nine hundred and seventy-one, for harvesting in the 1971–1972 season on the land to which the agreement relates;

“1971–1972

Wheat Quotas.

- “1971–1972 sharefarmer’s quota” means 1971–1972 sharefarmer’s quota allocated under this Act;
- 5 “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 1971–1972 quota is allocated;
- 10 “the 1968–1969 season” means the year that commenced on the first day of October, one thousand nine hundred and sixty-eight;
- “the 1969–1970 season” means the year that commenced on the first day of October, one thousand nine hundred and sixty-nine;
- 15 “the 1970–1971 season” means the year that commenced on the first day of October, one thousand nine hundred and seventy;
- “the 1971–1972 season” means the year that commenced on the first day of October, one thousand nine hundred and seventy-one;
- 20 “wheatgrower” means a person who, on or before the thirtieth day of September, one thousand nine hundred and seventy-one, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1971–1972 season.
- 25 (2) This Act shall be read and construed with and as part of the Wheat Industry Stabilization Act, 1968.

PART

Wheat Quotas.

PART II.

QUOTAS FOR THE 1971-1972 SEASON.

DIVISION 1.—1971-1972 *Quotas.*

4. (1) In this section, "prescribed person" means a
 5 person—
- (a) who has a basic quota; and
- (b) who is a wheatgrower.

a Calculation
and
alloca-
tion of
1971-1972
quotas.

- (2) Subject to subsection four of this section and
 section twelve of this Act, the Grain Elevators Board shall
 10 allocate to a prescribed person a 1971-1972 quota calculated
 in accordance with the formula specified in subsection three
 of this section.

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

15
$$a = b - \frac{b \times c}{100}$$

where—

- 20 a = the quantity in bushels of wheat which is the
 1971-1972 quota to be allocated to a prescribed
 person;
- b = the quantity in bushels of wheat that is the basic
 quota allocated to that person; and
- 25 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 held by that person falls.

TABLE,

Wheat Quotas.

TABLE.

	First Column.	Second Column.	Third Column.
5	BASIC QUOTA Quantity in bushels of wheat	REDUCTION FIGURE	MINIMUM 1971- 1972 QUOTA Quantity in bushels of wheat
10	Under 1,000	....	....
	1,001— 2,000	....	....
	2,001— 3,000	....	....
	3,001— 4,000	....	....
	4,001— 5,000	2½	4,000
15	5,001— 6,000	5	4,875
	6,001— 7,000	7½	5,700
	7,001— 8,000	10	6,475
	8,001— 9,000	12½	7,200
	9,001—10,000	15	7,875
20	10,001—12,000	17½	8,500
	12,001 and over	20	9,900

(4) Where—

- (a) the basic quota held by a prescribed person falls within the limits of an item in the first column of the table to subsection three of this section; and
- (b) the quantity in bushels of wheat ascertained by the application of the formula specified in that subsection is less than the quantity specified opposite that item in the third column of that table,

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

DIVISION 2.—1971–1972 *Northern Prime Hard Quotas.*

35 5. Where a person—

- (a) is entitled to a 1971–1972 quota pursuant to subsection two of section four of this Act; and

(b) Calculation and allocation of 1971–1972 northern prime hard quotas.

Wheat Quotas.

(b) has been allocated storage space during the 1971–1972 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,

5 the Grain Elevators Board shall allocate to that person a 1971–1972 northern prime hard quota equal to twenty-five per centum of the quantity in bushels of wheat which is his basic quota.

6. Where a person who is allocated—

10 (a) a 1971–1972 quota under subsection two or four of section four or subsection one of section twenty-three of this Act; or

Alloca-
tion of
additional
1971–1972
northern
prime hard
quotas.

(b) a 1971–1972 sharefarmer's quota under subsection two of section eight or subsection one of section
15 twenty-three of this Act,

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 1971–1972 season and that person has in his possession northern
20 prime hard wheat of that 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 1971–1972 northern prime hard quota.

DIVISION 3.—1971–1972 *Durum Quotas.*

25 7. (1) Subject to subsection two of this section, where a person enters into a durum agreement with the Board or with Geo. Fielder and Co. Limited, the Grain Elevators Board
may allocate to that person, in the manner and for the
quantity notified by the Minister to the Grain Elevators Board,
30 a 1971–1972 durum quota.

Calcula-
tion and
alloca-
tion of
1971–1972
durum
quotas.

(2)

Wheat Quotas.

(2) The Grain Elevators Board may, by notice in writing, require a person to furnish information concerning a durum agreement and may require that information to be verified by statutory declaration and any such information to which such a requirement relates shall be deemed not to have been duly furnished to that Board unless it has been so verified.

(3) Where two or more persons enter into the same durum agreement those persons shall, for the purposes of subsection one of this section, be regarded as one person.

DIVISION 4.—1971–1972 Sharefarmers' Quotas.

8. (1) A person to whom this section applies is a person who—

- (a) is a wheatgrower;
- 15 (b) owns or has in his possession plant and equipment capable of harvesting wheat;
- (c) is a former sharefarmer;
- (d) was a sharefarmer within the meaning of the Wheat Quotas Act, 1969, or the Wheat Quotas Act, 1970; and
- 20 (e) pursuant to a former sharefarming agreement, last sowed wheat for harvesting in the 1968–1969 season, the 1969–1970 season or the 1970–1971 season.

25 (2) Subject to subsection three of this section, where a person to whom this section applies—

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1971–1972 sharefarmer's quota;
- 30 (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant; and

(c)

Calculation and allocation of 1971–1972 sharefarmers' quotas.

Wheat Quotas.

(c) duly furnishes any such additional information within the time specified for the purpose in the notice,

the Grain Elevators Board may allocate a 1971-1972 share-farmer's quota to that person on the basis notified by the Minister to the Grain Elevators Board.

(3) The Grain Elevators Board may, by a notice referred to in paragraph (b) of subsection two of this section, 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.

PART III.

SHAREFARMERS.

9. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1971-1972 quota or a 1971-1972 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 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.

10. (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 1971-1972 quota or, as the case may be, the 1971-1972 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties,

Quota authority to include name of share-farmer.

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

Wheat Quotas.

parties, that 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 that 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 1971-1972 quotas or, as the case may require, 1971-1972 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 IV.

MISCELLANEOUS.

11. (1) The Grain Elevators Board may refuse to allocate a 1971-1972 quota or a 1971-1972 northern prime hard quota, or may allocate a reduced 1971-1972 quota or a reduced 1971-1972 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.

(2)

Wheat Quotas.

(2) The Grain Elevators Board may refuse to allocate a 1971-1972 sharefarmer's quota to a person who, in the opinion of the Board, is not a person to whom section eight of this Act applies.

5 **12.** (1) Where, after the Grain Elevators Board has allocated a 1971-1972 quota to a person who, in the opinion of the Board, is not a person to whom section eight of this Act applies, that Board is satisfied— Quota may be cancelled.

(a) that the basic quota held by that person was calculated incorrectly;

10 (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;

15 (c) that the basic quotas held by 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 or sown for harvesting in the 1969-1970 season; or

20 (d) that the 1971-1972 quota, or the 1971-1972 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1971-1972 quota or his 1971-1972 northern prime hard quota
25 and if it thinks fit allocate to him another 1971-1972 quota or 1971-1972 northern prime hard quota for such quantity of wheat as it thinks fit.

(2) Where, after the Grain Elevators Board has allocated a 1971-1972 sharefarmer's quota to a person, that
30 Board is satisfied that that quota should not have been allocated or that the quota should have been allocated for a quantity of wheat smaller than that allocated, that Board may cancel that person's 1971-1972 sharefarmer's quota and if it thinks fit allocate to him another 1971-1972 share-
35 farmer's quota for such quantity of wheat as it thinks fit.

13.

Wheat Quotas.

13. Where a person has been allocated a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 durum 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 certain quotas.
14. (1) Where a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's 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 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, 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 1971-1972 quotas or 1971-1972 sharefarmers' quotas where wheat cannot be delivered.
- (2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, the Grain Elevators Board shall cancel that person's 1971-1972 quota or 1971-1972 sharefarmer's quota.
- (3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's quota has been allocated will be able to deliver to the Board wheat as part of his 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 quota or 1971-1972 sharefarmer's quota to that quantity.

Wheat Quotas.

15 **15.** (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1971-1972 quotas and 1971-1972 share-farmer's quotas will be less than one hundred and fourteen 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
1971-1972
quotas and
1971-1972
share-
farmers'
quotas.

10 (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 1971-1972 quotas and 1971-1972 sharefarmer's quotas as the Minister may determine and so notify.

15 **16.** (1) Where a person to whom a 1971-1972 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 1971-1972 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 reduc-
tion of
1971-1972
northern
prime hard
quotas where
northern
prime hard
wheat
cannot be
delivered.

25 (2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 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 1971-1972 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1971-1972 northern prime hard quota.

30 (3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1971-1972 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 northern prime hard quota to that quantity.

17.

Wheat Quotas.

17. (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 1971-1972 northern prime hard 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 wheat
under
1971-1972
northern
prime hard
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 1971-1972 northern prime hard quotas as the Minister may determine and so notify.

18. (1) Where a person to whom a 1971-1972 durum quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board durum wheat as, or as part of, his 1971-1972 durum 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 reduc-
tion of
1971-1972
durum
quotas
where durum
wheat cannot
be delivered.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1971-1972 durum quota, the Grain Elevators Board shall cancel that person's 1971-1972 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1971-1972 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 durum quota to that quantity.

Wheat Quotas.

19. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1971-1972 durum quotas will be less than two 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 durum wheat which is likely to be the short fall.

Allocation
of short
fall of wheat
under
1971-1972
durum
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 1971-1972 durum quotas as the Minister may determine and so notify.

20. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1971-1972 quota, a 1971-1972 northern prime hard quota, a 1971-1972 durum quota or a 1971-1972 sharefarmer's quota to any person, the quota so allocated or which purports to have been so allocated, shall be deemed to have been allocated to that person under this Act.

Quotas
allocated
before
commence-
ment of Act.

(2) The Grain Elevators Board—

(a) shall, in the case of a person to whom a 1971-1972 quota is allocated by that Board; or

(b) may, in the case of a person to whom a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's 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 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 sharefarmer's quota, as the case may be.

(3) The Grain Elevators Board may, in the case of a person to whom a 1971-1972 durum quota is allocated by that Board, forward to that person a quota authority.

21.

Wheat Quotas.

21. (1) If any quota authority is lost, 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.

(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 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.

22. (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 1971–1972 quota or a 1971–1972 share-farmer's quota if the quota authority in respect of that wheat is not presented to that Board at the time of delivery;

(b)

Wheat Quotas.

- (b) shall refuse to accept delivery of any wheat as being part of a 1971-1972 northern prime hard quota unless—
- 5 (i) it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act; and
- (ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is
- 10 northern prime hard wheat; and
- (c) shall refuse to accept delivery of any wheat as being part of a 1971-1972 durum quota unless—
- (i) it is delivered to the Grain Elevators Board at such of the elevators or works of that
- 15 Board as may be notified in a manner to be determined by that Board; and
- (ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is
- 20 durum wheat.

23. (1) Notwithstanding any other provision of this 1971-1972 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—

- 25 (a) allocate a 1971-1972 quota or a 1971-1972 share-farmer's quota to any person who, but for this section, would not be entitled to a 1971-1972 quota or a 1971-1972 sharefarmer's quota and shall, as soon as practicable thereafter, forward to
- 30 that person a quota authority; or
- (b) increase a 1971-1972 quota or a 1971-1972 share-farmer's quota allocated to any person.

(2) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect

35 of which 1971-1972 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall reduce

Wheat Quotas.

reduce all the 1971-1972 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
 5 by the Minister and notified to that Board.

24. (1) Where a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's quota is increased, reduced or cancelled under this Act the person to whom the 1971-1972 quota, 1971-1972 northern
 10 prime hard quota or 1971-1972 sharefarmer's 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.

(2) Where a 1971-1972 quota, a 1971-1972
 15 northern prime hard quota or a 1971-1972 sharefarmer's 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 1971-1972 quota, a 1971-1972
 20 northern prime hard quota or a 1971-1972 sharefarmer's quota, as the case may be, equal to that specified quantity.

25. A 1971-1972 quota shall not be allocated to—

- (a) a person in respect of wheat sown for harvesting in the 1971-1972 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
 25
- (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 1971-1972 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.
 30
- 1971-1972
quotas not
to be
allocated
to certain
persons.

26.

Wheat Quotas.

26. (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) or (b) of section twenty-five of this Act apply, in respect of wheat of the 1971-1972 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 1971-1972 season on land other than land referred to in paragraph (a) of section twenty-five 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.

27. 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.

28. (1) No proceeding for an injunction or for a judgment or order commanding the doing of an act 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.

Wheat Quotas.

29. 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.

30. 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.

31. 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.

32. (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.

(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.

33. The Wheat Quotas Act, 1969, is amended—

Amendment of Act No. 53, 1969.

- (a) by omitting from subsection one of section thirty-nine the words “and as soon as practicable thereafter forward to that person a quota authority,”; Sec. 39. (Basic quotas may be allocated in special cases.)
- (b) by omitting subsection two of the same section.

34.

Wheat Quotas.

34. The Wheat Quotas Act, 1970, is amended by omitting from paragraph (a) of subsection three of section five the words "this Act" and by inserting in lieu thereof the words "this or any other Act".

Amendment
of Act No.
66, 1970.

Sec. 5.

(Modifica-
tion of
operation of
Wheat
Industry
Stabilization
Act, 1968.)

5

SCHEDULE.

Secs. 5, 6
and 22.

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

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[20c]

PROOF

WHEAT QUOTAS BILL, 1971

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to limit the quantity of wheat of the 1971–1972 season for which the Australian Wheat Board is required to pay prices calculated in accordance with the Wheat Industry Stabilization Act, 1968;
- (b) to amend the Wheat Quotas Act, 1970, to authorise payment of those prices in respect of wheat of a quota season;
- (c) to provide for the allocation by the Grain Elevators Board of wheat quotas, northern prime hard wheat quotas, durum wheat quotas and sharefarmers' quotas for the 1971–1972 season; and
- (d) to make other provisions consequential upon or ancillary to the foregoing.

PROOF

No. , 1971.

A BILL

To provide for the allocation of quotas in respect of wheat of the 1971-1972 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 the Wheat Quotas Act, 1969, and the Wheat Quotas Act, 1970; and for purposes connected therewith.

[MR CRAWFORD—30 November, 1971.]

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
5 follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Wheat Quotas Act, Short title.
1971".

10 2. This Act is divided as follows :—

Division of
Act.

PART I.—PRELIMINARY—ss. 1–3.

PART II.—QUOTAS FOR THE 1971–1972 SEASON—ss.
4–8.

DIVISION 1.—1971–1972 *Quotas*—s. 4.

15 DIVISION 2.—1971–1972 *Northern Prime Hard*
Quotas—ss. 5, 6.

DIVISION 3.—1971–1972 *Durum Quotas*—s. 7.

DIVISION 4.—1971–1972 *Sharefarmers' Quotas*—s. 8.

PART III.—SHAREFARMERS—ss. 9, 10.

20 PART IV.—MISCELLANEOUS—ss. 11–34.

SCHEDULE.

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

25 "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,
subsection one of section thirty-three or subsection
one of section thirty-nine of that Act;

"durum

Wheat Quotas.

5 “durum agreement” means an agreement in writing whereby a person other than Geo. Fielder and Co. Limited agrees to sow durum wheat on land in New South Wales for harvesting in the 1971–1972 season;

“1971–1972 durum quota” means 1971–1972 durum quota allocated under this Act;

“durum wheat” means wheat—

- 10 (a) that complies with the standard for fair average quality wheat determined by the Board for the 1971–1972 season;
- (b) that is of the Dural or Duramba variety; and
- 15 (c) that contains an admixture of no more than ten per centum of mottled, soft or bleached grains;

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

- 20 (a) that owner granted 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;
- 25 (b) that person undertook to provide labour either with or without materials or stock for the working of the land to which the agreement related; and
- 30 (c) the owner and that person agreed that the produce of the land to which the agreement related, derived during the currency of the agreement, or the proceeds of the sale of that produce, should be divided between the parties in specified proportions or shares,

where

Wheat Quotas.

where that person, pursuant to that agreement, sowed wheat for harvesting in any of the relevant seasons on the land to which the agreement related;

“former sharefarming agreement” means—

- 5 (a) an agreement of the nature referred to in the definition of “former sharefarmer” in this subsection; or
- (b) a sharefarming agreement within the meaning of the Wheat Quotas Act, 1969, or the
- 10 Wheat Quotas Act, 1970,

which expired or was terminated between the first day of March, one thousand nine hundred and sixty-eight and the thirtieth day of September, one thousand nine hundred and seventy-one;

- 15 “1971–1972 northern prime hard quota” means 1971–1972 northern prime hard quota allocated under this Act;

“northern prime hard wheat” means wheat—

- 20 (a) that complies with the standard for fair average quality wheat determined by the Board for the 1971–1972 season;
- (b) that is of the Timgalen, Mendos, Gamut, Gatcher, Spica, Windebri or Winglen variety;
- 25 (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture; and
- (d) that contains an admixture of no more than
- 30 ten per centum of mottled, soft or bleached grains;

“owner”,

Wheat Quotas.

“owner”, in relation to land, includes—

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

5 (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

10 (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

20 (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,

25 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;

30 (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,

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

“1970–1971

Wheat Quotas.

“1970–1971 quota” means 1970–1971 quota allocated under the Wheat Quotas Act, 1970;

“1971–1972 quota” means 1971–1972 quota allocated under this Act;

5 “relevant seasons” means each of the years that commenced on the first day of October, one thousand nine hundred and sixty-four, one thousand nine hundred and sixty-five, one thousand nine hundred and sixty-six, one thousand nine hundred and sixty-seven and one thousand nine hundred and sixty-eight;

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

15 (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;

20 (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

25 (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,

30 where that person, pursuant to that agreement, sowed wheat on or before the thirtieth day of September, one thousand nine hundred and seventy-one, for harvesting in the 1971–1972 season on the land to which the agreement relates;

35 “1971–1972

Wheat Quotas.

- “1971–1972 sharefarmer’s quota” means 1971–1972 sharefarmer’s quota allocated under this Act;
- 5 “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 1971–1972 quota is allocated;
- 10 “the 1968–1969 season” means the year that commenced on the first day of October, one thousand nine hundred and sixty-eight;
- “the 1969–1970 season” means the year that commenced on the first day of October, one thousand nine hundred and sixty-nine;
- 15 “the 1970–1971 season” means the year that commenced on the first day of October, one thousand nine hundred and seventy;
- “the 1971–1972 season” means the year that commenced on the first day of October, one thousand nine hundred and seventy-one;
- 20 “wheatgrower” means a person who, on or before the thirtieth day of September, one thousand nine hundred and seventy-one, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1971–1972 season.
- 25 (2) This Act shall be read and construed with and as part of the Wheat Industry Stabilization Act, 1968.

Wheat Quotas.

PART II.

QUOTAS FOR THE 1971-1972 SEASON.

DIVISION 1.—1971-1972 *Quotas.*

4. (1) In this section, "prescribed person" means a
 5 person—
- (a) who has a basic quota; and
- (b) who is a wheatgrower.

Calculation and allocation of 1971-1972 quotas.

- (2) Subject to subsection four of this section and section twelve of this Act, the Grain Elevators Board shall
 10 allocate to a prescribed person a 1971-1972 quota calculated in accordance with the formula specified in subsection three of this section.

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

15
$$a = b - \frac{b \times c}{100}$$

where—

- 20 a = the quantity in bushels of wheat which is the 1971-1972 quota to be allocated to a prescribed person;
- b = the quantity in bushels of wheat that is the basic quota allocated to that person; and
- 25 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 held by that person falls.

TABLE.

Wheat Quotas.

TABLE.

	First Column.	Second Column.	Third Column.
5	BASIC QUOTA Quantity in bushels of wheat	REDUCTION FIGURE	MINIMUM 1971- 1972 QUOTA Quantity in bushels of wheat
10	Under 1,000	....	....
	1,001— 2,000	....	....
	2,001— 3,000	....	....
	3,001— 4,000	....	....
	4,001— 5,000	2½	4,000
15	5,001— 6,000	5	4,875
	6,001— 7,000	7½	5,700
	7,001— 8,000	10	6,475
	8,001— 9,000	12½	7,200
	9,001—10,000	15	7,875
20	10,001—12,000	17½	8,500
	12,001 and over	20	9,900

(4) Where—

- (a) the basic quota held by a prescribed person falls within the limits of an item in the first column of the table to subsection three of this section; and
- (b) the quantity in bushels of wheat ascertained by the application of the formula specified in that subsection is less than the quantity 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 quantity so ascertained, allocate to that person a quota of the quantity so specified in the third column of that table.

DIVISION 2.—1971–1972 *Northern Prime Hard Quotas.*

5. Where a person—

- (a) is entitled to a 1971–1972 quota pursuant to subsection two of section four of this Act; and

(b)

Calculation and allocation of 1971–1972 northern prime hard quotas.

Wheat Quotas.

- (b) has been allocated storage space during the 1971–1972 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,
- 5 the Grain Elevators Board shall allocate to that person a 1971–1972 northern prime hard quota equal to twenty-five per centum of the quantity in bushels of wheat which is his basic quota.

6. Where a person who is allocated—
- 10 (a) a 1971–1972 quota under subsection two or four of section four or subsection one of section twenty-three of this Act; or
- (b) a 1971–1972 sharefarmer's quota under subsection two of section eight or subsection one of section
- 15 twenty-three of this Act,
- 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 1971–1972 season and that person has in his possession northern
- 20 prime hard wheat of that 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 1971–1972 northern prime hard quota.

Allocation of additional 1971–1972 northern prime hard quotas.

DIVISION 3.—1971–1972 Durum Quotas.

- 25 7. (1) Subject to subsection two of this section, where a person enters into a durum agreement with the Board or with Geo. Fielder and Co. Limited, the Grain Elevators Board may allocate to that person, in the manner and for the quantity notified by the Minister to the Grain Elevators Board,
- 30 a 1971–1972 durum quota.

(2)

Wheat Quotas.

(2) The Grain Elevators Board may, by notice in writing, require a person to furnish information concerning a durum agreement and may require that information to be verified by statutory declaration and any such information to which such a requirement relates shall be deemed not to have been duly furnished to that Board unless it has been so verified.

(3) Where two or more persons enter into the same durum agreement those persons shall, for the purposes of subsection one of this section, be regarded as one person.

DIVISION 4.—1971–1972 Sharefarmers' Quotas.

8. (1) A person to whom this section applies is a person who—

- (a) is a wheatgrower;
- 15 (b) owns or has in his possession plant and equipment capable of harvesting wheat;
- (c) is a former sharefarmer;
- (d) was a sharefarmer within the meaning of the Wheat Quotas Act, 1969, or the Wheat Quotas Act, 1970; and
- 20 (e) pursuant to a former sharefarming agreement, last sowed wheat for harvesting in the 1968–1969 season, the 1969–1970 season or the 1970–1971 season.

Calculation and allocation of 1971–1972 sharefarmers' quotas.

25 (2) Subject to subsection three of this section, where a person to whom this section applies—

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1971–1972 sharefarmer's quota;
- 30 (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant; and

(c)

Wheat Quotas.

(c) duly furnishes any such additional information within the time specified for the purpose in the notice,

the Grain Elevators Board may allocate a 1971-1972 share-farmer's quota to that person on the basis notified by the Minister to the Grain Elevators Board.

(3) The Grain Elevators Board may, by a notice referred to in paragraph (b) of subsection two of this section, 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.

PART III.

SHAREFARMERS.

9. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1971-1972 quota or a 1971-1972 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 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.

10. (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 1971-1972 quota or, as the case may be, the 1971-1972 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties,

Quota authority to include name of share-farmer.

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

Wheat Quotas.

parties, that 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 that 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 1971-1972 quotas or, as the case may require, 1971-1972 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 IV.

MISCELLANEOUS.

11. (1) The Grain Elevators Board may refuse to allocate a 1971-1972 quota or a 1971-1972 northern prime hard quota, or may allocate a reduced 1971-1972 quota or a reduced 1971-1972 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.

(2)

Wheat Quotas.

(2) The Grain Elevators Board may refuse to allocate a 1971–1972 sharefarmer's quota to a person who, in the opinion of the Board, is not a person to whom section eight of this Act applies.

5 **12.** (1) Where, after the Grain Elevators Board has allocated a 1971–1972 quota or a 1971–1972 northern prime hard quota to a person, that Board is satisfied— ^{Quota may be cancelled.}

- (a) that the basic quota held by that person was calculated incorrectly;
- 10 (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;
- 15 (c) that the basic quotas held by 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 or sown for harvesting in the 1969–1970 season; or
- 20 (d) that the 1971–1972 quota, or the 1971–1972 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1971–1972 quota or his 1971–1972 northern prime hard quota
 25 and if it thinks fit allocate to him another 1971–1972 quota or 1971–1972 northern prime hard quota for such quantity of wheat as it thinks fit.

(2) Where, after the Grain Elevators Board has allocated a 1971–1972 sharefarmer's quota to a person, that
 30 Board is satisfied that that quota should not have been allocated or that the quota should have been allocated for a quantity of wheat smaller than that allocated, that Board may cancel that person's 1971–1972 sharefarmer's quota and if it thinks fit allocate to him another 1971–1972 share-
 35 farmer's quota for such quantity of wheat as it thinks fit.

13.

Wheat Quotas.

13. Where a person has been allocated a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, 5 cancel that person's 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 durum 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 certain quotas.
14. (1) Where a person to whom a 1971-1972 quota 10 or a 1971-1972 sharefarmer's 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 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, he shall forthwith notify the Grain Elevators Board of 15 that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver. Cancellation or reduction of 1971-1972 quotas or 1971-1972 sharefarmers' quotas where wheat cannot be delivered.
- (2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's 20 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, the Grain Elevators Board shall cancel that person's 1971-1972 quota or 1971-1972 sharefarmer's quota.
- 25 (3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's quota has been allocated will be able to deliver to the Board wheat as part of his 1971-1972 quota or 1971-1972 share- 30 farmer's quota, as the case may be, but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 quota or 1971-1972 sharefarmer's quota to that quantity.

Wheat Quotas.

15. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1971-1972 quotas and 1971-1972 sharefarmer's quotas will be less than one hundred and fourteen 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
1971-1972
quotas and
1971-1972
share-
farmers'
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 1971-1972 quotas and 1971-1972 sharefarmer's quotas as the Minister may determine and so notify.

16. (1) Where a person to whom a 1971-1972 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 1971-1972 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 reduc-
tion of
1971-1972
northern
prime hard
quotas where
northern
prime hard
wheat
cannot be
delivered.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 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 1971-1972 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1971-1972 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 1971-1972 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1971-1972 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 northern prime hard quota to that quantity.

Wheat Quotas.

17. (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 1971-1972 northern prime hard 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 wheat
under
1971-1972
northern
prime hard
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 1971-1972 northern prime hard quotas as the Minister may determine and so notify.

18. (1) Where a person to whom a 1971-1972 durum quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board durum wheat as, or as part of, his 1971-1972 durum 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
1971-1972
durum
quotas
where durum
wheat cannot
be delivered.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1971-1972 durum quota, the Grain Elevators Board shall cancel that person's 1971-1972 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1971-1972 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 durum quota to that quantity.

Wheat Quotas.

19. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1971-1972 durum quotas will be less than two 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 durum 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 1971-1972 durum quotas as the Minister may determine and so notify.

20. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1971-1972 quota, a 1971-1972 northern prime hard quota, a 1971-1972 durum quota or a 1971-1972 sharefarmer's quota to any person, the quota so allocated or which purports to have been so allocated, 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 1971-1972 quota is allocated by that Board; or

(b) may, in the case of a person to whom a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's 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 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 sharefarmer's quota, as the case may be.

(3) The Grain Elevators Board may, in the case of a person to whom a 1971-1972 durum quota is allocated by that Board, forward to that person a quota authority.

Wheat Quotas.

21. (1) If any quota authority is lost, 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 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.

22. (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.

(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 1971–1972 quota or a 1971–1972 share-farmer's quota if the quota authority in respect of that wheat is not presented to that Board at the time of delivery;

(b)

Wheat Quotas.

- (b) shall refuse to accept delivery of any wheat as being part of a 1971-1972 northern prime hard quota unless—
- 5 (i) it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act; and
- (ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is
- 10 northern prime hard wheat; and
- (c) shall refuse to accept delivery of any wheat as being part of a 1971-1972 durum quota unless—
- 15 (i) it is delivered to the Grain Elevators Board at such of the elevators or works of that Board as may be notified in a manner to be determined by that Board; and
- (ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is
- 20 durum wheat.
- 23.** (1) Notwithstanding any other provision of this 1971-1972 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—
- 25 (a) allocate a 1971-1972 quota or a 1971-1972 sharefarmer's quota to any person who, but for this section, would not be entitled to a 1971-1972 quota or a 1971-1972 sharefarmer's quota and shall, as soon as practicable thereafter, forward to
- 30 that person a quota authority; or
- (b) increase a 1971-1972 quota or a 1971-1972 sharefarmer's quota allocated to any person.
- (2) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect
- 35 of which 1971-1972 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall reduce

Wheat Quotas.

reduce all the 1971-1972 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
 5 by the Minister and notified to that Board.

24. (1) Where a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's quota is increased, reduced or cancelled under this Act the person to whom the 1971-1972 quota, 1971-1972 northern
 10 prime hard quota or 1971-1972 sharefarmer's 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.

(2) Where a 1971-1972 quota, a 1971-1972
 15 northern prime hard quota or a 1971-1972 sharefarmer's 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 1971-1972 quota, a 1971-1972
 20 northern prime hard quota or a 1971-1972 sharefarmer's quota, as the case may be, equal to that specified quantity.

25. A 1971-1972 quota shall not be allocated to—

- (a) a person in respect of wheat sown for harvesting in the 1971-1972 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
 25
- (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 1971-1972 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.
 30
- 1971-1972
quotas not
to be
allocated
to certain
persons.

Wheat Quotas.

26. (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) or (b) of section twenty-five of this Act apply, in respect of wheat of the 1971-1972 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 1971-1972 season on land other than land referred to in paragraph (a) of section twenty-five 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.

27. 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.

28. (1) No proceeding for an injunction or for a judgment or order commanding the doing of an act 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.

Wheat Quotas.

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

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

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

32. (1) The Governor may make regulations, not incon- Regulations.
sistent 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
15 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) The regulations may prescribe a penalty not
20 exceeding four hundred dollars for any contravention of, or
failure to comply with any provision of, the regulations.

33. The Wheat Quotas Act, 1969, is amended—

Amendment
of Act No.
53, 1969.

(a) by omitting from subsection one of section thirty- Sec. 39.
nine the words "and as soon as practicable (Basic
25 thereafter forward to that person a quota quotas may
authority,"; be allocated
in special
cases.)

(b) by omitting subsection two of the same section.

34.

Wheat Quotas.

34. The Wheat Quotas Act, 1970, is amended by omitting from paragraph (a) of subsection three of section five the words "this Act" and by inserting in lieu thereof the words "this or any other Act".

Amendment
of Act No.
66, 1970.
Sec. 5.
(Modifica-
tion of
operation of
Wheat
Industry
Stabilization
Act, 1968.)

5

SCHEDULE.

Secs. 5, 6
and 22.

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

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 76, 1971.

An Act to provide for the allocation of quotas in respect of wheat of the 1971-1972 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 the Wheat Quotas Act, 1969, and the Wheat Quotas Act, 1970; and for purposes connected therewith. [Assented to, 21st December, 1971.]

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. 1. This Act may be cited as the "Wheat Quotas Act, 1971".

Division of Act.

2. This Act is divided as follows:—

PART I.—PRELIMINARY—ss. 1–3.

PART II.—QUOTAS FOR THE 1971–1972 SEASON—ss. 4–8.

DIVISION 1.—1971–1972 *Quotas*—s. 4.

DIVISION 2.—1971–1972 *Northern Prime Hard Quotas*—ss. 5, 6.

DIVISION 3.—1971–1972 *Durum Quotas*—s. 7.

DIVISION 4.—1971–1972 *Sharefarmers' Quotas*—s. 8.

PART III.—SHAREFARMERS—ss. 9, 10.

PART IV.—MISCELLANEOUS—ss. 11–34.

SCHEDULE.

Interpretation.

3. (1) In this Act, except in so far as the context or 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, subsection one of section thirty-three or subsection one of section thirty-nine of that Act:

"durum

Wheat Quotas.

“durum agreement” means an agreement in writing whereby a person other than Geo. Fielder and Co. Limited agrees to sow durum wheat on land in New South Wales for harvesting in the 1971–1972 season;

“1971–1972 durum quota” means 1971–1972 durum quota allocated under this Act;

“durum wheat” means wheat—

- (a) that complies with the standard for fair average quality wheat determined by the Board for the 1971–1972 season;
- (b) that is of the Dural or Duramba variety; and
- (c) that contains an admixture of no more than ten per centum of mottled, soft or bleached grains;

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

- (a) that owner granted 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 undertook to provide labour either with or without materials or stock for the working of the land to which the agreement related; and
- (c) the owner and that person agreed that the produce of the land to which the agreement related, derived during the currency of the agreement, or the proceeds of the sale of that produce, should be divided between the parties in specified proportions or shares,

where

Wheat Quotas.

where that person, pursuant to that agreement, sowed wheat for harvesting in any of the relevant seasons on the land to which the agreement related;

“former sharefarming agreement” means—

- (a) an agreement of the nature referred to in the definition of “former sharefarmer” in this subsection; or
- (b) a sharefarming agreement within the meaning of the Wheat Quotas Act, 1969, or the Wheat Quotas Act, 1970,

which expired or was terminated between the first day of March, one thousand nine hundred and sixty-eight and the thirtieth day of September, one thousand nine hundred and seventy-one;

“1971–1972 northern prime hard quota” means 1971–1972 northern prime hard quota allocated under this Act;

“northern prime hard wheat” means wheat—

- (a) that complies with the standard for fair average quality wheat determined by the Board for the 1971–1972 season;
- (b) that is of the Timgalen, Mendos, Gamut, Gatcher, Spica, Windebri or Winglen variety;
- (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture; and
- (d) that contains an admixture of no more than ten per centum of mottled, soft or bleached grains;

“owner”,

Wheat Quotas.

“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) 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;

“1970–1971

Wheat Quotas.

“1970–1971 quota” means 1970–1971 quota allocated under the Wheat Quotas Act, 1970;

“1971–1972 quota” means 1971–1972 quota allocated under this Act;

“relevant seasons” means each of the years that commenced on the first day of October, one thousand nine hundred and sixty-four, one thousand nine hundred and sixty-five, one thousand nine hundred and sixty-six, one thousand nine hundred and sixty-seven and one thousand nine hundred and sixty-eight;

“sharefarmer” means a person who has entered into an agreement with the owner of any land that is in New South Wales or 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 that person, pursuant to that agreement, sowed wheat on or before the thirtieth day of September, one thousand nine hundred and seventy-one, for harvesting in the 1971–1972 season on the land to which the agreement relates;

“1971–1972

Wheat Quotas.

“1971–1972 sharefarmer’s quota” means 1971–1972 sharefarmer’s quota allocated under this Act;

“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 1971–1972 quota is allocated;

“the 1968–1969 season” means the year that commenced on the first day of October, one thousand nine hundred and sixty-eight;

“the 1969–1970 season” means the year that commenced on the first day of October, one thousand nine hundred and sixty-nine;

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

“the 1971–1972 season” means the year that commenced on the first day of October, one thousand nine hundred and seventy-one;

“wheatgrower” means a person who, on or before the thirtieth day of September, one thousand nine hundred and seventy-one, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1971–1972 season.

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

Wheat Quotas.

PART II.

QUOTAS FOR THE 1971-1972 SEASON.

DIVISION 1.—1971-1972 *Quotas.*

Calculation and allocation of 1971-1972 quotas.

4. (1) In this section, "prescribed person" means a person—

- (a) who has a basic quota; and
- (b) who is a wheatgrower.

(2) Subject to subsection four of this section and section twelve of this Act, the Grain Elevators Board shall allocate to a prescribed person a 1971-1972 quota calculated in accordance with the formula specified in subsection three of this section.

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

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

where—

- a = the quantity in bushels of wheat which is the 1971-1972 quota to be allocated to a prescribed person;
- b = the quantity in bushels of wheat that is 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 held by that person falls.

TABLE.

Wheat Quotas.

TABLE.

First Column.	Second Column.	Third Column.
BASIC QUOTA Quantity in bushels of wheat	REDUCTION FIGURE	MINIMUM 1971- 1972 QUOTA Quantity in bushels of wheat
Under 1,000	....	....
1,001—2,000	....	....
2,001—3,000	....	....
3,001—4,000	....	....
4,001—5,000	2½	4,000
5,001—6,000	5	4,875
6,001—7,000	7½	5,700
7,001—8,000	10	6,475
8,001—9,000	12½	7,200
9,001—10,000	15	7,875
10,001—12,000	17½	8,500
12,001 and over	20	9,900

(4) Where—

- (a) the basic quota held by a prescribed person falls within the limits of an item in the first column of the table to subsection three of this section; and
- (b) the quantity in bushels of wheat ascertained by the application of the formula specified in that subsection is less than the quantity 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 quantity so ascertained, allocate to that person a quota of the quantity so specified in the third column of that table.

DIVISION 2.—1971–1972 *Northern Prime Hard Quotas.*

5. Where a person—

- (a) is entitled to a 1971–1972 quota pursuant to subsection two of section four of this Act; and
- (b) Calculation and allocation of 1971–1972 northern prime hard quotas.

Wheat Quotas.

- (b) has been allocated storage space during the 1971–1972 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 1971–1972 northern prime hard quota equal to twenty-five per centum of the quantity in bushels of wheat which is his basic quota.

Allocation of additional 1971–1972 northern prime hard quotas.

6. Where a person who is allocated—

- (a) a 1971–1972 quota under subsection two or four of section four or subsection one of section twenty-three of this Act; or
- (b) a 1971–1972 sharefarmer's quota under subsection two of section eight or subsection one of section twenty-three of this Act,

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 1971–1972 season and that person has in his possession northern prime hard wheat of that 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 1971–1972 northern prime hard quota.

DIVISION 3.—1971–1972 Durum Quotas.

Calculation and allocation of 1971–1972 durum quotas.

7. (1) Subject to subsection two of this section, where a person enters into a durum agreement with the Board or with Geo. Fielder and Co. Limited, the Grain Elevators Board may allocate to that person, in the manner and for the quantity notified by the Minister to the Grain Elevators Board, a 1971–1972 durum quota.

(2)

Wheat Quotas.

(2) The Grain Elevators Board may, by notice in writing, require a person to furnish information concerning a durum agreement and may require that information to be verified by statutory declaration and any such information to which such a requirement relates shall be deemed not to have been duly furnished to that Board unless it has been so verified.

(3) Where two or more persons enter into the same durum agreement those persons shall, for the purposes of subsection one of this section, be regarded as one person.

DIVISION 4.—1971–1972 *Sharefarmers' Quotas.*

8. (1) A person to whom this section applies is a person who—
- (a) is a wheatgrower;
 - (b) owns or has in his possession plant and equipment capable of harvesting wheat;
 - (c) is a former sharefarmer;
 - (d) was a sharefarmer within the meaning of the Wheat Quotas Act, 1969, or the Wheat Quotas Act, 1970; and
 - (e) pursuant to a former sharefarming agreement, last sowed wheat for harvesting in the 1968–1969 season, the 1969–1970 season or the 1970–1971 season.

Calculation and allocation of 1971–1972 sharefarmers' quotas.

(2) Subject to subsection three of this section, where a person to whom this section applies—

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1971–1972 sharefarmer's quota;
- (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant; and

(c)

Wheat Quotas.

- (c) duly furnishes any such additional information within the time specified for the purpose in the notice,

the Grain Elevators Board may allocate a 1971-1972 share-farmer's quota to that person on the basis notified by the Minister to the Grain Elevators Board.

(3) The Grain Elevators Board may, by a notice referred to in paragraph (b) of subsection two of this section, 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.

PART III.

SHAREFARMERS.

Quota
authority
to include
name of
share-
farmer.

9. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1971-1972 quota or a 1971-1972 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 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.

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

10. (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 1971-1972 quota or, as the case may be, the 1971-1972 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those

parties,

Wheat Quotas.

parties, that 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 that 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 1971-1972 quotas or, as the case may require, 1971-1972 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 IV.

MISCELLANEOUS.

11. (1) The Grain Elevators Board may refuse to allocate a 1971-1972 quota or a 1971-1972 northern prime hard quota, or may allocate a reduced 1971-1972 quota or a reduced 1971-1972 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.

(2)

Wheat Quotas.

(2) The Grain Elevators Board may refuse to allocate a 1971-1972 sharefarmer's quota to a person who, in the opinion of the Board, is not a person to whom section eight of this Act applies.

Quota may
be cancelled.

12. (1) Where, after the Grain Elevators Board has allocated a 1971-1972 quota or a 1971-1972 northern prime hard quota to a person, that Board is satisfied—

- (a) that the basic quota held by 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 held by 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 or sown for harvesting in the 1969-1970 season;
or
- (d) that the 1971-1972 quota, or the 1971-1972 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1971-1972 quota or his 1971-1972 northern prime hard quota and if it thinks fit allocate to him another 1971-1972 quota or 1971-1972 northern prime hard quota for such quantity of wheat as it thinks fit.

(2) Where, after the Grain Elevators Board has allocated a 1971-1972 sharefarmer's quota to a person, that Board is satisfied that that quota should not have been allocated or that the quota should have been allocated for a quantity of wheat smaller than that allocated, that Board may cancel that person's 1971-1972 sharefarmer's quota and if it thinks fit allocate to him another 1971-1972 sharefarmer's quota for such quantity of wheat as it thinks fit.

13.

Wheat Quotas.

13. Where a person has been allocated a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 durum 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 certain
quotas.

14. (1) Where a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's 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 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, 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
1971-1972
quotas or
1971-1972
share-
farmers'
quotas where
wheat can-
not be
delivered.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, the Grain Elevators Board shall cancel that person's 1971-1972 quota or 1971-1972 sharefarmer's quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's quota has been allocated will be able to deliver to the Board wheat as part of his 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 quota or 1971-1972 sharefarmer's quota to that quantity.

Wheat Quotas.

Allocation
of short
fall of
wheat under
1971-1972
quotas and
1971-1972
share-
farmers'
quotas.

15. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1971-1972 quotas and 1971-1972 share-farmer's quotas will be less than one hundred and fourteen 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 1971-1972 quotas and 1971-1972 sharefarmer's quotas as the Minister may determine and so notify.

Cancellation
or reduc-
tion of
1971-1972
northern
prime hard
quotas where
northern
prime hard
wheat
cannot be
delivered.

16. (1) Where a person to whom a 1971-1972 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 1971-1972 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) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 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 1971-1972 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1971-1972 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 1971-1972 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1971-1972 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 northern prime hard quota to that quantity.

Wheat Quotas.

17. (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 1971-1972 northern prime hard 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 wheat
under
1971-1972
northern
prime hard
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 1971-1972 northern prime hard quotas as the Minister may determine and so notify.

18. (1) Where a person to whom a 1971-1972 durum quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board durum wheat as, or as part of, his 1971-1972 durum 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 reduc-
tion of
1971-1972
durum
quotas
where durum
wheat cannot
be delivered.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1971-1972 durum quota, the Grain Elevators Board shall cancel that person's 1971-1972 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1971-1972 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 durum quota to that quantity.

Wheat Quotas.

Allocation
of short
fall of wheat
under
1971-1972
durum
quotas.

19. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1971-1972 durum quotas will be less than two 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 durum 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 1971-1972 durum quotas as the Minister may determine and so notify.

Quotas
allocated
before
commence-
ment of Act.

20. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1971-1972 quota, a 1971-1972 northern prime hard quota, a 1971-1972 durum quota or a 1971-1972 sharefarmer's quota to any person, the quota so allocated or which purports to have been so allocated, 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 1971-1972 quota is allocated by that Board; or
- (b) may, in the case of a person to whom a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's 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 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 sharefarmer's quota, as the case may be.

(3) The Grain Elevators Board may, in the case of a person to whom a 1971-1972 durum quota is allocated by that Board, forward to that person a quota authority.

Wheat Quotas.

21. (1) If any quota authority is lost, 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.

(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 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.

22. (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 1971–1972 quota or a 1971–1972 share-farmer's quota if the quota authority in respect of that wheat is not presented to that Board at the time of delivery;

(b)

Wheat Quotas.

- (b) shall refuse to accept delivery of any wheat as being part of a 1971-1972 northern prime hard quota unless—
 - (i) it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act; and
 - (ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is northern prime hard wheat; and
- (c) shall refuse to accept delivery of any wheat as being part of a 1971-1972 durum quota unless—
 - (i) it is delivered to the Grain Elevators Board at such of the elevators or works of that Board as may be notified in a manner to be determined by that Board; and
 - (ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is durum wheat.

1971-1972
quotas
may be
allocated
in special
cases.

23. (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—

- (a) allocate a 1971-1972 quota or a 1971-1972 sharefarmer's quota to any person who, but for this section, would not be entitled to a 1971-1972 quota or a 1971-1972 sharefarmer's quota and shall, as soon as practicable thereafter, forward to that person a quota authority; or
- (b) increase a 1971-1972 quota or a 1971-1972 sharefarmer's quota allocated to any person.

(2) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1971-1972 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall reduce

Wheat Quotas.

reduce all the 1971-1972 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.

24. (1) Where a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's quota is increased, reduced or cancelled under this Act the person to whom the 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 sharefarmer's 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.

(2) Where a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's 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 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's quota, as the case may be, equal to that specified quantity.

- 25.** A 1971-1972 quota shall not be allocated to—
- 1971-1972 quotas not to be allocated to certain persons.
- (a) a person in respect of wheat sown for harvesting in the 1971-1972 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) 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 1971-1972 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

Wheat Quotas.

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

26. (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) or (b) of section twenty-five of this Act apply, in respect of wheat of the 1971-1972 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.

(2) A person who has grown wheat of the 1971-1972 season on land other than land referred to in paragraph (a) of section twenty-five 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.

Where no action shall lie.

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

- (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.

Decisions of Minister, etc., to be final.

28. (1) No proceeding for an injunction or for a judgment or order commanding the doing of an act 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.

Wheat Quotas.

29. Any person who contravenes or fails to comply with a ^{Penalty.} 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.

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

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

32. (1) The Governor may make regulations, not incon- ^{Regulations.} sistent 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) 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.

33. The Wheat Quotas Act, 1969, is amended—

Amendment
of Act No.
53, 1969.

(a) by omitting from subsection one of section thirty- ^{Sec. 39.} nine the words “and as soon as practicable ^{(Basic} thereafter forward to that person a quota ^{quotas may} authority,”; ^{be allocated} ^{in special} ^{cases.)}

(b) by omitting subsection two of the same section.

34.

Wheat Quotas.

Amendment
of Act No.
66, 1970.
Sec. 5.
(Modifica-
tion of
operation of
Wheat
Industry
Stabilization
Act, 1968.)

34. The Wheat Quotas Act, 1970, is amended by omitting from paragraph (a) of subsection three of section five the words "this Act" and by inserting in lieu thereof the words "this or any other Act".

Secs. 5, 6
and 22.

SCHEDULE.

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

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

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, 9 December, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 76, 1971.

An Act to provide for the allocation of quotas in respect of wheat of the 1971-1972 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 the Wheat Quotas Act, 1969, and the Wheat Quotas Act, 1970; and for purposes connected therewith. [Assented to, 21st December, 1971.]

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. **1.** This Act may be cited as the "Wheat Quotas Act, 1971".

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

PART I.—PRELIMINARY—ss. 1–3.

PART II.—QUOTAS FOR THE 1971–1972 SEASON—ss. 4–8.

DIVISION 1.—1971–1972 *Quotas*—s. 4.

DIVISION 2.—1971–1972 *Northern Prime Hard Quotas*—ss. 5, 6.

DIVISION 3.—1971–1972 *Durum Quotas*—s. 7.

DIVISION 4.—1971–1972 *Sharefarmers' Quotas*—s. 8.

PART III.—SHAREFARMERS—ss. 9, 10.

PART IV.—MISCELLANEOUS—ss. 11–34.

SCHEDULE.

Interpretation. **3.** (1) In this Act, except in so far as the context or 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, subsection one of section thirty-three or subsection one of section thirty-nine of that Act;

"durum

Wheat Quotas.

“durum agreement” means an agreement in writing whereby a person other than Geo. Fielder and Co. Limited agrees to sow durum wheat on land in New South Wales for harvesting in the 1971–1972 season;

“1971–1972 durum quota” means 1971–1972 durum quota allocated under this Act;

“durum wheat” means wheat—

- (a) that complies with the standard for fair average quality wheat determined by the Board for the 1971–1972 season;
- (b) that is of the Dural or Duramba variety; and
- (c) that contains an admixture of no more than ten per centum of mottled, soft or bleached grains;

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

- (a) that owner granted 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 undertook to provide labour either with or without materials or stock for the working of the land to which the agreement related; and
- (c) the owner and that person agreed that the produce of the land to which the agreement related, derived during the currency of the agreement, or the proceeds of the sale of that produce, should be divided between the parties in specified proportions or shares,

where

Wheat Quotas.

where that person, pursuant to that agreement, sowed wheat for harvesting in any of the relevant seasons on the land to which the agreement related;

“former sharefarming agreement” means—

- (a) an agreement of the nature referred to in the definition of “former sharefarmer” in this subsection; or
- (b) a sharefarming agreement within the meaning of the Wheat Quotas Act, 1969, or the Wheat Quotas Act, 1970,

which expired or was terminated between the first day of March, one thousand nine hundred and sixty-eight and the thirtieth day of September, one thousand nine hundred and seventy-one;

“1971–1972 northern prime hard quota” means 1971–1972 northern prime hard quota allocated under this Act;

“northern prime hard wheat” means wheat—

- (a) that complies with the standard for fair average quality wheat determined by the Board for the 1971–1972 season;
- (b) that is of the Timgalen, Mendos, Gamut, Gatcher, Spica, Windebri or Winglen variety;
- (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture; and
- (d) that contains an admixture of no more than ten per centum of mottled, soft or bleached grains;

“owner”,

Wheat Quotas.

“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) 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;

“1970–1971

Wheat Quotas.

“1970–1971 quota” means 1970–1971 quota allocated under the Wheat Quotas Act, 1970;

“1971–1972 quota” means 1971–1972 quota allocated under this Act;

“relevant seasons” means each of the years that commenced on the first day of October, one thousand nine hundred and sixty-four, one thousand nine hundred and sixty-five, one thousand nine hundred and sixty-six, one thousand nine hundred and sixty-seven and one thousand nine hundred and sixty-eight;

“sharefarmer” means a person who has entered into an agreement with the owner of any land that is in New South Wales or 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 that person, pursuant to that agreement, sowed wheat on or before the thirtieth day of September, one thousand nine hundred and seventy-one, for harvesting in the 1971–1972 season on the land to which the agreement relates;

“1971–1972

Wheat Quotas.

“1971–1972 sharefarmer’s quota” means 1971–1972 sharefarmer’s quota allocated under this Act;

“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 1971–1972 quota is allocated;

“the 1968–1969 season” means the year that commenced on the first day of October, one thousand nine hundred and sixty-eight;

“the 1969–1970 season” means the year that commenced on the first day of October, one thousand nine hundred and sixty-nine;

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

“the 1971–1972 season” means the year that commenced on the first day of October, one thousand nine hundred and seventy-one;

“wheatgrower” means a person who, on or before the thirtieth day of September, one thousand nine hundred and seventy-one, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1971–1972 season.

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

PART

Wheat Quotas.

PART II.

QUOTAS FOR THE 1971-1972 SEASON.

DIVISION 1.—1971-1972 *Quotas.*

Calcula-
tion and
alloca-
tion of
1971-1972
quotas.

4. (1) In this section, "prescribed person" means a person—

- (a) who has a basic quota; and
- (b) who is a wheatgrower.

(2) Subject to subsection four of this section and section twelve of this Act, the Grain Elevators Board shall allocate to a prescribed person a 1971-1972 quota calculated in accordance with the formula specified in subsection three of this section.

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

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

where—

a = the quantity in bushels of wheat which is the 1971-1972 quota to be allocated to a prescribed person;

b = the quantity in bushels of wheat that is 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 held by that person falls.

TABLE.

Wheat Quotas.

TABLE.

First Column.	Second Column.	Third Column.
BASIC QUOTA Quantity in bushels of wheat	REDUCTION FIGURE	MINIMUM 1971- 1972 QUOTA Quantity in bushels of wheat
Under 1,000	....	....
1,001— 2,000	....	....
2,001— 3,000	....	....
3,001— 4,000	....	....
4,001— 5,000	2½	4,000
5,001— 6,000	5	4,875
6,001— 7,000	7½	5,700
7,001— 8,000	10	6,475
8,001— 9,000	12½	7,200
9,001—10,000	15	7,875
10,001—12,000	17½	8,500
12,001 and over	20	9,900

(4) Where—

- (a) the basic quota held by a prescribed person falls within the limits of an item in the first column of the table to subsection three of this section; and
- (b) the quantity in bushels of wheat ascertained by the application of the formula specified in that subsection is less than the quantity 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 quantity so ascertained, allocate to that person a quota of the quantity so specified in the third column of that table.

DIVISION 2.—1971–1972 *Northern Prime Hard Quotas.*

5. Where a person—

- (a) is entitled to a 1971–1972 quota pursuant to subsection two of section four of this Act; and

(b) Calculation and allocation of 1971–1972 northern prime hard quotas.

Wheat Quotas.

- (b) has been allocated storage space during the 1971–1972 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 1971–1972 northern prime hard quota equal to twenty-five per centum of the quantity in bushels of wheat which is his basic quota.

Allocation of additional 1971–1972 northern prime hard quotas.

6. Where a person who is allocated—

- (a) a 1971–1972 quota under subsection two or four of section four or subsection one of section twenty-three of this Act; or
- (b) a 1971–1972 sharefarmer's quota under subsection two of section eight or subsection one of section twenty-three of this Act,

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 1971–1972 season and that person has in his possession northern prime hard wheat of that 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 1971–1972 northern prime hard quota.

DIVISION 3.—1971–1972 *Durum Quotas.*

Calculation and allocation of 1971–1972 durum quotas.

7. (1) Subject to subsection two of this section, where a person enters into a durum agreement with the Board or with Geo. Fielder and Co. Limited, the Grain Elevators Board may allocate to that person, in the manner and for the quantity notified by the Minister to the Grain Elevators Board, a 1971–1972 durum quota.

(2)

Wheat Quotas.

(2) The Grain Elevators Board may, by notice in writing, require a person to furnish information concerning a durum agreement and may require that information to be verified by statutory declaration and any such information to which such a requirement relates shall be deemed not to have been duly furnished to that Board unless it has been so verified.

(3) Where two or more persons enter into the same durum agreement those persons shall, for the purposes of subsection one of this section, be regarded as one person.

DIVISION 4.—1971–1972 Sharefarmers' Quotas.

8. (1) A person to whom this section applies is a person who—
- (a) is a wheatgrower;
 - (b) owns or has in his possession plant and equipment capable of harvesting wheat;
 - (c) is a former sharefarmer;
 - (d) was a sharefarmer within the meaning of the Wheat Quotas Act, 1969, or the Wheat Quotas Act, 1970; and
 - (e) pursuant to a former sharefarming agreement, last sowed wheat for harvesting in the 1968–1969 season, the 1969–1970 season or the 1970–1971 season.

Calculation and allocation of 1971–1972 sharefarmers' quotas.

(2) Subject to subsection three of this section, where a person to whom this section applies—

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1971–1972 sharefarmer's quota;
- (b) duly furnishes the Grain Elevators Board with any additional information it specifies in a subsequent notice to the applicant; and

(c)

Wheat Quotas.

- (c) duly furnishes any such additional information within the time specified for the purpose in the notice,

the Grain Elevators Board may allocate a 1971-1972 share-farmer's quota to that person on the basis notified by the Minister to the Grain Elevators Board.

(3) The Grain Elevators Board may, by a notice referred to in paragraph (b) of subsection two of this section, 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.

PART III.

SHAREFARMERS.

Quota
authority
to include
name of
share-
farmer.

9. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1971-1972 quota or a 1971-1972 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 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.

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

10. (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 1971-1972 quota or, as the case may be, the 1971-1972 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those

parties,

Wheat Quotas.

parties, that 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 that 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 1971-1972 quotas or, as the case may require, 1971-1972 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 IV.

MISCELLANEOUS.

11. (1) The Grain Elevators Board may refuse to allocate a 1971-1972 quota or a 1971-1972 northern prime hard quota, or may allocate a reduced 1971-1972 quota or a reduced 1971-1972 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of
quota is
discre-
tionary
in certain
circum-
stances.

- (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.

(2)

Wheat Quotas.

(2) The Grain Elevators Board may refuse to allocate a 1971–1972 sharefarmer's quota to a person who, in the opinion of the Board, is not a person to whom section eight of this Act applies.

Quota may
be cancelled.

12. (1) Where, after the Grain Elevators Board has allocated a 1971–1972 quota or a 1971–1972 northern prime hard quota to a person, that Board is satisfied—

- (a) that the basic quota held by 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 held by 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 or sown for harvesting in the 1969–1970 season;
or
- (d) that the 1971–1972 quota, or the 1971–1972 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1971–1972 quota or his 1971–1972 northern prime hard quota and if it thinks fit allocate to him another 1971–1972 quota or 1971–1972 northern prime hard quota for such quantity of wheat as it thinks fit.

(2) Where, after the Grain Elevators Board has allocated a 1971–1972 sharefarmer's quota to a person, that Board is satisfied that that quota should not have been allocated or that the quota should have been allocated for a quantity of wheat smaller than that allocated, that Board may cancel that person's 1971–1972 sharefarmer's quota and if it thinks fit allocate to him another 1971–1972 sharefarmer's quota for such quantity of wheat as it thinks fit.

13.

Wheat Quotas.

13. Where a person has been allocated a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 durum 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 certain
quotas.

14. (1) Where a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's 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 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, 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
1971-1972
quotas or
1971-1972
share-
farmers'
quotas where
wheat can-
not be
delivered.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, the Grain Elevators Board shall cancel that person's 1971-1972 quota or 1971-1972 sharefarmer's quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 quota or a 1971-1972 sharefarmer's quota has been allocated will be able to deliver to the Board wheat as part of his 1971-1972 quota or 1971-1972 sharefarmer's quota, as the case may be, but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 quota or 1971-1972 sharefarmer's quota to that quantity.

Wheat Quotas.

Allocation
of short
fall of
wheat under
1971-1972
quotas and
1971-1972
share-
farmers'
quotas.

15. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1971-1972 quotas and 1971-1972 sharefarmer's quotas will be less than one hundred and fourteen 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 1971-1972 quotas and 1971-1972 sharefarmer's quotas as the Minister may determine and so notify.

Cancellation
or reduc-
tion of
1971-1972
northern
prime hard
quotas where
northern
prime hard
wheat
cannot be
delivered.

16. (1) Where a person to whom a 1971-1972 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 1971-1972 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) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 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 1971-1972 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1971-1972 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 1971-1972 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1971-1972 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 northern prime hard quota to that quantity.

Wheat Quotas.

17. (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 1971-1972 northern prime hard 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 wheat
under
1971-1972
northern
prime hard
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 1971-1972 northern prime hard quotas as the Minister may determine and so notify.

18. (1) Where a person to whom a 1971-1972 durum quota has been allocated ascertains that he is or will be unable for any reason to deliver to the Board durum wheat as, or as part of, his 1971-1972 durum 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
1971-1972
durum
quotas
where durum
wheat cannot
be delivered.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1971-1972 durum quota, the Grain Elevators Board shall cancel that person's 1971-1972 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1971-1972 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1971-1972 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1971-1972 durum quota to that quantity.

Wheat Quotas.

Allocation
of short
fall of wheat
under
1971-1972
durum
quotas.

19. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1971-1972 durum quotas will be less than two 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 durum 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 1971-1972 durum quotas as the Minister may determine and so notify.

Quotas
allocated
before
commence-
ment of Act.

20. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1971-1972 quota, a 1971-1972 northern prime hard quota, a 1971-1972 durum quota or a 1971-1972 sharefarmer's quota to any person, the quota so allocated or which purports to have been so allocated, 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 1971-1972 quota is allocated by that Board; or

(b) may, in the case of a person to whom a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's 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 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 sharefarmer's quota, as the case may be.

(3) The Grain Elevators Board may, in the case of a person to whom a 1971-1972 durum quota is allocated by that Board, forward to that person a quota authority.

21.

Wheat Quotas.

21. (1) If any quota authority is lost, 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.

(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 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.

22. (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,

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

not affected.

(a) may refuse to accept delivery of any wheat as being part of a 1971–1972 quota or a 1971–1972 share-farmer's quota if the quota authority in respect of that wheat is not presented to that Board at the time of delivery;

(b)

Wheat Quotas.

- (b) shall refuse to accept delivery of any wheat as being part of a 1971-1972 northern prime hard quota unless—
 - (i) it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act; and
 - (ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is northern prime hard wheat; and
- (c) shall refuse to accept delivery of any wheat as being part of a 1971-1972 durum quota unless—
 - (i) it is delivered to the Grain Elevators Board at such of the elevators or works of that Board as may be notified in a manner to be determined by that Board; and
 - (ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is durum wheat.

1971-1972
quotas
may be
allocated
in special
cases.

23. (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—

- (a) allocate a 1971-1972 quota or a 1971-1972 sharefarmer's quota to any person who, but for this section, would not be entitled to a 1971-1972 quota or a 1971-1972 sharefarmer's quota and shall, as soon as practicable thereafter, forward to that person a quota authority; or
- (b) increase a 1971-1972 quota or a 1971-1972 sharefarmer's quota allocated to any person.

(2) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1971-1972 northern prime hard quotas have been allocated exceeds twelve million bushels, that Board shall
reduce

Wheat Quotas.

reduce all the 1971-1972 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.

24. (1) Where a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's quota is increased, reduced or cancelled under this Act the person to whom the 1971-1972 quota, 1971-1972 northern prime hard quota or 1971-1972 sharefarmer's 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.

(2) Where a 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's 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 1971-1972 quota, a 1971-1972 northern prime hard quota or a 1971-1972 sharefarmer's quota, as the case may be, equal to that specified quantity.

- 25.** A 1971-1972 quota shall not be allocated to—
- 1971-1972
quotas not
to be
allocated
to certain
persons.
- (a) a person in respect of wheat sown for harvesting in the 1971-1972 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) 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 1971-1972 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

Wheat Quotas.

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

26. (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) or (b) of section twenty-five of this Act apply, in respect of wheat of the 1971-1972 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.

(2) A person who has grown wheat of the 1971-1972 season on land other than land referred to in paragraph (a) of section twenty-five 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.

Where no
action
shall lie.

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

- (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.

Decisions
of Minister,
etc., to be
final.

28. (1) No proceeding for an injunction or for a judgment or order commanding the doing of an act 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.

Wheat Quotas.

29. 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.

30. 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.

31. 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.

32. (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.

(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.

33. The Wheat Quotas Act, 1969, is amended—

Amendment
of Act No.
53, 1969.

(a) by omitting from subsection one of section thirty-nine the words “and as soon as practicable thereafter forward to that person a quota authority,”; Sec. 39.
(Basic quotas may be allocated in special cases.)

(b) by omitting subsection two of the same section.

34.

Wheat Quotas.

Amendment
of Act No.
66, 1970.
Sec. 5.
(Modifica-
tion of
operation of
Wheat
Industry
Stabilization
Act, 1968.)

34. The Wheat Quotas Act, 1970, is amended by omitting from paragraph (a) of subsection three of section five the words "this Act" and by inserting in lieu thereof the words "this or any other Act".

Secs. 5, 6
and 22.

SCHEDULE.

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

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 21st December, 1971.*