

*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, 8 November, 1972.*

## New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

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Act No. , 1972.

An Act to provide for the allocation of quotas in respect of wheat of the 1972–1973 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; and for purposes connected therewith.

BE

*Wheat Quotas.*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Wheat Quotas Act, Short title. 1972".

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

Construction of Act.

3. This Act is divided as follows:—

Division of Act.

PART I.—PRELIMINARY—ss. 1–4.

PART II.—QUOTAS FOR THE 1972–1973 SEASON—ss. 5–9.

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DIVISION 1.—1972–1973 *Quotas*—s. 5.

DIVISION 2.—1972–1973 *Northern Prime Hard Quotas*—ss. 6, 7.

DIVISION 3.—1972–1973 *Durum Quotas*—s. 8.

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DIVISION 4.—1972–1973 *Sharefarmers' Quotas*—s. 9.

PART III.—SHAREFARMERS—ss. 10, 11.

PART IV.—MISCELLANEOUS—ss. 12–33.

SCHEDULE.



*Wheat Quotas.*

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

5 “basic quota” means, subject to section 41 (2) of the  
Wheat Quotas Act, 1969, a basic quota allocated  
under section 6, 9, 33 (1) or 39 (1) of that Act;

10 “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 1972–1973  
season;

“1972–1973 durum quota” means 1972–1973 durum  
quota allocated under this Act;

“durum wheat” means wheat—

- 15 (a) that complies with the standard for fair  
average quality wheat determined by the  
Board for the 1972–1973 season;
- (b) that is of the Dural or Duramba variety; and
- 20 (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—

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

(c)

*Wheat Quotas.*

- 5 (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 that person, pursuant to that agreement, sowed wheat for harvesting in any of the relevant seasons on the land to which the agreement related;
- 10 “former sharefarming agreement” means—
- (a) an agreement of the nature referred to in the definition of “former sharefarmer” in this subsection; or
- 15 (b) a sharefarming agreement within the meaning of the Wheat Quotas Act, 1969, the Wheat Quotas Act, 1970, or the Wheat Quotas Act, 1971,
- which expired or was terminated between 1st March, 1968, and 30th September, 1972;
- 20 “1972–1973 northern prime hard quota” means 1972–1973 northern prime hard quota allocated under this Act;
- “northern prime hard wheat” means wheat—
- 25 (a) that complies with the standard for fair average quality wheat determined by the Board for the 1972–1973 season;
- (b) that is of the Gamut, Gatcher, Spica, Tarsa, Timgalen, Windebri or Winglen variety;
- 30 (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—

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

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(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

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(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

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(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,

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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;

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(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.

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

“1972–1973



*Wheat Quotas.*

"1972-1973 quota" means 1972-1973 quota allocated under this Act;

5 "relevant seasons" means each of the years that commenced on 1st October, 1964, 1965, 1966, 1967 and 1968;

"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—

10 (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;

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

20 (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,

25 where that person, pursuant to that agreement, sowed wheat on or before 30th September, 1972, for harvesting in the 1972-1973 season on the land to which the agreement relates;

30 "1972-1973 sharefarmer's quota" means 1972-1973 sharefarmer's quota allocated under this Act;

35 "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 1972-1973 quota is allocated;

"the



*Wheat Quotas.*

“the 1968–1969 season” means the year that commenced on 1st October, 1968;

“the 1969–1970 season” means the year that commenced on 1st October, 1969;

5 “the 1970–1971 season” means the year that commenced on 1st October, 1970;

“the 1971–1972 season” means the year that commenced on 1st October, 1971;

10 “the 1972–1973 season” means the year that commenced on 1st October, 1972;

“wheatgrower” means a person who, on or before 30th September, 1972, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1972–1973 season.

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PART II.

QUOTAS FOR THE 1972–1973 SEASON.

DIVISION 1.—1972–1973 *Quotas.*

5. (1) In this section, “prescribed person” means a person—

20 (a) who has a basic quota; and

(b) who is a wheatgrower.

Calculation and allocation of 1972–1973 quotas.

(2) Subject to subsection (4) and section 13, the Grain Elevators Board shall allocate to a prescribed person a 1972–1973 quota calculated in accordance with the formula specified in subsection (3).

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(3)



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*Wheat Quotas.*

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(3) The formula referred to in subsection (2) is—

$$A = B + \frac{B \times 7}{100}$$

5 where—

“A” represents the quantity in bushels of wheat which is the 1972–1973 quota to be allocated to a prescribed person; and

“B” represents the quantity in bushels of wheat which—

10 (a) in the case of a person whose basic quota is less than 2,500 bushels—

(i) who delivered wheat from his property to the Board in any of the relevant seasons—is equal to the  
15 greatest quantity of wheat, in bushels, declared by that person in the quota statutory declaration submitted by him pursuant to the Wheat Quotas Act, 1969, to have been  
20 delivered from his property to the Board in any one of the relevant seasons, or 2,500 bushels, whichever is the lesser; or

(ii) who did not deliver wheat from his property to the Board during the relevant seasons—is equal to his  
25 basic quota; or

(b) in the case of a person whose basic quota is 2,500 bushels or more—is equal to his  
30 basic quota.

(4) Where, in the case of a prescribed person whose basic quota is less than 2,500 bushels, the quantity in bushels of wheat which is to be applied in respect of the symbol “B” in the formula referred to in subsection (3) is less than that  
35 person’s basic quota, the quantity to be applied shall be that person’s basic quota.

DIVISION



*Wheat Quotas.*

**DIVISION 2.—1972–1973 Northern Prime Hard Quotas.**

**6. Where a person—**

- (a) is entitled to a 1972–1973 quota pursuant to section 5 (2); and
- 5 (b) has been allocated storage space during the 1972–1973 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,

Calculation and allocation of 1972–1973 northern prime hard quotas.

the Grain Elevators Board shall allocate to that person a  
10 1972–1973 northern prime hard quota equal to thirty per centum of the quantity in bushels of wheat which is his basic quota.

**7. Where a person who is allocated—**

- 15 (a) a 1972–1973 quota under section 5 (2), 5 (4) or 24 (1); or
- (b) a 1972–1973 sharefarmer's quota under section 9 (2) or 24 (1),

Allocation of additional 1972–1973 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  
20 places specified in the Schedule to this Act during the 1972–1973 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  
25 Board, a 1972–1973 northern prime hard quota.

**DIVISION 3.—1972–1973 Durum Quotas.**

- 8. (1)** Subject to subsection (2), 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  
30 that person, in the manner and for the quantity notified by the Minister to the Grain Elevators Board, a 1972–1973 durum quota.

Calculation and allocation of 1972–1973 durum quotas.

(2)



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*Wheat Quotas.*

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(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 (1), be regarded as one person.

*DIVISION 4.—1972–1973 Sharefarmers' Quotas.*

9. (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  
20 Quotas Act, 1969, the Wheat Quotas Act, 1970, or  
the Wheat Quotas Act, 1971; and
- (e) pursuant to a former sharefarming agreement, last  
sowed wheat for harvesting in the 1968–1969  
season, the 1969–1970 season, the 1970–1971  
season or the 1971–1972 season.

25 (2) Subject to subsection (3), where a person to  
whom this section applies—

- (a) applies to the Grain Elevators Board, in a form  
approved by the Minister, for a 1972–1973  
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  
1972–1973  
share-  
farmers'  
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 1972-1973 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 subsection (2) (b), 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.**

**10.** Where the Grain Elevators Board is aware that a person to whom it has allocated a 1972-1973 quota or a 1972-1973 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 21 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.

**11.** (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 1972-1973 quota or, as the case may be, the 1972-1973 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.



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*Wheat Quotas.*

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parties, that Board shall cancel the quota so allocated and shall notify the allottee and each of the parties to the share-farming agreement that, within a time specified in the notification, they may make to that Board such written  
5 representations as they think fit in connection with the dispute.

(2) Where a quota is cancelled pursuant to subsection (1) 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 1972–  
10 1973 quotas or, as the case may require, 1972–1973 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.

15 (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.

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PART IV.

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## MISCELLANEOUS.

12. (1) The Grain Elevators Board may refuse to allocate a 1972–1973 quota or a 1972–1973 northern prime hard quota, or may allocate a reduced 1972–1973 quota or a reduced 1972–1973 northern prime hard quota, to a person  
25 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)

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*Wheat Quotas.*

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(2) The Grain Elevators Board may refuse to allocate a 1972–1973 sharefarmer's quota to a person who, in the opinion of the Board, is not a person to whom section 9 applies.

5     **13.** (1) Where, after the Grain Elevators Board has allocated a 1972–1973 quota or a 1972–1973 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 1972–1973 quota, or the 1972–1973 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1972–1973 quota or his 1972–1973 northern prime hard quota  
25 and if it thinks fit allocate to him another 1972–1973 quota or 1972–1973 northern prime hard quota for such quantity of wheat as it thinks fit.

(2) Where, after the Grain Elevators Board has allocated a 1972–1973 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 1972–1973 sharefarmer's quota and if it thinks fit allocate to him another 1972–1973 share-  
35 farmer's quota for such quantity of wheat as it thinks fit.



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*Wheat Quotas.*

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14. Where a person has been allocated a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative,  
5 cancel that person's 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 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.
15. (1) Where a person to whom a 1972-1973 quota  
10 or a 1972-1973 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 1972-1973 quota or 1972-1973 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.
- (2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1972-1973 quota or a 1972-1973 sharefarmer's  
20 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1972-1973 quota or 1972-1973 sharefarmer's quota, as the case may be, the Grain Elevators Board shall cancel that person's 1972-1973 quota or 1972-1973 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 1972-1973 quota or a 1972-1973 sharefarmer's quota has been allocated will be able to deliver to the Board wheat as part of his 1972-1973 quota or 1972-1973 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 1972-1973 quota or 1972-1973 sharefarmer's quota to that quantity.



*Wheat Quotas.*

16. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1972-1973 quotas and 1972-1973 sharefarmers' quotas will be less than 141,000,000 bushels (the 5 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  
1972-1973  
quotas and  
1972-1973  
share-  
farmers'  
quotas.

(2) The Grain Elevators Board shall, in such manner as the Minister may determine and notify to the Grain 10 Elevators Board, allocate the short fall by increasing such classes of 1972-1973 quotas and 1972-1973 sharefarmers' quotas as the Minister may determine and so notify.

17. (1) Where a person to whom a 1972-1973 northern prime hard quota has been allocated ascertains that he is or 15 will be unable for any reason to deliver to the Board northern prime hard wheat as, or as part of, his 1972-1973 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  
1972-1973  
northern  
prime hard  
quotas  
where  
northern  
prime hard  
wheat  
cannot be  
delivered.

20 (2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1972-1973 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 1972-1973 northern 25 prime hard quota, the Grain Elevators Board shall cancel that person's 1972-1973 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 1972-1973 northern prime hard quota has been 30 allocated will be able to deliver to the Board northern prime hard wheat as part of his 1972-1973 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1972-1973 northern prime hard quota to that quantity.

*Wheat Quotas.*

18. (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 1972-1973 northern prime hard quotas will be less than 14,000,000 bushels (the deficiency being in this section referred to as the short fall) that  
5 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 1972-1973 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 1972-1973 northern prime hard quotas as the Minister may determine and so notify.

19. (1) Where a person to whom a 1972-1973 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 1972-1973 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  
20 deliver.

Cancellation or reduction of 1972-1973 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 1972-1973 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as  
25 part of, his 1972-1973 durum quota, the Grain Elevators Board shall cancel that person's 1972-1973 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1972-1973 durum quota has been allocated will  
30 be able to deliver to the Board durum wheat as part of his 1972-1973 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1972-1973 durum quota to that quantity.



*Wheat Quotas.*

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1972-1973 durum quotas will be less than 2,000,000 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 1972-1973 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 1972-1973 durum quotas as the Minister may determine and so notify.

21. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1972-1973 quota, a 1972-1973 northern prime hard quota, a 1972-1973 durum quota or a 1972-1973 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 commencement of Act.

20 (2) The Grain Elevators Board—

(a) shall, in the case of a person to whom a 1972-1973 quota is allocated by that Board; or

25 (b) may, in the case of a person to whom a 1972-1973 northern prime hard quota or a 1972-1973 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 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 sharefarmer's quota, as the case may be.

30 (3) The Grain Elevators Board may, in the case of a person to whom a 1972-1973 durum quota is allocated by that Board, forward to that person a quota authority.



*Wheat Quotas.*

22. (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.

23. (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 1972–1973 quota or a 1972–1973 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)



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*Wheat Quotas.*

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- (b) shall refuse to accept delivery of any wheat as being part of a 1972-1973 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 1972-1973 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.
- 24.** (1) Notwithstanding any other provision of this 1972-1973 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 1972-1973 quota or a 1972-1973 sharefarmer's quota to any person who, but for this section, would not be entitled to a 1972-1973 quota or a 1972-1973 sharefarmer's quota and shall, as soon as practicable thereafter, forward to
- 30 that person a quota authority; or
- (b) increase a 1972-1973 quota or a 1972-1973 sharefarmer's quota allocated to any person.

(2)



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*Wheat Quotas.*

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(2) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1972-1973 northern prime hard quotas have been allocated exceeds 14,000,000 bushels, that Board shall  
5 reduce all the 1972-1973 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.

10 25. (1) Where a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's quota is increased, reduced or cancelled under this Act the person to whom the 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 sharefarmer's quota, as the  
15 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 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's  
20 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 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's  
25 quota, as the case may be, equal to that specified quantity.

26. A 1972-1973 quota shall not be allocated to—

(a) a person in respect of wheat sown for harvesting in the 1972-1973 season on land situated wholly or partly within the area defined by a proclamation in force under section 4 of the Border Railways (Grain Elevators) Amendment Act, 1957; or  
30

1972-1973  
quotas not  
to be  
allocated  
to certain  
persons.

(b)



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*Wheat Quotas.*

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- 5 (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1972-1973 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

10 27. (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 section 26 (a) or (b) apply, in respect of wheat of the 1972-1973 season, to persons who have sown wheat for harvesting in that season on that land as if that land were part of the State of Victoria. Certain areas deemed to be part of Victoria for certain purposes.

- 15 (2) A person who has grown wheat of the 1972-1973 season on land other than land referred to in section 26 (a) 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.

28. 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.

- 25 (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.



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*Wheat Quotas.*

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29. (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.

30. 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 \$400. Penalty.

31. 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.

32. The provisions of section 32 of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act. Offences by companies and joint offenders.

33. (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 \$400 for any contravention of, or failure to comply with any provision of, the regulations.

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SCHEDULE.



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*Wheat Quotas.*

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## SCHEDULE.

Secs. 6, 7  
and 23.

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

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BY AUTHORITYV. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972  
[20c]





No. , 1972.

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## A BILL

To provide for the allocation of quotas in respect of wheat of the 1972-1973 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; and for purposes connected therewith.

[MR CRAWFORD—26 September, 1972.]

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BE



*Wheat Quotas.*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Wheat Quotas Act, Short title. 1972".

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

Construction of Act.

3. This Act is divided as follows:—

Division of Act.

PART I.—PRELIMINARY—ss. 1–4.

PART II.—QUOTAS FOR THE 1972–1973 SEASON—ss. 5–9.

DIVISION 1.—1972–1973 *Quotas*—s. 5.

DIVISION 2.—1972–1973 *Northern Prime Hard Quotas*—ss. 6, 7.

DIVISION 3.—1972–1973 *Durum Quotas*—s. 8.

DIVISION 4.—1972–1973 *Sharefarmers' Quotas*—s. 9.

PART III.—SHAREFARMERS—ss. 10, 11.

PART IV.—MISCELLANEOUS—ss. 12–33.

SCHEDULE.



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*Wheat Quotas.*

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

5 “basic quota” means, subject to section 41 (2) of the  
Wheat Quotas Act, 1969, a basic quota allocated  
under section 6, 9, 33 (1) or 39 (1) of that Act;

10 “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 1972–1973  
season;

“1972–1973 durum quota” means 1972–1973 durum  
quota allocated under this Act;

“durum wheat” means wheat—

15 (a) that complies with the standard for fair  
average quality wheat determined by the  
Board for the 1972–1973 season;

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

20 (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—

25 (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;

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

(c)



*Wheat Quotas.*

(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 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, the Wheat Quotas Act, 1970, or the Wheat Quotas Act, 1971,

which expired or was terminated between 1st March, 1968, and 30th September, 1972;

“1972–1973 northern prime hard quota” means 1972–1973 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 1972–1973 season;

(b) that is of the Gamut, Gatcher, Spica, Tarsa, Timgalen, 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;

“1972–1973



*Wheat Quotas.*

"1972-1973 quota" means 1972-1973 quota allocated under this Act;

"relevant seasons" means each of the years that commenced on 1st October, 1964, 1965, 1966, 1967 and 1968;

"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, stock, plant or equipment 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 30th September, 1972, for harvesting in the 1972-1973 season on the land to which the agreement relates;

"1972-1973 sharefarmer's quota" means 1972-1973 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 1972-1973 quota is allocated;

"the



*Wheat Quotas.*

- “the 1968–1969 season” means the year that commenced on 1st October, 1968;
- “the 1969–1970 season” means the year that commenced on 1st October, 1969;
- 5 “the 1970–1971 season” means the year that commenced on 1st October, 1970;
- “the 1971–1972 season” means the year that commenced on 1st October, 1971;
- 10 “the 1972–1973 season” means the year that commenced on 1st October, 1972;
- “wheatgrower” means a person who, on or before 30th September, 1972, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1972–1973 season.

15

**PART II.**

**QUOTAS FOR THE 1972–1973 SEASON.**

**DIVISION 1.—1972–1973 Quotas.**

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

Calculation and allocation of 1972–1973 quotas.

- (2) Subject to subsection (4) and section 13, the Grain Elevators Board shall allocate to a prescribed person a 1972–1973 quota calculated in accordance with the formula
- 25 specified in subsection (3).

(3)



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*Wheat Quotas.*

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(3) The formula referred to in subsection (2) is—

$$A = B + \frac{B \times 7}{100}$$

5 where—

“A” represents the quantity in bushels of wheat which is the 1972–1973 quota to be allocated to a prescribed person; and

“B” represents the quantity in bushels of wheat which—

10 (a) in the case of a person whose basic quota is less than 2,500 bushels—

(i) who delivered wheat from his property to the Board in any of the relevant seasons—is equal to the  
15 greatest quantity of wheat, in bushels, declared by that person in the quota statutory declaration submitted by him pursuant to the Wheat Quotas Act, 1969, to have been  
20 delivered from his property to the Board in any one of the relevant seasons, or 2,500 bushels, whichever is the lesser; or

(ii) who did not deliver wheat from his  
25 property to the Board during the relevant seasons—is equal to his basic quota; or

(b) in the case of a person whose basic quota is 2,500 bushels or more—is equal to his  
30 basic quota.

(4) Where, in the case of a prescribed person whose basic quota is less than 2,500 bushels, the quantity in bushels of wheat which is to be applied in respect of the symbol “B” in the formula referred to in subsection (3) is less than that  
35 person’s basic quota, the quantity to be applied shall be that person’s basic quota.

DIVISION



*Wheat Quotas.*DIVISION 2.—1972–1973 *Northern Prime Hard Quotas.*

## 6. Where a person—

- (a) is entitled to a 1972–1973 quota pursuant to section 5 (2); and
- 5 (b) has been allocated storage space during the 1972–1973 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,

Calculation and allocation of 1972–1973 northern prime hard quotas.

10 the Grain Elevators Board shall allocate to that person a 1972–1973 northern prime hard quota equal to thirty per centum of the quantity in bushels of wheat which is his basic quota.

## 7. Where a person who is allocated—

- 15 (a) a 1972–1973 quota under section 5 (2), 5 (4) or 24 (1); or
- (b) a 1972–1973 sharefarmer's quota under section 9 (2) or 24 (1),

Allocation of additional 1972–1973 northern prime hard quotas.

20 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 1972–1973 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

25 Board, a 1972–1973 northern prime hard quota.

DIVISION 3.—1972–1973 *Durum Quotas.*

8. (1) Subject to subsection (2), 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
- 30 that person, in the manner and for the quantity notified by the Minister to the Grain Elevators Board, a 1972–1973 durum quota.

Calculation and allocation of 1972–1973 durum quotas.

(2)



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*Wheat Quotas.*

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(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 (1), be regarded as one person.

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*DIVISION 4.—1972–1973 Sharefarmers' Quotas.*

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9. (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, the Wheat Quotas Act, 1970, or the Wheat Quotas Act, 1971; and
- 20 (e) pursuant to a former sharefarming agreement, last sowed wheat for harvesting in the 1968–1969 season, the 1969–1970 season, the 1970–1971 season or the 1971–1972 season.

25 (2) Subject to subsection (3), where a person to whom this section applies—

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1972–1973 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)



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*Wheat Quotas.*

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

the Grain Elevators Board may allocate a 1972-1973 share-  
5 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 subsection (2) (b), require any or all of the additional information specified in the notice to be verified  
10 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.

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**PART III.**

15

**SHAREFARMERS.**

**10.** Where the Grain Elevators Board is aware that a person to whom it has allocated a 1972-1973 quota or a 1972-1973 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 21 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  
25 jointly in lieu of to the allottee.

**11.** (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 1972-1973 quota or, as the case may be,  
30 the 1972-1973 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties,  
parties, agreement.



*Wheat Quotas.*

parties, that Board shall cancel the quota so allocated and shall notify the allottee and each of the parties to the share-farming agreement that, within a time specified in the notification, they may make to that Board such written  
5 representations as they think fit in connection with the dispute.

(2) Where a quota is cancelled pursuant to subsection (1) 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 1972-  
10 1973 quotas or, as the case may require, 1972-1973 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.

15 (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.**

20 **MISCELLANEOUS.**

**12.** (1) The Grain Elevators Board may refuse to allocate a 1972-1973 quota or a 1972-1973 northern prime hard quota, or may allocate a reduced 1972-1973 quota or a reduced 1972-1973 northern prime hard quota, to a person  
25 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)



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*Wheat Quotas.*

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(2) The Grain Elevators Board may refuse to allocate a 1972–1973 sharefarmer's quota to a person who, in the opinion of the Board, is not a person to whom section 9 applies.

5     **13.** (1) Where, after the Grain Elevators Board has allocated a 1972–1973 quota or a 1972–1973 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 1972–1973 quota, or the 1972–1973 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1972–1973 quota or his 1972–1973 northern prime hard quota  
25 and if it thinks fit allocate to him another 1972–1973 quota or 1972–1973 northern prime hard quota for such quantity of wheat as it thinks fit.

(2) Where, after the Grain Elevators Board has allocated a 1972–1973 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 1972–1973 sharefarmer's quota and if it thinks fit allocate to him another 1972–1973 share-  
35 farmer's quota for such quantity of wheat as it thinks fit.



*Wheat Quotas.*

14. Where a person has been allocated a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, 5 cancel that person's 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 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.
- 10 15. (1) Where a person to whom a 1972-1973 quota or a 1972-1973 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 1972-1973 quota or 1972-1973 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 1972-1973 quotas or 1972-1973 sharefarmers' quotas where wheat cannot be delivered.
- 20 (2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1972-1973 quota or a 1972-1973 sharefarmer's quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1972-1973 quota or 1972-1973 sharefarmer's quota, as the case may be, the Grain Elevators Board shall cancel that person's 1972-1973 quota or 1972-1973 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 1972-1973 quota or a 1972-1973 sharefarmer's quota has been allocated will be able to deliver to the Board wheat as part of his 1972-1973 quota or 1972-1973 sharefarmer's quota, as the case may be, but in a quantity less than 30 that quota, the Grain Elevators Board shall reduce that person's 1972-1973 quota or 1972-1973 sharefarmer's quota to that quantity.



*Wheat Quotas.*

16. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1972-1973 quotas and 1972-1973 sharefarmers' quotas will be less than 141,000,000 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 1972-1973 quotas and 1972-1973 sharefarmers' 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 1972-1973 quotas and 1972-1973 sharefarmers' quotas as the Minister may determine and so notify.

17. (1) Where a person to whom a 1972-1973 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 1972-1973 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 1972-1973 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 1972-1973 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 1972-1973 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1972-1973 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 1972-1973 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1972-1973 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1972-1973 northern prime hard quota to that quantity.



*Wheat Quotas.*

18. (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 1972-1973 northern prime hard quotas will be less than 14,000,000 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 1972-1973 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 1972-1973 northern prime hard quotas as the Minister may determine and so notify.

19. (1) Where a person to whom a 1972-1973 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 1972-1973 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 1972-1973 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 1972-1973 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1972-1973 durum quota, the Grain Elevators Board shall cancel that person's 1972-1973 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1972-1973 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1972-1973 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1972-1973 durum quota to that quantity.



*Wheat Quotas.*

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1972-1973 durum quotas will be less than 2,000,000 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  
1972-1973  
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 1972-1973 durum quotas as the Minister may determine and so notify.

21. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1972-1973 quota, a 1972-1973 northern prime hard quota, a 1972-1973 durum quota or a 1972-1973 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.

20 (2) The Grain Elevators Board—

(a) shall, in the case of a person to whom a 1972-1973 quota is allocated by that Board; or

25 (b) may, in the case of a person to whom a 1972-1973 northern prime hard quota or a 1972-1973 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 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 sharefarmer's quota, as the case may be.

30 (3) The Grain Elevators Board may, in the case of a person to whom a 1972-1973 durum quota is allocated by that Board, forward to that person a quota authority.



*Wheat Quotas.*

22. (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.

23. (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 1972–1973 quota or a 1972–1973 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 1972-1973 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 1972-1973 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.

**24.** (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—

1972-1973  
quotas  
may be  
allocated  
in special  
cases.

- 25 (a) allocate a 1972-1973 quota or a 1972-1973 sharefarmer's quota to any person who, but for this section, would not be entitled to a 1972-1973 quota or a 1972-1973 sharefarmer's quota and shall, as soon as practicable thereafter, forward to
- 30 that person a quota authority; or
- (b) increase a 1972-1973 quota or a 1972-1973 sharefarmer's quota allocated to any person.

(2)



*Wheat Quotas.*

- (2) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1972-1973 northern prime hard quotas have been allocated exceeds 14,000,000 bushels, that Board shall
- 5 **reduce all the 1972-1973 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.
- 10 **25.** (1) Where a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's quota is increased, reduced or cancelled under this Act the person to whom the 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 sharefarmer's quota, as the
- 15 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 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's
- 20 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 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's
- 25 quota, as the case may be, equal to that specified quantity.

- 26.** A 1972-1973 quota shall not be allocated to—
- (a) a person in respect of wheat sown for harvesting in the 1972-1973 season on land situated wholly or partly within the area defined by a proclamation in force under section 4 of the Border Railways (Grain Elevators) Amendment Act, 1957; or
- 1972-1973  
quotas not  
to be  
allocated  
to certain  
persons.

(b)



*Wheat Quotas.*

- 5 (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1972-1973 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

27. (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 section 26 (a) or (b) apply, in respect of wheat of the 1972-1973 season, to persons who have sown wheat for harvesting in that season on that land as if that land were part of the State of Victoria. Certain areas deemed to be part of Victoria for certain purposes.

15 (2) A person who has grown wheat of the 1972-1973 season on land other than land referred to in section 26 (a) 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, 20 except with the consent of that Board.

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

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

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

29.



*Wheat Quotas.*

29. (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.

30. 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 \$400.

Penalty.

31. 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.

32. The provisions of section 32 of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act.

Offences by companies and joint offenders.

33. (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 \$400 for any contravention of, or failure to comply with any provision of, the regulations.

SCHEDULE.



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*Wheat Quotas.*

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**SCHEDULE.**Secs. 6, 7  
and 23.

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

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**BY AUTHORITY**V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972  
[20c]







*PROOF*

## **WHEAT QUOTAS BILL, 1972**

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### **EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to limit the quantity of wheat of the 1972–1973 season for which the Australian Wheat Board is required to pay prices calculated in accordance with the Wheat Industry Stabilization Act, 1968;
- (b) 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 1972–1973 season; and
- (c) to make other provisions consequential upon or ancillary to the foregoing.







PROOF

No. , 1972.

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# A BILL

To provide for the allocation of quotas in respect of wheat of the 1972-1973 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; and for purposes connected therewith.

[Mr CRAWFORD—26 September, 1972.]

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BE



*Wheat Quotas.*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Wheat Quotas Act, Short title. 1972".

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

Construction of Act.

3. This Act is divided as follows:—

Division of Act.

PART I.—PRELIMINARY—ss. 1–4.

PART II.—QUOTAS FOR THE 1972–1973 SEASON—ss. 5–9.

DIVISION 1.—1972–1973 *Quotas*—s. 5.

DIVISION 2.—1972–1973 *Northern Prime Hard Quotas*—ss. 6, 7.

DIVISION 3.—1972–1973 *Durum Quotas*—s. 8.

DIVISION 4.—1972–1973 *Sharefarmers' Quotas*—s. 9.

PART III.—SHAREFARMERS—ss. 10, 11.

PART IV.—MISCELLANEOUS—ss. 12–33.

SCHEDULE.



*Wheat Quotas.*

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

5 “basic quota” means, subject to section 41 (2) of the  
Wheat Quotas Act, 1969, a basic quota allocated  
under section 6, 9, 33 (1) or 39 (1) of that Act;

10 “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 1972–1973  
season;

“1972–1973 durum quota” means 1972–1973 durum  
quota allocated under this Act;

“durum wheat” means wheat—

- 15 (a) that complies with the standard for fair  
average quality wheat determined by the  
Board for the 1972–1973 season;
- (b) that is of the Dural or Duramba variety; and
- 20 (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—

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

(c)



*Wheat Quotas.*

(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,

5

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;

10

“former sharefarming agreement” means—

(a) an agreement of the nature referred to in the definition of “former sharefarmer” in this subsection; or

15

(b) a sharefarming agreement within the meaning of the Wheat Quotas Act, 1969, the Wheat Quotas Act, 1970, or the Wheat Quotas Act, 1971,

which expired or was terminated between 1st March, 1968, and 30th September, 1972;

20

“1972–1973 northern prime hard quota” means 1972–1973 northern prime hard quota allocated under this Act;

“northern prime hard wheat” means wheat—

25

(a) that complies with the standard for fair average quality wheat determined by the Board for the 1972–1973 season;

(b) that is of the Gamut, Gatcher, Spica, Tarsa, Timgalen, Windebri or Winglen variety;

30

(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;



*Wheat Quotas.*

"1972-1973 quota" means 1972-1973 quota allocated under this Act;

"relevant seasons" means each of the years that commenced on 1st October, 1964, 1965, 1966, 1967 and 1968;

"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, stock, plant or equipment 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 30th September, 1972, for harvesting in the 1972-1973 season on the land to which the agreement relates;

"1972-1973 sharefarmer's quota" means 1972-1973 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 1972-1973 quota is allocated;

"the



*Wheat Quotas.*

“the 1968–1969 season” means the year that commenced on 1st October, 1968;

“the 1969–1970 season” means the year that commenced on 1st October, 1969;

5 “the 1970–1971 season” means the year that commenced on 1st October, 1970;

“the 1971–1972 season” means the year that commenced on 1st October, 1971;

10 “the 1972–1973 season” means the year that commenced on 1st October, 1972;

“wheatgrower” means a person who, on or before 30th September, 1972, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1972–1973 season.

**PART II.**

**QUOTAS FOR THE 1972–1973 SEASON.**

**DIVISION 1.—1972–1973 Quotas.**

5. (1) In this section, “prescribed person” means a person—

20 (a) who has a basic quota; and

(b) who is a wheatgrower.

Calculation and allocation of 1972–1973 quotas.

(2) Subject to subsection (4) and section 13, the Grain Elevators Board shall allocate to a prescribed person a 1972–1973 quota calculated in accordance with the formula specified in subsection (3).

(3)



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*Wheat Quotas.*

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(3) The formula referred to in subsection (2) is—

$$A = B + \frac{B \times 7}{100}$$

5 where—

“A” represents the quantity in bushels of wheat which is the 1972–1973 quota to be allocated to a prescribed person; and

“B” represents the quantity in bushels of wheat which—

10 (a) in the case of a person whose basic quota is less than 2,500 bushels—

(i) who delivered wheat from his property to the Board in any of the relevant seasons—is equal to the greatest quantity of wheat, in bushels, declared by that person in the quota statutory declaration submitted by him pursuant to the Wheat Quotas Act, 1969, to have been delivered from his property to the Board in any one of the relevant seasons, or 2,500 bushels, whichever is the lesser; or

15 (ii) who did not deliver wheat from his property to the Board during the relevant seasons—is equal to his basic quota; or

20 (b) in the case of a person whose basic quota is 2,500 bushels or more—is equal to his basic quota.

25 (4) Where, in the case of a prescribed person whose basic quota is less than 2,500 bushels, the quantity in bushels of wheat which is to be applied in respect of the symbol “B” in the formula referred to in subsection (3) is less than that  
30 person’s basic quota, the quantity to be applied shall be that person’s basic quota.

DIVISION



*Wheat Quotas.*DIVISION 2.—1972–1973 *Northern Prime Hard Quotas.*

## 6. Where a person—

- (a) is entitled to a 1972–1973 quota pursuant to section 5 (2); and
- 5 (b) has been allocated storage space during the 1972–1973 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,

Calculation and allocation of 1972–1973 northern prime hard quotas.

10 the Grain Elevators Board shall allocate to that person a 1972–1973 northern prime hard quota equal to thirty per centum of the quantity in bushels of wheat which is his basic quota.

## 7. Where a person who is allocated—

- 15 (a) a 1972–1973 quota under section 5 (2), 5 (4) or 24 (1); or
- (b) a 1972–1973 sharefarmer's quota under section 9 (2) or 24 (1),

Allocation of additional 1972–1973 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

20 places specified in the Schedule to this Act during the 1972–1973 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

25 Board, a 1972–1973 northern prime hard quota.

DIVISION 3.—1972–1973 *Durum Quotas.*

8. (1) Subject to subsection (2), 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
- 30 that person, in the manner and for the quantity notified by the Minister to the Grain Elevators Board, a 1972–1973 durum quota.

Calculation and allocation of 1972–1973 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 (1), be regarded as one person.

*DIVISION 4.—1972–1973 Sharefarmers' Quotas.*

9. (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, the Wheat Quotas Act, 1970, or the Wheat Quotas Act, 1971; and
- 20 (e) pursuant to a former sharefarming agreement, last sowed wheat for harvesting in the 1968–1969 season, the 1969–1970 season, the 1970–1971 season or the 1971–1972 season.

Calculation and allocation of 1972–1973 sharefarmers' quotas.

25 (2) Subject to subsection (3), where a person to whom this section applies—

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1972–1973 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)



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*Wheat Quotas.*

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

the Grain Elevators Board may allocate a 1972-1973 share-  
5 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 subsection (2) (b), require any or all of the additional information specified in the notice to be verified  
10 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.

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**PART III.**

15

**SHAREFARMERS.**

**10.** Where the Grain Elevators Board is aware that a  
person to whom it has allocated a 1972-1973 quota or a  
1972-1973 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 21 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  
25 jointly in lieu of to the allottee.

Quota  
authority  
to include  
name of  
share-  
farmer.

**11.** (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 1972-1973 quota or, as the case may be,  
30 the 1972-1973 northern prime hard quota, allocated to the  
allottee is to be apportioned among the allottee and those  
parties,  
parties, 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  
 5 representations as they think fit in connection with the dispute.

(2) Where a quota is cancelled pursuant to subsection (1) 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 1972-  
 10 1973 quotas or, as the case may require, 1972-1973 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.

15 (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.**

20

**MISCELLANEOUS.**

**12.** (1) The Grain Elevators Board may refuse to allocate a 1972-1973 quota or a 1972-1973 northern prime hard quota, or may allocate a reduced 1972-1973 quota or a reduced 1972-1973 northern prime hard quota, to a person  
 25 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 1972-1973 sharefarmer's quota to a person who, in the opinion of the Board, is not a person to whom section 9 applies.

5 **13.** (1) Where, after the Grain Elevators Board has allocated a 1972-1973 quota or a 1972-1973 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 1972-1973 quota, or the 1972-1973 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1972-1973 quota or his 1972-1973 northern prime hard quota  
25 and if it thinks fit allocate to him another 1972-1973 quota or 1972-1973 northern prime hard quota for such quantity of wheat as it thinks fit.

(2) Where, after the Grain Elevators Board has allocated a 1972-1973 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 1972-1973 sharefarmer's quota and if it thinks fit allocate to him another 1972-1973 share-  
35 farmer's quota for such quantity of wheat as it thinks fit.



*Wheat Quotas.*

14. Where a person has been allocated a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 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.

15. (1) Where a person to whom a 1972-1973 quota or a 1972-1973 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 1972-1973 quota or 1972-1973 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 reduc-  
tion of  
1972-1973  
quotas or  
1972-1973  
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 1972-1973 quota or a 1972-1973 sharefarmer's quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1972-1973 quota or 1972-1973 sharefarmer's quota, as the case may be, the Grain Elevators Board shall cancel that person's 1972-1973 quota or 1972-1973 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 1972-1973 quota or a 1972-1973 sharefarmer's quota has been allocated will be able to deliver to the Board wheat as part of his 1972-1973 quota or 1972-1973 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 1972-1973 quota or 1972-1973 sharefarmer's quota to that quantity.



*Wheat Quotas.*

16. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1972-1973 quotas and 1972-1973 sharefarmers' quotas will be less than 141,000,000 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  
1972-1973  
quotas and  
1972-1973  
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 1972-1973 quotas and 1972-1973 sharefarmers' quotas as the Minister may determine and so notify.

17. (1) Where a person to whom a 1972-1973 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 1972-1973 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  
1972-1973  
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 1972-1973 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 1972-1973 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1972-1973 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 1972-1973 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1972-1973 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1972-1973 northern prime hard quota to that quantity.



*Wheat Quotas.*

18. (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 1972-1973 northern prime hard quotas will be less than 14,000,000 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  
1972-1973  
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 1972-1973 northern prime hard quotas as the Minister may determine and so notify.

19. (1) Where a person to whom a 1972-1973 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 1972-1973 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 1972-1973 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 1972-1973 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1972-1973 durum quota, the Grain Elevators Board shall cancel that person's 1972-1973 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1972-1973 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1972-1973 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1972-1973 durum quota to that quantity.



*Wheat Quotas.*

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1972-1973 durum quotas will be less than 2,000,000 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  
1972-1973  
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 1972-1973 durum quotas as the Minister may determine and so notify.

21. (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1972-1973 quota, a 1972-1973 northern prime hard quota, a 1972-1973 durum quota or a 1972-1973 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 1972-1973 quota is allocated by that Board; or

(b) may, in the case of a person to whom a 1972-1973 northern prime hard quota or a 1972-1973 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 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 sharefarmer's quota, as the case may be.

(3) The Grain Elevators Board may, in the case of a person to whom a 1972-1973 durum quota is allocated by that Board, forward to that person a quota authority.



*Wheat Quotas.*

22. (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.

23. (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 1972–1973 quota or a 1972–1973 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)



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*Wheat Quotas.*

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- (b) shall refuse to accept delivery of any wheat as being part of a 1972-1973 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
- 10 (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 1972-1973 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
- 20 (ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is durum wheat.
- 24.** (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—
- 25 (a) allocate a 1972-1973 quota or a 1972-1973 sharefarmer's quota to any person who, but for this section, would not be entitled to a 1972-1973 quota or a 1972-1973 sharefarmer's quota and shall, as soon as practicable thereafter, forward to that person a quota authority; or
- 30 (b) increase a 1972-1973 quota or a 1972-1973 sharefarmer's quota allocated to any person.

1972-1973  
quotas  
may be  
allocated  
in special  
cases.

(2)



*Wheat Quotas.*

(2) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1972-1973 northern prime hard quotas have been allocated exceeds 14,000,000 bushels, that Board shall  
 5 **reduce all the 1972-1973 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.

10 **25.** (1) Where a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's quota is increased, reduced or cancelled under this Act the person to whom the 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 sharefarmer's quota, as the  
 15 case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

(2) Where a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's  
 20 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 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's  
 25 quota, as the case may be, equal to that specified quantity.

**26.** A 1972-1973 quota shall not be allocated to—  
 (a) a person in respect of wheat sown for harvesting  
 in the 1972-1973 season on land situated wholly  
 or partly within the area defined by a proclama-  
 30 tion in force under section 4 of the Border Rail-  
 ways (Grain Elevators) Amendment Act, 1957; or

1972-1973  
 quotas not  
 to be  
 allocated  
 to certain  
 persons.

(b)



*Wheat Quotas.*

- 5 (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1972-1973 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

27. (1) The provisions of any Act of the State of Vic- Certain  
toria that provides for the allocation of quotas for the delivery areas  
of wheat, or of storage space for wheat, grown on land deemed to  
10 referred to in section 26 (a) or (b) apply, in respect of wheat be part of  
of the 1972-1973 season, to persons who have sown wheat Victoria  
for harvesting in that season on that land as if that land were for certain  
part of the State of Victoria. purposes.

15 (2) A person who has grown wheat of the 1972-  
1973 season on land other than land referred to in section  
26 (a) 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,  
20 except with the consent of that Board.

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

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

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

29.



*Wheat Quotas.*

29. (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.

30. 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 \$400. Penalty.

31. 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.

32. The provisions of section 32 of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act. Offences by companies and joint offenders.

33. (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 \$400 for any contravention of, or failure to comply with any provision of, the regulations.

SCHEDULE.



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*Wheat Quotas.*

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## SCHEDULE.

Secs. 6, 7  
and 23.

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

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BY AUTHORITY

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



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BY APPOINTMENT

TO THE HONORABLE SENATE



## New South Wales



ANNO VICESIMO PRIMO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

### Act No. 67, 1972.

An Act to provide for the allocation of quotas in respect of wheat of the 1972–1973 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; and for purposes connected therewith. [Assented to, 28th November, 1972.]

BE



*Wheat Quotas.*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

## PART I.

## PRELIMINARY.

Short title.      1. This Act may be cited as the "Wheat Quotas Act, 1972".

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

Division of Act.      3. This Act is divided as follows:—

PART I.—PRELIMINARY—ss. 1–4.

PART II.—QUOTAS FOR THE 1972–1973 SEASON—ss. 5–9.

DIVISION 1.—1972–1973 *Quotas*—s. 5.

DIVISION 2.—1972–1973 *Northern Prime Hard Quotas*—ss. 6, 7.

DIVISION 3.—1972–1973 *Durum Quotas*—s. 8.

DIVISION 4.—1972–1973 *Sharefarmers' Quotas*—s. 9.

PART III.—SHAREFARMERS—ss. 10, 11.

PART IV.—MISCELLANEOUS—ss. 12–33.

SCHEDULE.



*Wheat Quotas.*

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

“basic quota” means, subject to section 41 (2) of the Wheat Quotas Act, 1969, a basic quota allocated under section 6, 9, 33 (1) or 39 (1) of that Act;

“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 1972–1973 season;

“1972–1973 durum quota” means 1972–1973 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 1972–1973 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, stock, plant or equipment for the working of the land to which the agreement related; and

(c)



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*Wheat Quotas.*

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- (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 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, the Wheat Quotas Act, 1970, or the Wheat Quotas Act, 1971,

which expired or was terminated between 1st March, 1968, and 30th September, 1972;

“1972–1973 northern prime hard quota” means 1972–1973 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 1972–1973 season;
- (b) that is of the Gamut, Gatcher, Spica, Tarsa, Timgalen, 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;



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*Wheat Quotas.*

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“1972–1973 quota” means 1972–1973 quota allocated under this Act;

“relevant seasons” means each of the years that commenced on 1st October, 1964, 1965, 1966, 1967 and 1968;

“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, stock, plant or equipment 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 30th September, 1972, for harvesting in the 1972–1973 season on the land to which the agreement relates;

“1972–1973 sharefarmer’s quota” means 1972–1973 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 1972–1973 quota is allocated;

“the



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*Wheat Quotas.*

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- “the 1968–1969 season” means the year that commenced on 1st October, 1968;
- “the 1969–1970 season” means the year that commenced on 1st October, 1969;
- “the 1970–1971 season” means the year that commenced on 1st October, 1970;
- “the 1971–1972 season” means the year that commenced on 1st October, 1971;
- “the 1972–1973 season” means the year that commenced on 1st October, 1972;
- “wheatgrower” means a person who, on or before 30th September, 1972, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1972–1973 season.

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PART II.

QUOTAS FOR THE 1972–1973 SEASON.

DIVISION 1.—1972–1973 *Quotas.*

5. (1) In this section, “prescribed person” means a Calculation and allocation of 1972–1973 quotas.  
person—
- (a) who has a basic quota; and
  - (b) who is a wheatgrower.

(2) Subject to subsection (4) and section 13, the Grain Elevators Board shall allocate to a prescribed person a 1972–1973 quota calculated in accordance with the formula specified in subsection (3).

(3)



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*Wheat Quotas.*

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(3) The formula referred to in subsection (2) is—

$$A = B + \frac{B \times 7}{100}$$

where—

“A” represents the quantity in bushels of wheat which is the 1972–1973 quota to be allocated to a prescribed person; and

“B” represents the quantity in bushels of wheat which—

(a) in the case of a person whose basic quota is less than 2,500 bushels—

(i) who delivered wheat from his property to the Board in any of the relevant seasons—is equal to the greatest quantity of wheat, in bushels, declared by that person in the quota statutory declaration submitted by him pursuant to the Wheat Quotas Act, 1969, to have been delivered from his property to the Board in any one of the relevant seasons, or 2,500 bushels, whichever is the lesser; or

(ii) who did not deliver wheat from his property to the Board during the relevant seasons—is equal to his basic quota; or

(b) in the case of a person whose basic quota is 2,500 bushels or more—is equal to his basic quota.

(4) Where, in the case of a prescribed person whose basic quota is less than 2,500 bushels, the quantity in bushels of wheat which is to be applied in respect of the symbol “B” in the formula referred to in subsection (3) is less than that person’s basic quota, the quantity to be applied shall be that person’s basic quota.



*Wheat Quotas.***DIVISION 2.—1972–1973 Northern Prime Hard Quotas.****6. Where a person—**

- (a) is entitled to a 1972–1973 quota pursuant to section 5 (2); and
- (b) has been allocated storage space during the 1972–1973 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,

Calculation and allocation of 1972–1973 northern prime hard quotas.

the Grain Elevators Board shall allocate to that person a 1972–1973 northern prime hard quota equal to thirty per centum of the quantity in bushels of wheat which is his basic quota.

**7. Where a person who is allocated—**

- (a) a 1972–1973 quota under section 5 (2), 5 (4) or 24 (1); or
- (b) a 1972–1973 sharefarmer's quota under section 9 (2) or 24 (1),

Allocation of additional 1972–1973 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 1972–1973 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 1972–1973 northern prime hard quota.

**DIVISION 3.—1972–1973 Durum Quotas.**

**8. (1)** Subject to subsection (2), 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 1972–1973 durum quota.

Calculation and allocation of 1972–1973 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 (1), be regarded as one person.

DIVISION 4.—1972–1973 *Sharefarmers' Quotas.*

Calculation and allocation of 1972–1973 sharefarmers' quotas.

9. (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, the Wheat Quotas Act, 1970, or the Wheat Quotas Act, 1971; and
- (e) pursuant to a former sharefarming agreement, last sowed wheat for harvesting in the 1968–1969 season, the 1969–1970 season, the 1970–1971 season or the 1971–1972 season.

(2) Subject to subsection (3), where a person to whom this section applies—

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1972–1973 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 1972-1973 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 subsection (2) (b), 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.

10. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1972-1973 quota or a 1972-1973 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 21 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.

11. (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 1972-1973 quota or, as the case may be, the 1972-1973 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 (1) 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 1972-1973 quotas or, as the case may require, 1972-1973 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.**

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

**12.** (1) The Grain Elevators Board may refuse to allocate a 1972-1973 quota or a 1972-1973 northern prime hard quota, or may allocate a reduced 1972-1973 quota or a reduced 1972-1973 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)



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*Wheat Quotas.*

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(2) The Grain Elevators Board may refuse to allocate a 1972-1973 sharefarmer's quota to a person who, in the opinion of the Board, is not a person to whom section 9 applies.

**13.** (1) Where, after the Grain Elevators Board has allocated a 1972-1973 quota or a 1972-1973 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;

(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 1972-1973 quota, or the 1972-1973 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1972-1973 quota or his 1972-1973 northern prime hard quota and if it thinks fit allocate to him another 1972-1973 quota or 1972-1973 northern prime hard quota for such quantity of wheat as it thinks fit.

(2) Where, after the Grain Elevators Board has allocated a 1972-1973 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 1972-1973 sharefarmer's quota and if it thinks fit allocate to him another 1972-1973 sharefarmer's quota for such quantity of wheat as it thinks fit.



*Wheat Quotas.*

Transfer  
of certain  
quotas.

**14.** Where a person has been allocated a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 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.

Cancellation  
or reduction  
of  
1972-1973  
quotas or  
1972-1973  
share-  
farmers'  
quotas  
where  
wheat can-  
not be  
delivered.

**15.** (1) Where a person to whom a 1972-1973 quota or a 1972-1973 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 1972-1973 quota or 1972-1973 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.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1972-1973 quota or a 1972-1973 sharefarmer's quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1972-1973 quota or 1972-1973 sharefarmer's quota, as the case may be, the Grain Elevators Board shall cancel that person's 1972-1973 quota or 1972-1973 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 1972-1973 quota or a 1972-1973 sharefarmer's quota has been allocated will be able to deliver to the Board wheat as part of his 1972-1973 quota or 1972-1973 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 1972-1973 quota or 1972-1973 sharefarmer's quota to that quantity.



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*Wheat Quotas.*

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16. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1972-1973 quotas and 1972-1973 sharefarmers' quotas will be less than 141,000,000 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 1972-1973 quotas and 1972-1973 sharefarmers' 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 1972-1973 quotas and 1972-1973 sharefarmers' quotas as the Minister may determine and so notify.

17. (1) Where a person to whom a 1972-1973 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 1972-1973 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 1972-1973 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 1972-1973 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 1972-1973 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1972-1973 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 1972-1973 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1972-1973 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1972-1973 northern prime hard quota to that quantity.



*Wheat Quotas.*

Allocation  
of short  
fall of  
wheat  
under  
1972-1973  
northern  
prime hard  
quotas.

**18.** (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 1972-1973 northern prime hard quotas will be less than 14,000,000 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.

(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 1972-1973 northern prime hard quotas as the Minister may determine and so notify.

Cancellation or reduction of 1972-1973 durum quotas where durum wheat cannot be delivered.

**19.** (1) Where a person to whom a 1972-1973 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 1972-1973 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.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1972-1973 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1972-1973 durum quota, the Grain Elevators Board shall cancel that person's 1972-1973 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1972-1973 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1972-1973 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1972-1973 durum quota to that quantity.



*Wheat Quotas.*

**20.** (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1972-1973 durum quotas will be less than 2,000,000 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  
1972-1973  
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 1972-1973 durum quotas as the Minister may determine and so notify.

**21.** (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1972-1973 quota, a 1972-1973 northern prime hard quota, a 1972-1973 durum quota or a 1972-1973 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 1972-1973 quota is allocated by that Board; or

(b) may, in the case of a person to whom a 1972-1973 northern prime hard quota or a 1972-1973 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 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 sharefarmer's quota, as the case may be.

(3) The Grain Elevators Board may, in the case of a person to whom a 1972-1973 durum quota is allocated by that Board, forward to that person a quota authority.



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*Wheat Quotas.*

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Lost quota  
authorities.

**22.** (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.

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

**23.** (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 1972–1973 quota or a 1972–1973 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 1972-1973 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 1972-1973 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.

**24.** (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—

1972-1973  
quotas  
may be  
allocated  
in special  
cases.

- (a) allocate a 1972-1973 quota or a 1972-1973 sharefarmer's quota to any person who, but for this section, would not be entitled to a 1972-1973 quota or a 1972-1973 sharefarmer's quota and shall, as soon as practicable thereafter, forward to that person a quota authority; or
- (b) increase a 1972-1973 quota or a 1972-1973 sharefarmer's quota allocated to any person.



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*Wheat Quotas.*


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(2) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1972-1973 northern prime hard quotas have been allocated exceeds 14,000,000 bushels, that Board shall reduce all the 1972-1973 northern prime hard quotas, in so far as they apply to northern prime hard wheat that has not at the date of the determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

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

**25.** (1) Where a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's quota is increased, reduced or cancelled under this Act the person to whom the 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 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.

(2) Where a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 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 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's quota, as the case may be, equal to that specified quantity.

1972-1973  
quotas not  
to be  
allocated  
to certain  
persons.

**26.** A 1972-1973 quota shall not be allocated to—

- (a) a person in respect of wheat sown for harvesting in the 1972-1973 season on land situated wholly or partly within the area defined by a proclamation in force under section 4 of the Border Railways (Grain Elevators) Amendment Act, 1957; or

(b)



*Wheat Quotas.*

- (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1972-1973 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

27. (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 section 26 (a) or (b) apply, in respect of wheat of the 1972-1973 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 1972-1973 season on land other than land referred to in section 26 (a) 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.

28. 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.



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*Wheat Quotas.*

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Decisions  
of Minister,  
etc., to be  
final.

**29.** (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.

Penalty.

**30.** 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 \$400.

Proceedings.

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

Offences by  
companies  
and joint  
offenders.

**32.** The provisions of section 32 of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act.

Regulations.

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

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

(3) The regulations may prescribe a penalty not exceeding \$400 for any contravention of, or failure to comply with any provision of, the regulations.

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SCHEDULE.



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*Wheat Quotas.*

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## SCHEDULE.

Secs. 6, 7  
and 23.

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

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BY AUTHORITY

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



1971

March

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*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, 15 November, 1972.*

## New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. 67, 1972.

An Act to provide for the allocation of quotas in respect of wheat of the 1972-1973 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; and for purposes connected therewith. [Assented to, 28th November, 1972.]

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.*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

## PART I.

## PRELIMINARY.

Short title.      1. This Act may be cited as the "Wheat Quotas Act, 1972".

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

Division of Act.      3. This Act is divided as follows:—

PART I.—PRELIMINARY—ss. 1–4.

PART II.—QUOTAS FOR THE 1972–1973 SEASON—ss. 5–9.

DIVISION 1.—1972–1973 *Quotas*—s. 5.

DIVISION 2.—1972–1973 *Northern Prime Hard Quotas*—ss. 6, 7.

DIVISION 3.—1972–1973 *Durum Quotas*—s. 8.

DIVISION 4.—1972–1973 *Sharefarmers' Quotas*—s. 9.

PART III.—SHAREFARMERS—ss. 10, 11.

PART IV.—MISCELLANEOUS—ss. 12–33.

SCHEDULE.



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*Wheat Quotas.*

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

“basic quota” means, subject to section 41 (2) of the Wheat Quotas Act, 1969, a basic quota allocated under section 6, 9, 33 (1) or 39 (1) of that Act;

“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 1972–1973 season;

“1972–1973 durum quota” means 1972–1973 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 1972–1973 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, stock, plant or equipment for the working of the land to which the agreement related; and

(c)



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*Wheat Quotas.*

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- (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 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, the Wheat Quotas Act, 1970, or the Wheat Quotas Act, 1971,

which expired or was terminated between 1st March, 1968, and 30th September, 1972;

“1972–1973 northern prime hard quota” means 1972–1973 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 1972–1973 season;
- (b) that is of the Gamut, Gatcher, Spica, Tarsa, Timgalen, 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”,



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*Wheat Quotas.*

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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;

“1972–1973



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*Wheat Quotas.*

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“1972–1973 quota” means 1972–1973 quota allocated under this Act;

“relevant seasons” means each of the years that commenced on 1st October, 1964, 1965, 1966, 1967 and 1968;

“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, stock, plant or equipment 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 30th September, 1972, for harvesting in the 1972–1973 season on the land to which the agreement relates;

“1972–1973 sharefarmer’s quota” means 1972–1973 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 1972–1973 quota is allocated;

“the



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*Wheat Quotas.*

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"the 1968-1969 season" means the year that commenced on 1st October, 1968;

"the 1969-1970 season" means the year that commenced on 1st October, 1969;

"the 1970-1971 season" means the year that commenced on 1st October, 1970;

"the 1971-1972 season" means the year that commenced on 1st October, 1971;

"the 1972-1973 season" means the year that commenced on 1st October, 1972;

"wheatgrower" means a person who, on or before 30th September, 1972, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1972-1973 season.

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PART II.

QUOTAS FOR THE 1972-1973 SEASON.

DIVISION 1.—1972-1973 *Quotas.*

5. (1) In this section, "prescribed person" means a person—
- (a) who has a basic quota; and
  - (b) who is a wheatgrower.
- Calculation and allocation of 1972-1973 quotas.

(2) Subject to subsection (4) and section 13, the Grain Elevators Board shall allocate to a prescribed person a 1972-1973 quota calculated in accordance with the formula specified in subsection (3).

(3)



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*Wheat Quotas.*

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(3) The formula referred to in subsection (2) is—

$$A = B + \frac{B \times 7}{100}$$

where—

“A” represents the quantity in bushels of wheat which is the 1972–1973 quota to be allocated to a prescribed person; and

“B” represents the quantity in bushels of wheat which—

(a) in the case of a person whose basic quota is less than 2,500 bushels—

(i) who delivered wheat from his property to the Board in any of the relevant seasons—is equal to the greatest quantity of wheat, in bushels, declared by that person in the quota statutory declaration submitted by him pursuant to the Wheat Quotas Act, 1969, to have been delivered from his property to the Board in any one of the relevant seasons, or 2,500 bushels, whichever is the lesser; or

(ii) who did not deliver wheat from his property to the Board during the relevant seasons—is equal to his basic quota; or

(b) in the case of a person whose basic quota is 2,500 bushels or more—is equal to his basic quota.

(4) Where, in the case of a prescribed person whose basic quota is less than 2,500 bushels, the quantity in bushels of wheat which is to be applied in respect of the symbol “B” in the formula referred to in subsection (3) is less than that person’s basic quota, the quantity to be applied shall be that person’s basic quota.

DIVISION



*Wheat Quotas.***DIVISION 2.—1972–1973 Northern Prime Hard Quotas.****6. Where a person—**

- (a) is entitled to a 1972–1973 quota pursuant to section 5 (2); and
- (b) has been allocated storage space during the 1972–1973 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,

Calculation and allocation of 1972–1973 northern prime hard quotas.

the Grain Elevators Board shall allocate to that person a 1972–1973 northern prime hard quota equal to thirty per centum of the quantity in bushels of wheat which is his basic quota.

**7. Where a person who is allocated—**

- (a) a 1972–1973 quota under section 5 (2), 5 (4) or 24 (1); or
- (b) a 1972–1973 sharefarmer's quota under section 9 (2) or 24 (1),

Allocation of additional 1972–1973 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 1972–1973 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 1972–1973 northern prime hard quota.

**DIVISION 3.—1972–1973 Durum Quotas.**

**8. (1)** Subject to subsection (2), 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 1972–1973 durum quota.

Calculation and allocation of 1972–1973 durum quotas.

(2)



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*Wheat Quotas.*


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(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 (1), be regarded as one person.

*DIVISION 4.—1972–1973 Sharefarmers' Quotas.*

Calcula-  
tion and  
alloca-  
tion of  
1972–1973  
share-  
farmers'  
quotas.

9. (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, the Wheat Quotas Act, 1970, or the Wheat Quotas Act, 1971; and
- (e) pursuant to a former sharefarming agreement, last sowed wheat for harvesting in the 1968–1969 season, the 1969–1970 season, the 1970–1971 season or the 1971–1972 season.

(2) Subject to subsection (3), where a person to whom this section applies—

- (a) applies to the Grain Elevators Board, in a form approved by the Minister, for a 1972–1973 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)



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*Wheat Quotas.*

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

the Grain Elevators Board may allocate a 1972-1973 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 subsection (2) (b), 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.

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**PART III.**

**SHAREFARMERS.**

**10.** Where the Grain Elevators Board is aware that a person to whom it has allocated a 1972-1973 quota or a 1972-1973 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 21 in respect of that quota, it shall specify in that quota authority that the quota has been allocated to specified persons jointly (being the parties to the sharefarming agreement) and the quota shall be deemed to have been allocated to those persons jointly in lieu of to the allottee.

Quota  
authority  
to include  
name of  
share-  
farmer.

**11. (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 1972-1973 quota or, as the case may be, the 1972-1973 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and those parties,

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



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*Wheat Quotas.*

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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 (1) 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 1972-1973 quotas or, as the case may require, 1972-1973 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.

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**PART IV.**

**MISCELLANEOUS.**

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

**12.** (1) The Grain Elevators Board may refuse to allocate a 1972-1973 quota or a 1972-1973 northern prime hard quota, or may allocate a reduced 1972-1973 quota or a reduced 1972-1973 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)



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*Wheat Quotas.*

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(2) The Grain Elevators Board may refuse to allocate a 1972–1973 sharefarmer's quota to a person who, in the opinion of the Board, is not a person to whom section 9 applies.

**13.** (1) Where, after the Grain Elevators Board has allocated a 1972–1973 quota or a 1972–1973 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;
- (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 1972–1973 quota, or the 1972–1973 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1972–1973 quota or his 1972–1973 northern prime hard quota and if it thinks fit allocate to him another 1972–1973 quota or 1972–1973 northern prime hard quota for such quantity of wheat as it thinks fit.

(2) Where, after the Grain Elevators Board has allocated a 1972–1973 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 1972–1973 sharefarmer's quota and if it thinks fit allocate to him another 1972–1973 sharefarmer's quota for such quantity of wheat as it thinks fit.



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*Wheat Quotas.*

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Transfer  
of certain  
quotas.

14. Where a person has been allocated a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 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.

Cancellation  
or reduc-  
tion of  
1972-1973  
quotas or  
1972-1973  
share-  
farmers'  
quotas  
where  
wheat can-  
not be  
delivered.

15. (1) Where a person to whom a 1972-1973 quota or a 1972-1973 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 1972-1973 quota or 1972-1973 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.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1972-1973 quota or a 1972-1973 sharefarmer's quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1972-1973 quota or 1972-1973 sharefarmer's quota, as the case may be, the Grain Elevators Board shall cancel that person's 1972-1973 quota or 1972-1973 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 1972-1973 quota or a 1972-1973 sharefarmer's quota has been allocated will be able to deliver to the Board wheat as part of his 1972-1973 quota or 1972-1973 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 1972-1973 quota or 1972-1973 sharefarmer's quota to that quantity.



*Wheat Quotas.*

16. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1972-1973 quotas and 1972-1973 sharefarmers' quotas will be less than 141,000,000 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  
1972-1973  
quotas and  
1972-1973  
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 1972-1973 quotas and 1972-1973 sharefarmers' quotas as the Minister may determine and so notify.

17. (1) Where a person to whom a 1972-1973 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 1972-1973 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  
1972-1973  
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 1972-1973 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 1972-1973 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1972-1973 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 1972-1973 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1972-1973 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1972-1973 northern prime hard quota to that quantity.



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*Wheat Quotas.*

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Allocation  
of short  
fall of  
wheat  
under  
1972-1973  
northern  
prime hard  
quotas.

**18.** (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 1972-1973 northern prime hard quotas will be less than 14,000,000 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.

(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 1972-1973 northern prime hard quotas as the Minister may determine and so notify.

Cancellation or reduction of 1972-1973 durum quotas where durum wheat cannot be delivered.

**19.** (1) Where a person to whom a 1972-1973 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 1972-1973 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.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1972-1973 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1972-1973 durum quota, the Grain Elevators Board shall cancel that person's 1972-1973 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1972-1973 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1972-1973 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1972-1973 durum quota to that quantity.



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*Wheat Quotas.*

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**20.** (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1972-1973 durum quotas will be less than 2,000,000 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  
1972-1973  
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 1972-1973 durum quotas as the Minister may determine and so notify.

**21.** (1) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a 1972-1973 quota, a 1972-1973 northern prime hard quota, a 1972-1973 durum quota or a 1972-1973 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 1972-1973 quota is allocated by that Board; or

(b) may, in the case of a person to whom a 1972-1973 northern prime hard quota or a 1972-1973 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 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 sharefarmer's quota, as the case may be.

(3) The Grain Elevators Board may, in the case of a person to whom a 1972-1973 durum quota is allocated by that Board, forward to that person a quota authority.



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*Wheat Quotas.*

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Lost quota  
authorities.

**22.** (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.

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

**23.** (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 1972–1973 quota or a 1972–1973 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 1972-1973 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 1972-1973 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.

**24.** (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—

1972-1973  
quotas  
may be  
allocated  
in special  
cases.

- (a) allocate a 1972-1973 quota or a 1972-1973 sharefarmer's quota to any person who, but for this section, would not be entitled to a 1972-1973 quota or a 1972-1973 sharefarmer's quota and shall, as soon as practicable thereafter, forward to that person a quota authority; or
- (b) increase a 1972-1973 quota or a 1972-1973 sharefarmer's quota allocated to any person.

(2)



*Wheat Quotas.*

(2) Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1972-1973 northern prime hard quotas have been allocated exceeds 14,000,000 bushels, that Board shall reduce all the 1972-1973 northern prime hard quotas, in so far as they apply to northern prime hard wheat that has not at the date of the determination been delivered to the Board, by a quantity calculated in such manner as may be determined by the Minister and notified to that Board.

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

25. (1) Where a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's quota is increased, reduced or cancelled under this Act the person to whom the 1972-1973 quota, 1972-1973 northern prime hard quota or 1972-1973 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.

(2) Where a 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 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 1972-1973 quota, a 1972-1973 northern prime hard quota or a 1972-1973 sharefarmer's quota, as the case may be, equal to that specified quantity.

1972-1973  
quotas not  
to be  
allocated  
to certain  
persons.

26. A 1972-1973 quota shall not be allocated to—

- (a) a person in respect of wheat sown for harvesting in the 1972-1973 season on land situated wholly or partly within the area defined by a proclamation in force under section 4 of the Border Railways (Grain Elevators) Amendment Act, 1957; or

(b)



*Wheat Quotas.*

- (b) a person who has entered into an agreement under section 22A of the Grain Elevators Act, 1958, as subsequently amended, of the State of Victoria for the delivery of wheat of the 1972-1973 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

27. (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 section 26 (a) or (b) apply, in respect of wheat of the 1972-1973 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 1972-1973 season on land other than land referred to in section 26 (a) 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.

28. 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.

29.



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*Wheat Quotas.*

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Decisions  
of Minister,  
etc., to be  
final.

**29.** (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.

Penalty.

**30.** 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 \$400.

Proceedings.

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

Offences by  
companies  
and joint  
offenders.

**32.** The provisions of section 32 of the Marketing of Primary Products Act, 1927, apply to and in respect of offences under this Act.

Regulations.

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

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

(3) The regulations may prescribe a penalty not exceeding \$400 for any contravention of, or failure to comply with any provision of, the regulations.

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SCHEDULE.



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*Wheat Quotas.*

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## SCHEDULE.

Secs. 6, 7  
and 23.

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

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 28th November, 1972.*



