

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, 12 December, 1973.*

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. , 1973.

An Act to provide for the allocation of quotas in respect of wheat of the 1973–1974 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend the Wheat Quotas Act, 1969; and for purposes connected therewith.

BE

Wheat Quotas.

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

PART I.

PRELIMINARY.

- 1.** This Act may be cited as the "Wheat Quotas Act, Short title,
1973".
- 10 2.** This Act shall be read and construed with and as part Construc-
tion of
Act.
of the Wheat Industry Stabilization Act, 1968.
- 3.** This Act is divided as follows:— Division
of Act.
- PART I.—PRELIMINARY—ss. 1-4.**
- 15 PART II.—QUOTAS FOR THE 1973-1974 SEASON—ss.
5-8.**
- DIVISION 1.—1973-1974 Quotas—s. 5.**
- DIVISION 2.—1973-1974 Northern Prime Hard
Quotas—ss. 6, 7.**
- DIVISION 3.—1973-1974 Durum Quotas—s. 8.**
- 20 PART III.—SHAREFARMERS—ss. 9, 10.**
- PART IV.—MISCELLANEOUS—ss. 11-34.**
- 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 that has not been cancelled;

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 1973–1974 season;

“1973–1974 durum quota” means 1973–1974 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 1973–1974 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;

“1973–1974 northern prime hard quota” means 1973–1974 northern prime hard quota allocated under this Act;

25 “northern prime hard wheat” means wheat—

- (a) that complies with the standard for fair average quality wheat determined by the Board for the 1973–1974 season;
- (b) that is of the Gamut, Gatcher, Spica, Tarsa, Timgalen, Windebri or Winglen variety;

(c)

Wheat Quotas.

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

“owner”, in relation to land, includes—

- 10 (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;
 - 15 (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
 - 20 (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); and
- 25 (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) and entitles the licensee to grow wheat on that owner’s land,

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

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

(e)

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

5 (f) are owners, as defined in paragraph (c), 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;

10 "1973-1974 quota" means 1973-1974 quota allocated under this Act;

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

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

20 (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;

25 (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

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

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where that person, pursuant to that agreement, sowed wheat on or before 30th September, 1973, for harvesting in the 1973–1974 season on the land to which the agreement relates;

5 “sharefarming agreement” means an agreement of the nature referred to in the definition of “sharefarmer” in this section made between a sharefarmer and the owner of any land to whom a 1973–1974 quota is allocated;

10 “the 1973–1974 season” means the year that commenced on 1st October, 1973;

15 “wheatgrower” means a person who, on or before 30th September, 1973, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1973–1974 season.

PART II.

QUOTAS FOR THE 1973–1974 SEASON.

DIVISION 1.—1973–1974 Quotas.

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

Calculation and allocation of 1973–1974 quotas.

(2) Subject to section 12, the Grain Elevators Board shall allocate to a prescribed person a 1973–1974 quota
25 calculated in accordance with the formula specified in subsection (3).

(3)

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

$$A = B + \frac{B}{3}$$

5 where—

“A” represents the quantity in bushels of wheat which is the 1973–1974 quota to be allocated to a prescribed person; and

10 “B” represents the quantity in bushels of wheat which is the basic quota allocated to that person.

DIVISION 2.—1973–1974 Northern Prime Hard Quotas.

6. Where a person—

- (a) is entitled to a 1973–1974 quota pursuant to section 5 (2); and
- 15 (b) has been allocated storage space during the 1973–1974 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule,

20 the Grain Elevators Board shall allocate to that person a 1973–1974 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 1973–1974 quota under section 5 (2) has not been allocated storage space at
- 25 the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule during the 1973–1974 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
- 30 and for such quantity as the Minister may determine and notify to that Board, a 1973–1974 northern prime hard quota.

DIVISION

Wheat Quotas.

DIVISION 3.—1973–1974 *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 1973–1974 durum quota.

Calculation and allocation of 1973–1974 durum quotas.

10 (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.

15 (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.

PART III.

SHAREFARMERS.

20 9. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1973–1974 quota or a 1973–1974 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 instead of to the allottee.

Quota authority to include name of share-farmer.

10.

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10. (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1973-1974 quota or, as the case may be, the 1973-1974 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and the other 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.

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

(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 1973-1974 quotas or, as the case may require, 1973-1974 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.

25

PART IV.

MISCELLANEOUS.

11. The Grain Elevators Board may refuse to allocate a 1973-1974 quota or a 1973-1974 northern prime hard quota, or may allocate a reduced 1973-1974 quota or a reduced 1973-1974 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

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

12.

Wheat Quotas.

12. Where, after the Grain Elevators Board has allocated a 1973-1974 quota or a 1973-1974 northern prime hard quota to a person, that Board is satisfied— Quota may be cancelled.

- 5 (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;
- 10 (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;
- 15 or
- (d) that the 1973-1974 quota, or the 1973-1974 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1973-1974 quota or his 1973-1974 northern prime hard quota and if it thinks fit allocate to him another 1973-1974 quota or 1973-1974 northern prime hard quota for such quantity of wheat as it thinks fit.

13. Where a person has been allocated a 1973-1974 quota, a 1973-1974 northern prime hard quota or a 1973-1974 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1973-1974 quota, 1973-1974 northern prime hard quota or 1973-1974 durum quota and allocate it to such person as is, or allocate it in such proportions and to such persons as are, specified in the application. Transfer of certain quotas.

14. (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 quotas where wheat cannot be delivered.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1973-
5 1974 quota the Grain Elevators Board shall cancel that person's 1973-1974 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 quota has been allocated will be able
10 to deliver to the Board wheat as part of his 1973-1974 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 quota to that quantity.

15 **15.** (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1973-1974 quotas will be less than 177,000,000 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
20 likely to be the short fall.

Allocation of short fall of wheat under 1973-1974 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 1973-1974 quotas as the Minister may determine
25 and so notify.

30 **16.** (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 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
35 to whom a 1973-1974 northern prime hard quota has been allocated

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allocated will be unable to deliver to the Board any northern prime hard wheat as, or as part of, his 1973-1974 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1973-1974 northern prime hard quota.

5 (3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 northern prime hard quota has been allocated will be able to deliver to the Board northern prime
10 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 northern prime hard quota to that quantity.

17. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which
15 may be delivered pursuant to all 1973-1974 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
20 the short fall.

Allocation of short fall of wheat under 1973-1974 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 1973-1974 northern prime hard quotas as the
25 Minister may determine and so notify.

18. Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1973-1974 northern prime hard quotas have been allocated exceeds 14,000,000 bushels, the Grain Elevators
30 Board shall reduce all the 1973-1974 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 the Grain
35 Elevators Board.

Reduction of 1973-1974 northern prime hard quotas where State quota exceeded.

Wheat Quotas.

19. (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1973-1974 durum quota, the Grain Elevators Board shall cancel that person's 1973-1974 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1973-1974 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 durum quota to that quantity.

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 quota, a 1973-1974 northern prime hard

Quotas allocated before commencement of Act.

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hard quota or a 1973-1974 durum 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.

- 5 (2) The Grain Elevators Board—
- (a) shall, in the case of a person to whom a 1973-1974 quota is allocated by that Board; or
- (b) may, in the case of a person to whom a 1973-1974 northern prime hard quota is allocated by that
- 10 Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1973-1974 quota or 1973-1974 northern prime hard quota, as the case may be.

- 15 (3) The Grain Elevators Board may, in the case of a person to whom a 1973-1974 durum quota is allocated by that Board, forward to that person a quota authority.

22. (1) If any quota authority is lost, destroyed or ^{Lost quota} defaced before all the wheat in respect of which it was issued ^{authorities.} has been delivered to the Board, the Grain Elevators Board

20 may, subject to this section, issue a new quota authority in its stead.

(2) Where a quota authority is lost or destroyed the new quota authority shall not be issued unless the person who

25 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

30 authority is lodged with the Grain Elevators Board for cancellation.

(4)

Wheat Quotas.

(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 1973–1974 quota if the quota authority in respect of that wheat is not presented to that Board at the time of delivery;

(b) shall refuse to accept delivery of any wheat as being part of a 1973–1974 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; 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 1973–1974 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.

Wheat Quotas.

24. (1) Where the quantity of wheat of the 1973-1974 season delivered to the Board exceeds 193,000,000 bushels, the Grain Elevators Board may, with the approval of the Minister, increase a 1973-1974 quota allocated to any person.

Allocation of increased 1973-1974 quotas where State quota increased.

(2) The Grain Elevators Board shall comply with any directions given to it by the Minister in connection with the allocation of increased quotas under subsection (1).

25. (1) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota is increased, reduced or cancelled under this Act the person to whom the 1973-1974 quota or 1973-1974 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

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

(2) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1973-1974 quota or a 1973-1974 northern prime hard quota, as the case may be, equal to that specified quantity.

26. A 1973-1974 quota shall not be allocated to—

- 25 (a) a person in respect of wheat sown for harvesting in the 1973-1974 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 (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 1973-1974 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.
- 35

1973-1974 quota not to be allocated to certain persons.

Wheat Quotas.

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 1973-1974 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 1973-1974 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. (1) No proceeding for an injunction or for a judgment or order commanding the doing of an act or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act.

Decisions of Minister, etc., to be final.

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

Wheat Quotas.

- 30.** Any person who contravenes or fails to comply with a Penalty. provision of this Act for which no penalty is expressly provided is guilty of an offence against this Act and liable to a penalty not exceeding \$400.
- 5 31.** All proceedings for offences against this Act or the Proceedings. regulations made under this Act shall be disposed of summarily before a court of petty sessions.
- 10 32.** The provisions of section 32 of the Marketing of Offences by Primary Products Act, 1927, apply to and in respect of companies and joint offenders. offences under this Act.
- 15 33.** (1) The Governor may make regulations, not incon- Regulations. sistent with this Act, for or with respect to all matters that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may make different provisions in respect of different matters according to time, place or circumstances.
- 20 33.** (3) The regulations may prescribe a penalty not exceeding \$400 for any contravention of, or failure to comply with any provision of, the regulations.
- 34.** The Wheat Quotas Act, 1969, is amended by inserting Amendment of Act No. 53, 1969. at the end of section 39 the following new subsection :—
Sec. 39.
(Allocation and cancellation of basic quotas in special cases.)
- 25 (2)** The Grain Elevators Board may, upon a request made to it in writing by a person to whom a basic quota has been allocated or by his personal representative, cancel the basic quota allocated to that person.

SCHEDULE.

Wheat Quotas.

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	Premer
	Edgeroi	Quirindi
20	Emerald Hill	Springridge
	Eumungerie	Tamarang
	Garah	Trangie
	Geurie	Weemelah
	Gilgandra	Wee Waa

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[20c]

Act No. 1173

to amend

the law

provisions

AB

No. , 1973.

A BILL

To provide for the allocation of quotas in respect of wheat of the 1973-1974 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend the Wheat Quotas Act, 1969; and for purposes connected therewith.

[MR CRAWFORD—11 December, 1973.]

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Wheat Quotas.

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

PART I.

PRELIMINARY.

1. This Act may be cited as the "Wheat Quotas Act, Short title, 1973".

10 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.

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DIVISION 1.—1973-1974 *Quotas*—s. 5.

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DIVISION 3.—1973-1974 *Durum Quotas*—s. 8.

20 PART III.—SHAREFARMERS—ss. 9, 10.

PART IV.—MISCELLANEOUS—ss. 11-34.

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Wheat Quotas.

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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
that has not been cancelled;

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 1973–1974
season;

“1973–1974 durum quota” means 1973–1974 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 1973–1974 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;

“1973–1974 northern prime hard quota” means
1973–1974 northern prime hard quota allocated
under this Act;

25 “northern prime hard wheat” means wheat—

- (a) that complies with the standard for fair
average quality wheat determined by the
Board for the 1973–1974 season;
- (b) that is of the Gamut, Gatcher, Spica, Tarsa,
30 Timgalen, Windebri or Winglen variety;
- (c)

Wheat Quotas.

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

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

“owner”, in relation to land, includes—

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

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

15 (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

20 (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); and

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

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

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

(e)

Wheat Quotas.

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

5 (f) are owners, as defined in paragraph (c), 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;

10 “1973–1974 quota” means 1973–1974 quota allocated under this Act;

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

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

20 (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;

25 (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

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

Wheat Quotas.

- where that person, pursuant to that agreement, sowed wheat on or before 30th September, 1973, for harvesting in the 1973–1974 season on the land to which the agreement relates;
- 5 “sharefarming agreement” means an agreement of the nature referred to in the definition of “sharefarmer” in this section made between a sharefarmer and the owner of any land to whom a 1973–1974 quota is allocated;
- 10 “the 1973–1974 season” means the year that commenced on 1st October, 1973;
- “wheatgrower” means a person who, on or before 30th September, 1973, sowed wheat on land in New South Wales or the Australian Capital Territory
- 15 for harvesting in the 1973–1974 season.

PART II.

QUOTAS FOR THE 1973–1974 SEASON.

DIVISION 1.—1973–1974 Quotas.

5. (1) In this section, “prescribed person” means a
20 person—
- (a) who has a basic quota; and
 - (b) who is a wheatgrower.
- (2) Subject to section 12, the Grain Elevators Board shall allocate to a prescribed person a 1973–1974 quota
25 calculated in accordance with the formula specified in subsection (3).
- (3)

Calculation and allocation of 1973–1974 quotas.

Wheat Quotas.

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

$$A = B + \frac{B}{3}$$

5 where—

“A” represents the quantity in bushels of wheat which is the 1973–1974 quota to be allocated to a prescribed person; and

10 “B” represents the quantity in bushels of wheat which is the basic quota allocated to that person.

DIVISION 2.—1973–1974 Northern Prime Hard Quotas.

6. Where a person—

(a) is entitled to a 1973–1974 quota pursuant to section 5 (2); and

15 (b) has been allocated storage space during the 1973–1974 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule,

20 the Grain Elevators Board shall allocate to that person a 1973–1974 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 1973–1974 quota under section 5 (2) has not been allocated storage space at 25 the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule during the 1973–1974 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 30 and for such quantity as the Minister may determine and notify to that Board, a 1973–1974 northern prime hard quota.

Calcula-
tion and
alloca-
tion of
1973–1974
northern
prime hard
quotas.

Alloca-
tion of
additional
1973–1974
northern
prime hard
quotas.

DIVISION

Wheat Quotas.

DIVISION 3.—1973–1974 *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 1973–1974 durum quota.

Calculation and allocation of 1973–1974 durum 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.

PART III.

SHAREFARMERS.

9. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1973–1974 quota or a 1973–1974 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 instead of to the allottee.

Quota authority to include name of share-farmer.

Wheat Quotas.

10. (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1973-1974 quota or, as the case may be, the 1973-1974 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and the other 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.

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

(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 1973-1974 quotas or, as the case may require, 1973-1974 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.

25

PART IV.

MISCELLANEOUS.

11. The Grain Elevators Board may refuse to allocate a 1973-1974 quota or a 1973-1974 northern prime hard quota, or may allocate a reduced 1973-1974 quota or a reduced 1973-1974 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

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

12.

Wheat Quotas.

12. Where, after the Grain Elevators Board has allocated a 1973-1974 quota or a 1973-1974 northern prime hard quota to a person, that Board is satisfied— Quota may be cancelled.

- 5 (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;
- 10 (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;
- 15 or
- (d) that the 1973-1974 quota, or the 1973-1974 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1973-1974 quota or his 1973-1974 northern prime hard quota and if it thinks fit allocate to him another 1973-1974 quota or 1973-1974 northern prime hard quota for such quantity of wheat as it thinks fit.

13. Where a person has been allocated a 1973-1974 quota, a 1973-1974 northern prime hard quota or a 1973-1974 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1973-1974 quota, 1973-1974 northern prime hard quota or 1973-1974 durum quota and allocate it to such person as is, or allocate it in such proportions and to such persons as are, specified in the application. Transfer of certain quotas.

14. (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 quotas where wheat cannot be delivered.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1973-
5 1974 quota the Grain Elevators Board shall cancel that person's 1973-1974 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 quota has been allocated will be able
10 to deliver to the Board wheat as part of his 1973-1974 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 quota to that quantity.

15 **15.** (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1973-1974 quotas will be less than 177,000,000 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
20 likely to be the short fall.

Allocation of short fall of wheat under 1973-1974 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 1973-1974 quotas as the Minister may determine
25 and so notify.

30 **16.** (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 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
35 to whom a 1973-1974 northern prime hard quota has been allocated

Wheat Quotas.

allocated will be unable to deliver to the Board any northern prime hard wheat as, or as part of, his 1973-1974 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1973-1974 northern prime hard quota.

5 (3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1973-1974 northern prime hard
10 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 northern prime hard quota to that quantity.

17. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which
15 may be delivered pursuant to all 1973-1974 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
20 the short fall.

Allocation of short fall of wheat under 1973-1974 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 1973-1974 northern prime hard quotas as the
25 Minister may determine and so notify.

18. Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1973-1974 northern prime hard quotas have been allocated exceeds 14,000,000 bushels, the Grain Elevators
30 Board shall reduce all the 1973-1974 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 the Grain
35 Elevators Board.

Reduction of 1973-1974 northern prime hard quotas where State quota exceeded.

19.

Wheat Quotas.

19. (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1973-1974 durum quota, the Grain Elevators Board shall cancel that person's 1973-1974 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1973-1974 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 durum quota to that quantity.

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 quota, a 1973-1974 northern prime hard

Quotas allocated before commencement of Act.

Wheat Quotas.

hard quota or a 1973–1974 durum 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.

- 5 (2) The Grain Elevators Board—
- (a) shall, in the case of a person to whom a 1973–1974 quota is allocated by that Board; or
- (b) may, in the case of a person to whom a 1973–1974 northern prime hard quota is allocated by that
- 10 Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1973–1974 quota or 1973–1974 northern prime hard quota, as the case may be.

- 15 (3) The Grain Elevators Board may, in the case of a person to whom a 1973–1974 durum quota is allocated by that Board, forward to that person a quota authority.

22. (1) If any quota authority is lost, destroyed or ^{Lost quota} defaced before all the wheat in respect of which it was issued ^{authorities.} has been delivered to the Board, the Grain Elevators Board

20 may, subject to this section, issue a new quota authority in its stead.

(2) Where a quota authority is lost or destroyed the new quota authority shall not be issued unless the person who

25 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

30 authority is lodged with the Grain Elevators Board for cancellation.

(4)

Wheat Quotas.

5 (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.

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

15 (a) may refuse to accept delivery of any wheat as being part of a 1973–1974 quota if the quota authority in respect of that wheat is not presented to that Board at the time of delivery;

(b) shall refuse to accept delivery of any wheat as being part of a 1973–1974 northern prime hard quota unless—

20 (i) it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule; and

25 (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 1973–1974 durum quota unless—

30 (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

35 (ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is durum wheat.

Wheat Quotas.

24. (1) Where the quantity of wheat of the 1973-1974 season delivered to the Board exceeds 193,000,000 bushels, the Grain Elevators Board may, with the approval of the Minister, increase a 1973-1974 quota allocated to any person.

Allocation of increased 1973-1974 quotas where State quota increased.

(2) The Grain Elevators Board shall comply with any directions given to it by the Minister in connection with the allocation of increased quotas under subsection (1).

25. (1) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota is increased, reduced or cancelled under this Act the person to whom the 1973-1974 quota or 1973-1974 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

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

(2) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1973-1974 quota or a 1973-1974 northern prime hard quota, as the case may be, equal to that specified quantity.

26. A 1973-1974 quota shall not be allocated to—

(a) a person in respect of wheat sown for harvesting in the 1973-1974 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) 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 1973-1974 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

1973-1974 quota not to be allocated to certain persons.

27.

Wheat Quotas.

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 1973-1974 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 1973-1974 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. (1) No proceeding for an injunction or for a judgment or order commanding the doing of an act or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act.

Decisions of Minister, etc., to be final.

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

Wheat Quotas.

30. Any person who contravenes or fails to comply with a **Penalty.**
provision of this Act for which no penalty is expressly pro-
vided is guilty of an offence against this Act and liable to a
penalty not exceeding \$400.

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

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

15 **33.** (1) The Governor may make regulations, not incon- **Regulations.**
sistent with this Act, for or with respect to all matters that by
this Act are required or permitted to be prescribed or that are
necessary or convenient to be prescribed for carrying out or
giving effect to this Act.

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

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

34. The Wheat Quotas Act, 1969, is amended by inserting **Amendment**
at the end of section 39 the following new subsection :— **of Act No.**
53, 1969.

25 (2) The Grain Elevators Board may, upon a request **Sec. 39.**
made to it in writing by a person to whom a basic quota **(Allocation**
has been allocated or by his personal representative, **and cancel-**
cancel the basic quota allocated to that person. **lation of**
basic quotas
in special
cases.)

SCHEDULE.

Wheat Quotas.

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	Premer
	Edgeroi	Quirindi
20	Emerald Hill	Springridge
	Eumungerie	Tamarang
	Garah	Trangie
	Geurie	Weemelah
	Gilgandra	Wee Waa

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[20c]

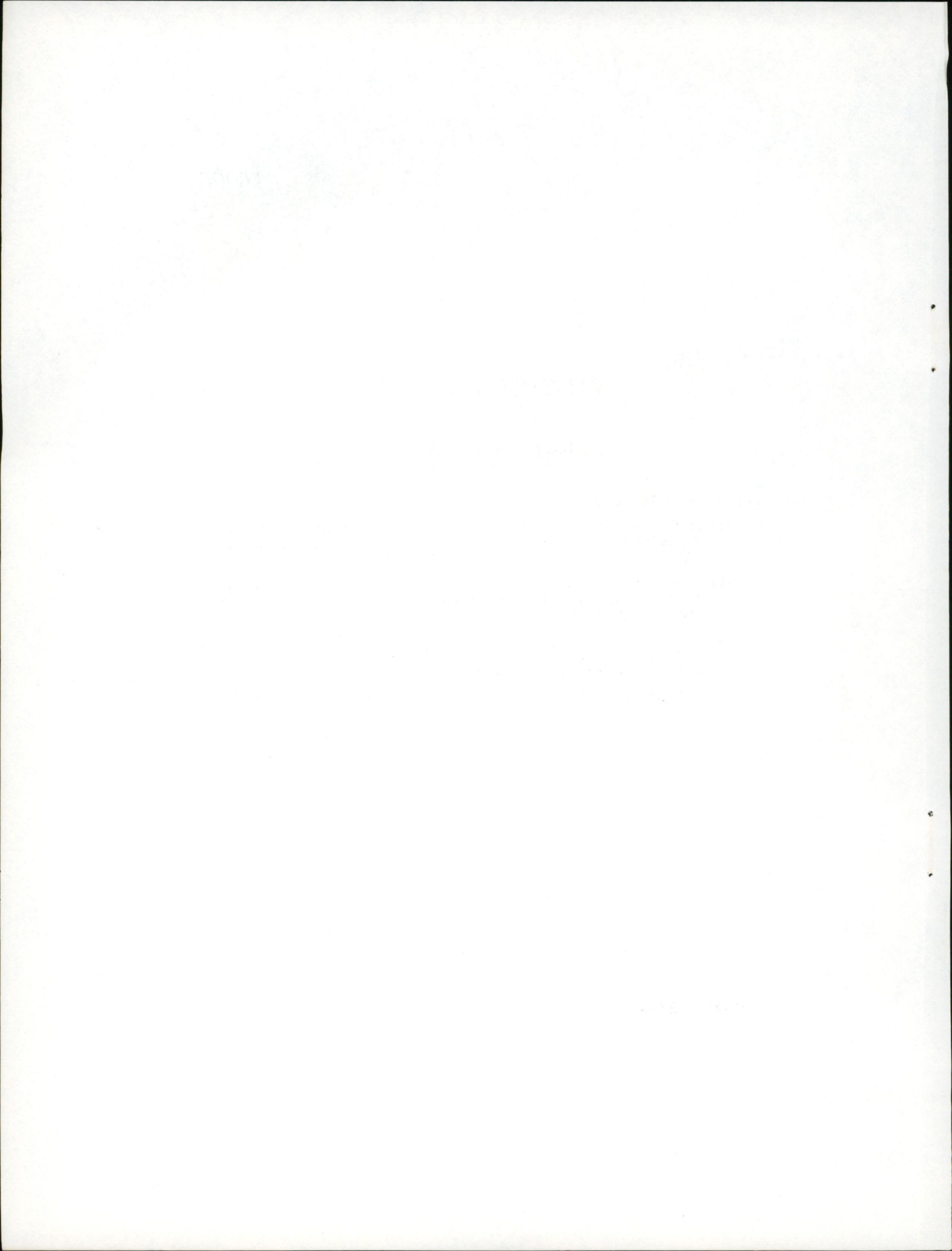
PROOF

WHEAT QUOTAS BILL, 1973

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to limit the quantity of wheat of the 1973–1974 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 1973–1974 season;
- (c) to amend the Wheat Quotas Act, 1969, to permit the Grain Elevators Board to cancel a basic quota issued under that Act upon a request from the person to whom that basic quota was allocated;
- (d) to make other provisions consequential upon or ancillary to the foregoing.



PROOF

No. , 1973.

A BILL

To provide for the allocation of quotas in respect of wheat of the 1973-1974 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend the Wheat Quotas Act, 1969; and for purposes connected therewith.

[MR CRAWFORD—11 December, 1973.]

BE

Wheat Quotas.

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

PART I.

PRELIMINARY.

1. This Act may be cited as the "Wheat Quotas Act, Short title, 1973".

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 1973–1974 SEASON—ss. 5–8.

15

DIVISION 1.—1973–1974 *Quotas*—s. 5.

DIVISION 2.—1973–1974 *Northern Prime Hard Quotas*—ss. 6, 7.

DIVISION 3.—1973–1974 *Durum Quotas*—s. 8.

20 PART III.—SHAREFARMERS—ss. 9, 10.

PART IV.—MISCELLANEOUS—ss. 11–34.

SCHEDULE.

4.

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
that has not been cancelled;

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 1973–1974
season;

“1973–1974 durum quota” means 1973–1974 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 1973–1974 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;

“1973–1974 northern prime hard quota” means
1973–1974 northern prime hard quota allocated
under this Act;

25 “northern prime hard wheat” means wheat—

- (a) that complies with the standard for fair
average quality wheat determined by the
Board for the 1973–1974 season;
- (b) that is of the Gamut, Gatcher, Spica, Tarsa,
30 Timgalen, Windebri or Winglen variety;
- (c)

Wheat Quotas.

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

“owner”, in relation to land, includes—

- (a) every person who jointly or severally, whether at law or in equity—
- 10 (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
- 15 (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;
- 20 (b) the lessee from any owner as defined in paragraph (a); and
- 25 (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) and entitles the licensee to grow wheat on that owner’s land,
- 30 but where two or more persons are the owners of any land and—
- (d) are owners, as defined in paragraph (a), of that land and are joint tenants or tenants in common on that land;

(e)

Wheat Quotas.

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

5 (f) are owners, as defined in paragraph (c), 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;

10 "1973-1974 quota" means 1973-1974 quota allocated under this Act;

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

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

20 (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;

25 (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

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

Wheat Quotas.

where that person, pursuant to that agreement, sowed wheat on or before 30th September, 1973, for harvesting in the 1973–1974 season on the land to which the agreement relates;

- 5 “sharefarming agreement” means an agreement of the nature referred to in the definition of “sharefarmer” in this section made between a sharefarmer and the owner of any land to whom a 1973–1974 quota is allocated;
- 10 “the 1973–1974 season” means the year that commenced on 1st October, 1973;
- 15 “wheatgrower” means a person who, on or before 30th September, 1973, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1973–1974 season.

PART II.

QUOTAS FOR THE 1973–1974 SEASON.

DIVISION 1.—1973–1974 *Quotas.*

- 20 **5.** (1) In this section, “prescribed person” means a person—
- (a) who has a basic quota; and
- (b) who is a wheatgrower.
- (2) Subject to section 12, the Grain Elevators Board shall allocate to a prescribed person a 1973–1974 quota calculated in accordance with the formula specified in subsection (3).
- (3)

Calculation and allocation of 1973–1974 quotas.

Wheat Quotas.

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

$$A = B + \frac{B}{3}$$

5 where—

“A” represents the quantity in bushels of wheat which is the 1973–1974 quota to be allocated to a prescribed person; and

10 “B” represents the quantity in bushels of wheat which is the basic quota allocated to that person.

DIVISION 2.—1973–1974 Northern Prime Hard Quotas.

6. Where a person—

(a) is entitled to a 1973–1974 quota pursuant to section 5 (2); and

15 (b) has been allocated storage space during the 1973–1974 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule,

20 the Grain Elevators Board shall allocate to that person a 1973–1974 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 1973–1974 quota under section 5 (2) has not been allocated storage space at 25 the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule during the 1973–1974 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 30 and for such quantity as the Minister may determine and notify to that Board, a 1973–1974 northern prime hard quota.

Calcula-
tion and
alloca-
tion of
1973–1974
northern
prime hard
quotas.

Alloca-
tion of
additional
1973–1974
northern
prime hard
quotas.

DIVISION

Wheat Quotas.

DIVISION 3.—1973–1974 *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 1973–1974 durum quota.

Calcula-
tion and
alloca-
tion of
1973–1974
durum
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.

PART III.

SHAREFARMERS.

9. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1973–1974 quota or a 1973–1974 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 instead of to the allottee.

Quota
authority
to include
name of
share-
farmer.

Wheat Quotas.

10. (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1973-1974 quota or, as the case may be, the 1973-1974 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and the other 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.

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

(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 1973-1974 quotas or, as the case may require, 1973-1974 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.

25

PART IV.

MISCELLANEOUS.

11. The Grain Elevators Board may refuse to allocate a 1973-1974 quota or a 1973-1974 northern prime hard quota, or may allocate a reduced 1973-1974 quota or a reduced 1973-1974 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

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

Wheat Quotas.

12. Where, after the Grain Elevators Board has allocated a 1973-1974 quota or a 1973-1974 northern prime hard quota to a person, that Board is satisfied— Quota may be cancelled.

- 5 (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;
- 10 (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;
- 15 or
- (d) that the 1973-1974 quota, or the 1973-1974 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1973-1974 quota or his 1973-1974 northern prime hard quota and if it thinks fit allocate to him another 1973-1974 quota or 1973-1974 northern prime hard quota for such quantity of wheat as it thinks fit.

13. Where a person has been allocated a 1973-1974 quota, a 1973-1974 northern prime hard quota or a 1973-1974 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1973-1974 quota, 1973-1974 northern prime hard quota or 1973-1974 durum quota and allocate it to such person as is, or allocate it in such proportions and to such persons as are, specified in the application. Transfer of certain quotas.

14. (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 quotas where wheat cannot be delivered.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1973-
5 1974 quota the Grain Elevators Board shall cancel that person's 1973-1974 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 quota has been allocated will be able
10 to deliver to the Board wheat as part of his 1973-1974 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 quota to that quantity.

15. (1) Where the Grain Elevators Board is of the
15 opinion that the quantity of wheat which may be delivered pursuant to all 1973-1974 quotas will be less than 177,000,000 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
20 likely to be the short fall.

Allocation of short fall of wheat under 1973-1974 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 1973-1974 quotas as the Minister may determine
25 and so notify.

16. (1) Where a person to whom a 1973-1974 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 1973-1974 northern
30 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 1973-1974 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
35 to whom a 1973-1974 northern prime hard quota has been allocated

Wheat Quotas.

allocated will be unable to deliver to the Board any northern prime hard wheat as, or as part of, his 1973-1974 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1973-1974 northern prime hard quota.

- 5 (3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1973-1974 northern prime hard
10 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 northern prime hard quota to that quantity.

17. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which
15 may be delivered pursuant to all 1973-1974 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
20 the short fall.

Allocation of short fall of wheat under 1973-1974 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 1973-1974 northern prime hard quotas as the
25 Minister may determine and so notify.

18. Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1973-1974 northern prime hard quotas have been allocated exceeds 14,000,000 bushels, the Grain Elevators
30 Board shall reduce all the 1973-1974 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 the Grain
35 Elevators Board.

Reduction of 1973-1974 northern prime hard quotas where State quota exceeded.

Wheat Quotas.

19. (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1973-1974 durum quota, the Grain Elevators Board shall cancel that person's 1973-1974 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1973-1974 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 durum quota to that quantity.

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 quota, a 1973-1974 northern prime hard

Quotas allocated before commencement of Act.

Wheat Quotas.

hard quota or a 1973-1974 durum 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.

- 5 (2) The Grain Elevators Board—
- (a) shall, in the case of a person to whom a 1973-1974 quota is allocated by that Board; or
 - (b) may, in the case of a person to whom a 1973-1974 northern prime hard quota is allocated by that
- 10 Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1973-1974 quota or 1973-1974 northern prime hard quota, as the case may be.

- 15 (3) The Grain Elevators Board may, in the case of a person to whom a 1973-1974 durum quota is allocated by that Board, forward to that person a quota authority.

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

20

(2) Where a quota authority is lost or destroyed the new quota authority shall not be issued unless the person who

25 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

30 authority is lodged with the Grain Elevators Board for cancellation.

(4)

Wheat Quotas.

(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 1973–1974 quota if the quota authority in respect of that wheat is not presented to that Board at the time of delivery;
- (b) shall refuse to accept delivery of any wheat as being part of a 1973–1974 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; 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 1973–1974 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.

Wheat Quotas.

24. (1) Where the quantity of wheat of the 1973-1974 season delivered to the Board exceeds 193,000,000 bushels, the Grain Elevators Board may, with the approval of the Minister, increase a 1973-1974 quota allocated to any person.

Allocation of increased 1973-1974 quotas where State quota increased.

(2) The Grain Elevators Board shall comply with any directions given to it by the Minister in connection with the allocation of increased quotas under subsection (1).

25. (1) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota is increased, reduced or cancelled under this Act the person to whom the 1973-1974 quota or 1973-1974 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

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

(2) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1973-1974 quota or a 1973-1974 northern prime hard quota, as the case may be, equal to that specified quantity.

26. A 1973-1974 quota shall not be allocated to—

1973-1974 quota not to be allocated to certain persons.

(a) a person in respect of wheat sown for harvesting in the 1973-1974 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) 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 1973-1974 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

27.

Wheat Quotas.

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 1973-1974 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 1973-1974 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. (1) No proceeding for an injunction or for a judgment or order commanding the doing of an act or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act.

Decisions of Minister, etc., to be final.

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

Wheat Quotas.

- 30.** Any person who contravenes or fails to comply with a **Penalty.** provision of this Act for which no penalty is expressly provided is guilty of an offence against this Act and liable to a penalty not exceeding \$400.
- 5** **31.** All proceedings for offences against this Act or the **Proceedings.** regulations made under this Act shall be disposed of summarily before a court of petty sessions.
- 10** **32.** The provisions of section 32 of the Marketing of **Offences by** Primary Products Act, 1927, apply to and in respect of **companies** offences under this Act. **and joint** offenders.
- 15** **33.** (1) The Governor may make regulations, not incon- **Regulations.** sistent with this Act, for or with respect to all matters that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may make different provisions in respect of different matters according to time, place or circumstances.
- 20** (3) The regulations may prescribe a penalty not exceeding \$400 for any contravention of, or failure to comply with any provision of, the regulations.
- 34.** The Wheat Quotas Act, 1969, is amended by inserting **Amendment** at the end of section 39 the following new subsection :— **of Act No.** 53, 1969.
- 25** (2) The Grain Elevators Board may, upon a request **Sec. 39.** made to it in writing by a person to whom a basic quota has **(Allocation** been allocated or by his personal representative, cancel the **and cancel-** basic quota allocated to that person. **lation of** basic quotas in special cases.)

SCHEDULE.

Wheat Quotas.

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

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

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New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 89, 1973.

An Act to provide for the allocation of quotas in respect of wheat of the 1973–1974 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend the Wheat Quotas Act, 1969; and for purposes connected therewith. [Assented to, 20th December, 1973.]

BE

Wheat Quotas.

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

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Wheat Quotas Act, 1973".

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 1973–1974 SEASON—ss. 5–8.

DIVISION 1.—1973–1974 Quotas—s. 5.

DIVISION 2.—1973–1974 Northern Prime Hard Quotas—ss. 6, 7.

DIVISION 3.—1973–1974 Durum Quotas—s. 8.

PART III.—SHAREFARMERS—ss. 9, 10.

PART IV.—MISCELLANEOUS—ss. 11–34.

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 that has not been cancelled;

“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 1973–1974 season;

“1973–1974 durum quota” means 1973–1974 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 1973–1974 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;

“1973–1974 northern prime hard quota” means 1973–1974 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 1973–1974 season;
- (b) that is of the Gamut, Gatcher, Spica, Tarsa, Timgalen, Windebri or Winglen variety;
- (c)

Wheat Quotas.

- (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”, 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); and
- (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) 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 that land and are joint tenants or tenants in common on that land;

(e)

Wheat Quotas.

- (e) are owners, as defined in paragraph (b), of that land and are joint lessees of that land; or
- (f) are owners, as defined in paragraph (c), 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;

“1973–1974 quota” means 1973–1974 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

Wheat Quotas.

where that person, pursuant to that agreement, sowed wheat on or before 30th September, 1973, for harvesting in the 1973–1974 season on the land to which the agreement relates;

“sharefarming agreement” means an agreement of the nature referred to in the definition of “sharefarmer” in this section made between a sharefarmer and the owner of any land to whom a 1973–1974 quota is allocated;

“the 1973–1974 season” means the year that commenced on 1st October, 1973;

“wheatgrower” means a person who, on or before 30th September, 1973, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1973–1974 season.

PART II.

QUOTAS FOR THE 1973–1974 SEASON.

DIVISION 1.—1973–1974 *Quotas.*

Calcula-
tion and
alloca-
tion of
1973–1974
quotas.

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

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

(2) Subject to section 12, the Grain Elevators Board shall allocate to a prescribed person a 1973–1974 quota calculated in accordance with the formula specified in subsection (3).

(3)

Wheat Quotas.

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

$$A = B + \frac{B}{3}$$

where—

“A” represents the quantity in bushels of wheat which is the 1973–1974 quota to be allocated to a prescribed person; and

“B” represents the quantity in bushels of wheat which is the basic quota allocated to that person.

DIVISION 2.—1973–1974 Northern Prime Hard Quotas.

6. Where a person—

(a) is entitled to a 1973–1974 quota pursuant to section 5 (2); and

(b) has been allocated storage space during the 1973–1974 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule,

Calcula-
tion and
alloca-
tion of
1973–1974
northern
prime hard
quotas.

the Grain Elevators Board shall allocate to that person a 1973–1974 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 1973–1974 quota under section 5 (2) 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 during the 1973–1974 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 1973–1974 northern prime hard quota.

Alloca-
tion of
additional
1973–1974
northern
prime hard
quotas.

DIVISION

Wheat Quotas.

 DIVISION 3.—1973–1974 *Durum Quotas.*

Calcula-
tion and
alloca-
tion of
1973–1974
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 1973–1974 durum quota.

(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.

 PART III.

SHAREFARMERS.

Quota
authority
to include
name of
share-
farmer.

9. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1973–1974 quota or a 1973–1974 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 instead of to the allottee.

Wheat Quotas.

10. (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1973–1974 quota or, as the case may be, the 1973–1974 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and the other 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.

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

(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 1973–1974 quotas or, as the case may require, 1973–1974 northern prime hard quotas, to the allottee and the other parties to the sharefarming agreement in such manner and for such quantities not exceeding in the aggregate the quantity of the cancelled quota, as it thinks fit.

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

PART IV.
MISCELLANEOUS.

11. The Grain Elevators Board may refuse to allocate a 1973–1974 quota or a 1973–1974 northern prime hard quota, or may allocate a reduced 1973–1974 quota or a reduced 1973–1974 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

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

12.

Wheat Quotas.

Quota may
be cancelled.

12. Where, after the Grain Elevators Board has allocated a 1973–1974 quota or a 1973–1974 northern prime hard quota to a person, that Board is satisfied—

- (a) that the basic quota held by that person was calculated incorrectly;
- (b) that that person was, under a law of another State, allocated a quota of a kind that, in the opinion of the Grain Elevators Board, is equivalent to a basic quota;
- (c) that the basic quotas held by that person and another person or other persons were calculated by reference, wholly or partly, to the same wheat delivered to the Board in any of the relevant seasons or sown for harvesting in the 1969–1970 season; or
- (d) that the 1973–1974 quota, or the 1973–1974 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1973–1974 quota or his 1973–1974 northern prime hard quota and if it thinks fit allocate to him another 1973–1974 quota or 1973–1974 northern prime hard quota for such quantity of wheat as it thinks fit.

Transfer
of certain
quotas.

13. Where a person has been allocated a 1973–1974 quota, a 1973–1974 northern prime hard quota or a 1973–1974 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1973–1974 quota, 1973–1974 northern prime hard quota or 1973–1974 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
1973–1974
quotas
where
wheat cannot
be
delivered.

14. (1) Where a person to whom a 1973–1974 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 1973–1974 quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973–1974 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1973–1974 quota the Grain Elevators Board shall cancel that person's 1973–1974 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973–1974 quota has been allocated will be able to deliver to the Board wheat as part of his 1973–1974 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973–1974 quota to that quantity.

15. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1973–1974 quotas will be less than 177,000,000 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 1973–1974 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 1973–1974 quotas as the Minister may determine and so notify.

16. (1) Where a person to whom a 1973–1974 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 1973–1974 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 1973–1974 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 1973–1974 northern prime hard quota has been allocated

Wheat Quotas.

allocated will be unable to deliver to the Board any northern prime hard wheat as, or as part of, his 1973-1974 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1973-1974 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 1973-1974 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1973-1974 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 northern prime hard quota to that quantity.

Allocation of short fall of wheat under 1973-1974 northern prime hard quotas.

17. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which may be delivered pursuant to all 1973-1974 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 1973-1974 northern prime hard quotas as the Minister may determine and so notify.

Reduction of 1973-1974 northern prime hard quotas where State quota exceeded.

18. Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1973-1974 northern prime hard quotas have been allocated exceeds 14,000,000 bushels, the Grain Elevators Board shall reduce all the 1973-1974 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 the Grain Elevators Board.

19.

Wheat Quotas.

19. (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1973-1974 durum quota, the Grain Elevators Board shall cancel that person's 1973-1974 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1973-1974 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 durum quota to that quantity.

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 quota, a 1973-1974 northern prime hard

Quotas allocated before commencement of Act.

Wheat Quotas.

hard quota or a 1973–1974 durum quota to any person, the quota so allocated or which purports to have been so allocated, shall be deemed to have been allocated to that person under this Act.

(2) The Grain Elevators Board—

- (a) shall, in the case of a person to whom a 1973–1974 quota is allocated by that Board; or
- (b) may, in the case of a person to whom a 1973–1974 northern prime hard quota is allocated by that Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1973–1974 quota or 1973–1974 northern prime hard quota, as the case may be.

(3) The Grain Elevators Board may, in the case of a person to whom a 1973–1974 durum quota is allocated by that Board, forward to that person a quota authority.

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 its stead.

(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)

Wheat Quotas.

(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 1973–1974 quota if the quota authority in respect of that wheat is not presented to that Board at the time of delivery;
- (b) shall refuse to accept delivery of any wheat as being part of a 1973–1974 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; 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 1973–1974 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.

Wheat Quotas.

Allocation
of increased
1973-1974
quotas
where State
quota
increased.

24. (1) Where the quantity of wheat of the 1973-1974 season delivered to the Board exceeds 193,000,000 bushels, the Grain Elevators Board may, with the approval of the Minister, increase a 1973-1974 quota allocated to any person.

(2) The Grain Elevators Board shall comply with any directions given to it by the Minister in connection with the allocation of increased quotas under subsection (1).

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

25. (1) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota is increased, reduced or cancelled under this Act the person to whom the 1973-1974 quota or 1973-1974 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

(2) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1973-1974 quota or a 1973-1974 northern prime hard quota, as the case may be, equal to that specified quantity.

1973-1974
quota not
to be
allocated
to certain
persons.

26. A 1973-1974 quota shall not be allocated to—

- (a) a person in respect of wheat sown for harvesting in the 1973-1974 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) 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 1973-1974 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

Wheat Quotas.

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 1973-1974 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 1973-1974 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. (1) No proceeding for an injunction or for a judgment or order commanding the doing of an act or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act. Decisions of Minister, etc., to be final.

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

Wheat Quotas.

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.

Amendment of Act No. 53, 1969.
Sec. 39.

(Allocation and cancellation of basic quotas in special cases.)

34. The Wheat Quotas Act, 1969, is amended by inserting at the end of section 39 the following new subsection :—

(2) The Grain Elevators Board may, upon a request made to it in writing by a person to whom a basic quota has been allocated or by his personal representative, cancel the basic quota allocated to that person.

SCHEDULE.

Wheat Quotas.

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

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1974

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF

ST. ANDREW'S

UNIVERSITY

IN

SCOTLAND

AND

ENGLAND

AND

IRELAND

IN

THE HISTORY OF THE REIGN OF CHARLES THE FIRST

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, 13 December, 1973.*

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 89, 1973.

An Act to provide for the allocation of quotas in respect of wheat of the 1973–1974 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend the Wheat Quotas Act, 1969; and for purposes connected therewith. [Assented to, 20th December, 1973.]

BE

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

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Wheat Quotas.

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

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Wheat Quotas Act, 1973".

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

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

PART I.—PRELIMINARY—ss. 1-4.

PART II.—QUOTAS FOR THE 1973-1974 SEASON—ss.
5-8.

DIVISION 1.—1973-1974 *Quotas*—s. 5.

DIVISION 2.—1973-1974 *Northern Prime Hard
Quotas*—ss. 6, 7.

DIVISION 3.—1973-1974 *Durum Quotas*—s. 8.

PART III.—SHAREFARMERS—ss. 9, 10.

PART IV.—MISCELLANEOUS—ss. 11-34.

SCHEDULE.

Wheat Quotas.

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 that has not been cancelled;

“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 1973–1974 season;

“1973–1974 durum quota” means 1973–1974 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 1973–1974 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;

“1973–1974 northern prime hard quota” means 1973–1974 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 1973–1974 season;
- (b) that is of the Gamut, Gatcher, Spica, Tarsa, Tingalen, Windebri or Winglen variety;

(c)

Wheat Quotas.

- (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”, 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); and
- (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) 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 that land and are joint tenants or tenants in common on that land;

(e)

Wheat Quotas.

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

(f) are owners, as defined in paragraph (c), 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;

“1973–1974 quota” means 1973–1974 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

Wheat Quotas.

where that person, pursuant to that agreement, sowed wheat on or before 30th September, 1973, for harvesting in the 1973–1974 season on the land to which the agreement relates;

“sharefarming agreement” means an agreement of the nature referred to in the definition of “sharefarmer” in this section made between a sharefarmer and the owner of any land to whom a 1973–1974 quota is allocated;

“the 1973–1974 season” means the year that commenced on 1st October, 1973;

“wheatgrower” means a person who, on or before 30th September, 1973, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1973–1974 season.

PART II.
QUOTAS FOR THE 1973–1974 SEASON.
DIVISION 1.—1973–1974 Quotas.

Calcula-
tion and
alloca-
tion of
1973–1974
quotas.

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

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

(2) Subject to section 12, the Grain Elevators Board shall allocate to a prescribed person a 1973–1974 quota calculated in accordance with the formula specified in subsection (3).

(3)

Wheat Quotas.

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

$$A = B + \frac{B}{3}$$

where—

“A” represents the quantity in bushels of wheat which is the 1973–1974 quota to be allocated to a prescribed person; and

“B” represents the quantity in bushels of wheat which is the basic quota allocated to that person.

DIVISION 2.—1973–1974 Northern Prime Hard Quotas.

6. Where a person—

(a) is entitled to a 1973–1974 quota pursuant to section 5 (2); and

(b) has been allocated storage space during the 1973–1974 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule,

Calcula-
tion and
alloca-
tion of
1973–1974
northern
prime hard
quotas.

the Grain Elevators Board shall allocate to that person a 1973–1974 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 1973–1974 quota under section 5 (2) 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 during the 1973–1974 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 1973–1974 northern prime hard quota.

Alloca-
tion of
additional
1973–1974
northern
prime hard
quotas.

DIVISION

Wheat Quotas.

 DIVISION 3.—1973–1974 *Durum Quotas.*

Calcula-
tion and
alloca-
tion of
1973–1974
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 1973–1974 durum quota.

(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.

 PART III.

SHAREFARMERS.

Quota
authority
to include
name of
share-
farmer.

9. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1973–1974 quota or a 1973–1974 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 instead of to the allottee.

10.

Wheat Quotas.

10. (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1973-1974 quota or, as the case may be, the 1973-1974 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and the other 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.

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

(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 1973-1974 quotas or, as the case may require, 1973-1974 northern prime hard quotas, to the allottee and the other parties to the sharefarming agreement in such manner and for such quantities not exceeding in the aggregate the quantity of the cancelled quota, as it thinks fit.

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

PART IV.

MISCELLANEOUS.

11. The Grain Elevators Board may refuse to allocate a 1973-1974 quota or a 1973-1974 northern prime hard quota, or may allocate a reduced 1973-1974 quota or a reduced 1973-1974 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

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

12.

Wheat Quotas.

Quota may
be cancelled.

12. Where, after the Grain Elevators Board has allocated a 1973–1974 quota or a 1973–1974 northern prime hard quota to a person, that Board is satisfied—

- (a) that the basic quota held by that person was calculated incorrectly;
- (b) that that person was, under a law of another State, allocated a quota of a kind that, in the opinion of the Grain Elevators Board, is equivalent to a basic quota;
- (c) that the basic quotas held by that person and another person or other persons were calculated by reference, wholly or partly, to the same wheat delivered to the Board in any of the relevant seasons or sown for harvesting in the 1969–1970 season; or
- (d) that the 1973–1974 quota, or the 1973–1974 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1973–1974 quota or his 1973–1974 northern prime hard quota and if it thinks fit allocate to him another 1973–1974 quota or 1973–1974 northern prime hard quota for such quantity of wheat as it thinks fit.

Transfer
of certain
quotas.

13. Where a person has been allocated a 1973–1974 quota, a 1973–1974 northern prime hard quota or a 1973–1974 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1973–1974 quota, 1973–1974 northern prime hard quota or 1973–1974 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
1973–1974
quotas
where
wheat can-
not be
delivered.

14. (1) Where a person to whom a 1973–1974 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 1973–1974 quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1973-1974 quota the Grain Elevators Board shall cancel that person's 1973-1974 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 quota has been allocated will be able to deliver to the Board wheat as part of his 1973-1974 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 quota to that quantity.

15. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1973-1974 quotas will be less than 177,000,000 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 1973-1974 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 1973-1974 quotas as the Minister may determine and so notify.

16. (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 northern prime hard quota has been allocated

Wheat Quotas.

allocated will be unable to deliver to the Board any northern prime hard wheat as, or as part of, his 1973-1974 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1973-1974 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 1973-1974 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1973-1974 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 northern prime hard quota to that quantity.

Allocation of short fall of wheat under 1973-1974 northern prime hard quotas.

17. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which may be delivered pursuant to all 1973-1974 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 1973-1974 northern prime hard quotas as the Minister may determine and so notify.

Reduction of 1973-1974 northern prime hard quotas where State quota exceeded.

18. Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1973-1974 northern prime hard quotas have been allocated exceeds 14,000,000 bushels, the Grain Elevators Board shall reduce all the 1973-1974 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 the Grain Elevators Board.

19.

Wheat Quotas.

19. (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1973-1974 durum quota, the Grain Elevators Board shall cancel that person's 1973-1974 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1973-1974 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 durum quota to that quantity.

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 quota, a 1973-1974 northern prime hard

Quotas allocated before commencement of Act.

Wheat Quotas.

hard quota or a 1973-1974 durum quota to any person, the quota so allocated or which purports to have been so allocated, shall be deemed to have been allocated to that person under this Act.

(2) The Grain Elevators Board—

- (a) shall, in the case of a person to whom a 1973-1974 quota is allocated by that Board; or
- (b) may, in the case of a person to whom a 1973-1974 northern prime hard quota is allocated by that Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1973-1974 quota or 1973-1974 northern prime hard quota, as the case may be.

(3) The Grain Elevators Board may, in the case of a person to whom a 1973-1974 durum quota is allocated by that Board, forward to that person a quota authority.

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 its stead.

(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)

Wheat Quotas.

(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 1973–1974 quota if the quota authority in respect of that wheat is not presented to that Board at the time of delivery;
- (b) shall refuse to accept delivery of any wheat as being part of a 1973–1974 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; 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 1973–1974 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.

Wheat Quotas.

Allocation
of increased
1973-1974
quotas
where State
quota
increased.

24. (1) Where the quantity of wheat of the 1973-1974 season delivered to the Board exceeds 193,000,000 bushels, the Grain Elevators Board may, with the approval of the Minister, increase a 1973-1974 quota allocated to any person.

(2) The Grain Elevators Board shall comply with any directions given to it by the Minister in connection with the allocation of increased quotas under subsection (1).

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

25. (1) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota is increased, reduced or cancelled under this Act the person to whom the 1973-1974 quota or 1973-1974 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

(2) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1973-1974 quota or a 1973-1974 northern prime hard quota, as the case may be, equal to that specified quantity.

1973-1974
quota not
to be
allocated
to certain
persons.

26. A 1973-1974 quota shall not be allocated to—

- (a) a person in respect of wheat sown for harvesting in the 1973-1974 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) 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 1973-1974 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

27.

Wheat Quotas.

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 1973-1974 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 1973-1974 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. (1) No proceeding for an injunction or for a judgment or order commanding the doing of an act or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act. Decisions of Minister, etc., to be final.

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

Wheat Quotas.

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.

Amendment of Act No. 53, 1969. **34.** The Wheat Quotas Act, 1969, is amended by inserting at the end of section 39 the following new subsection :—

Sec. 39.
(Allocation and cancellation of basic quotas in special cases.)

(2) The Grain Elevators Board may, upon a request made to it in writing by a person to whom a basic quota has been allocated or by his personal representative, cancel the basic quota allocated to that person.

SCHEDULE.

Wheat Quotas.

SCHEDULE.

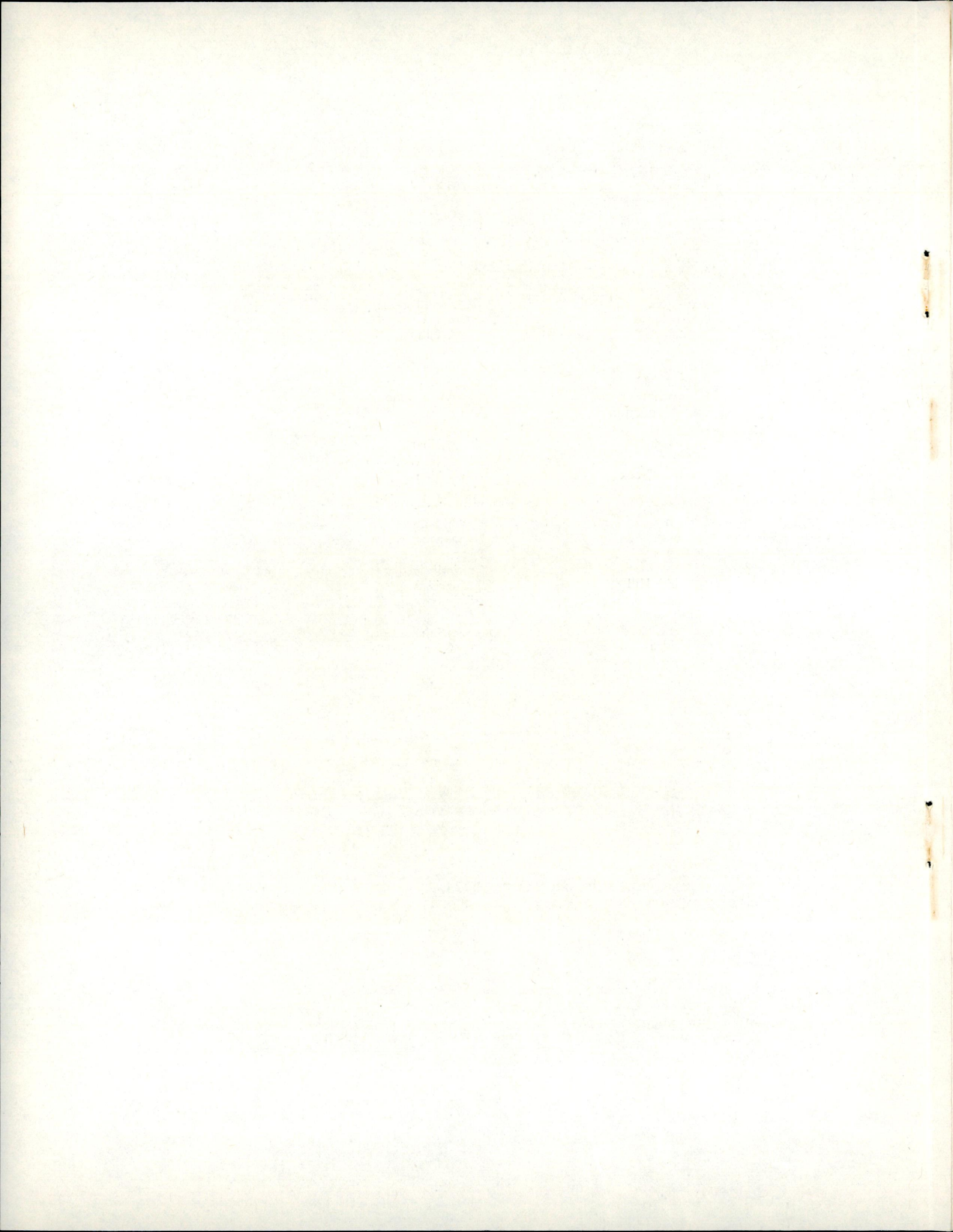
Secs. 6, 7
and 23.

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	Premer
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, 20th December, 1973.*



New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 89, 1973.

An Act to provide for the allocation of quotas in respect of wheat of the 1973–1974 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend the Wheat Quotas Act, 1969; and for purposes connected therewith. [Assented to, 20th December, 1973.]

BE

Wheat Quotas.

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

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Wheat Quotas Act, 1973".

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 1973–1974 SEASON—*ss.* 5–8.

DIVISION 1.—1973–1974 *Quotas*—*s.* 5.

DIVISION 2.—1973–1974 *Northern Prime Hard Quotas*—*ss.* 6, 7.

DIVISION 3.—1973–1974 *Durum Quotas*—*s.* 8.

PART III.—SHAREFARMERS—*ss.* 9, 10.

PART IV.—MISCELLANEOUS—*ss.* 11–34.

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 that has not been cancelled;

“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 1973–1974 season;

“1973–1974 durum quota” means 1973–1974 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 1973–1974 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;

“1973–1974 northern prime hard quota” means 1973–1974 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 1973–1974 season;
- (b) that is of the Gamut, Gatcher, Spica, Tarsa, Timgalen, Windebri or Winglen variety;
- (c)

Wheat Quotas.

- (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”, 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); and
- (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) 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 that land and are joint tenants or tenants in common on that land;

(e)

Wheat Quotas.

- (e) are owners, as defined in paragraph (b), of that land and are joint lessees of that land; or
- (f) are owners, as defined in paragraph (c), 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;

“1973–1974 quota” means 1973–1974 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

Wheat Quotas.

where that person, pursuant to that agreement, sowed wheat on or before 30th September, 1973, for harvesting in the 1973–1974 season on the land to which the agreement relates;

“sharefarming agreement” means an agreement of the nature referred to in the definition of “sharefarmer” in this section made between a sharefarmer and the owner of any land to whom a 1973–1974 quota is allocated;

“the 1973–1974 season” means the year that commenced on 1st October, 1973;

“wheatgrower” means a person who, on or before 30th September, 1973, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1973–1974 season.

PART II.

QUOTAS FOR THE 1973–1974 SEASON.

DIVISION 1.—1973–1974 *Quotas.*

Calcula-
tion and
alloca-
tion of
1973–1974
quotas.

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

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

(2) Subject to section 12, the Grain Elevators Board shall allocate to a prescribed person a 1973–1974 quota calculated in accordance with the formula specified in subsection (3).

(3)

Wheat Quotas.

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

$$A = B + \frac{B}{3}$$

where—

“A” represents the quantity in bushels of wheat which is the 1973–1974 quota to be allocated to a prescribed person; and

“B” represents the quantity in bushels of wheat which is the basic quota allocated to that person.

DIVISION 2.—1973–1974 Northern Prime Hard Quotas.

6. Where a person—

(a) is entitled to a 1973–1974 quota pursuant to section 5 (2); and

(b) has been allocated storage space during the 1973–1974 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule,

Calcula-
tion and
alloca-
tion of
1973–1974
northern
prime hard
quotas.

the Grain Elevators Board shall allocate to that person a 1973–1974 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 1973–1974 quota under section 5 (2) 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 during the 1973–1974 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 1973–1974 northern prime hard quota.

Alloca-
tion of
additional
1973–1974
northern
prime hard
quotas.

DIVISION

Wheat Quotas.

DIVISION 3.—1973–1974 *Durum Quotas.*

Calcula-
tion and
alloca-
tion of
1973–1974
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 1973–1974 durum quota.

(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.

PART III.**SHAREFARMERS.**

Quota
authority
to include
name of
share-
farmer.

9. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1973–1974 quota or a 1973–1974 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 instead of to the allottee.

Wheat Quotas.

10. (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1973–1974 quota or, as the case may be, the 1973–1974 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and the other 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.

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

(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 1973–1974 quotas or, as the case may require, 1973–1974 northern prime hard quotas, to the allottee and the other parties to the sharefarming agreement in such manner and for such quantities not exceeding in the aggregate the quantity of the cancelled quota, as it thinks fit.

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

PART IV.**MISCELLANEOUS.**

11. The Grain Elevators Board may refuse to allocate a 1973–1974 quota or a 1973–1974 northern prime hard quota, or may allocate a reduced 1973–1974 quota or a reduced 1973–1974 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

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

12.

Wheat Quotas.

Quota may
be cancelled.

12. Where, after the Grain Elevators Board has allocated a 1973–1974 quota or a 1973–1974 northern prime hard quota to a person, that Board is satisfied—

- (a) that the basic quota held by that person was calculated incorrectly;
- (b) that that person was, under a law of another State, allocated a quota of a kind that, in the opinion of the Grain Elevators Board, is equivalent to a basic quota;
- (c) that the basic quotas held by that person and another person or other persons were calculated by reference, wholly or partly, to the same wheat delivered to the Board in any of the relevant seasons or sown for harvesting in the 1969–1970 season; or
- (d) that the 1973–1974 quota, or the 1973–1974 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1973–1974 quota or his 1973–1974 northern prime hard quota and if it thinks fit allocate to him another 1973–1974 quota or 1973–1974 northern prime hard quota for such quantity of wheat as it thinks fit.

Transfer
of certain
quotas.

13. Where a person has been allocated a 1973–1974 quota, a 1973–1974 northern prime hard quota or a 1973–1974 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1973–1974 quota, 1973–1974 northern prime hard quota or 1973–1974 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
1973–1974
quotas
where
wheat cannot
be
delivered.

14. (1) Where a person to whom a 1973–1974 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 1973–1974 quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973–1974 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1973–1974 quota the Grain Elevators Board shall cancel that person's 1973–1974 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973–1974 quota has been allocated will be able to deliver to the Board wheat as part of his 1973–1974 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973–1974 quota to that quantity.

15. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1973–1974 quotas will be less than 177,000,000 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 1973–1974 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 1973–1974 quotas as the Minister may determine and so notify.

16. (1) Where a person to whom a 1973–1974 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 1973–1974 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 1973–1974 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 1973–1974 northern prime hard quota has been allocated

Wheat Quotas.

allocated will be unable to deliver to the Board any northern prime hard wheat as, or as part of, his 1973-1974 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1973-1974 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 1973-1974 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1973-1974 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 northern prime hard quota to that quantity.

Allocation of short fall of wheat under 1973-1974 northern prime hard quotas.

17. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which may be delivered pursuant to all 1973-1974 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 1973-1974 northern prime hard quotas as the Minister may determine and so notify.

Reduction of 1973-1974 northern prime hard quotas where State quota exceeded.

18. Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1973-1974 northern prime hard quotas have been allocated exceeds 14,000,000 bushels, the Grain Elevators Board shall reduce all the 1973-1974 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 the Grain Elevators Board.

19.

Wheat Quotas.

19. (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1973-1974 durum quota, the Grain Elevators Board shall cancel that person's 1973-1974 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1973-1974 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 durum quota to that quantity.

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 quota, a 1973-1974 northern prime hard

Quotas allocated before commencement of Act.

Wheat Quotas.

hard quota or a 1973-1974 durum quota to any person, the quota so allocated or which purports to have been so allocated, shall be deemed to have been allocated to that person under this Act.

(2) The Grain Elevators Board—

- (a) shall, in the case of a person to whom a 1973-1974 quota is allocated by that Board; or
- (b) may, in the case of a person to whom a 1973-1974 northern prime hard quota is allocated by that Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1973-1974 quota or 1973-1974 northern prime hard quota, as the case may be.

(3) The Grain Elevators Board may, in the case of a person to whom a 1973-1974 durum quota is allocated by that Board, forward to that person a quota authority.

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 its stead.

(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)

Wheat Quotas.

(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 1973–1974 quota if the quota authority in respect of that wheat is not presented to that Board at the time of delivery;
- (b) shall refuse to accept delivery of any wheat as being part of a 1973–1974 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; 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 1973–1974 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.

Wheat Quotas.

Allocation
of increased
1973-1974
quotas
where State
quota
increased.

24. (1) Where the quantity of wheat of the 1973-1974 season delivered to the Board exceeds 193,000,000 bushels, the Grain Elevators Board may, with the approval of the Minister, increase a 1973-1974 quota allocated to any person.

(2) The Grain Elevators Board shall comply with any directions given to it by the Minister in connection with the allocation of increased quotas under subsection (1).

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

25. (1) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota is increased, reduced or cancelled under this Act the person to whom the 1973-1974 quota or 1973-1974 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

(2) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1973-1974 quota or a 1973-1974 northern prime hard quota, as the case may be, equal to that specified quantity.

1973-1974
quota not
to be
allocated
to certain
persons.

26. A 1973-1974 quota shall not be allocated to—

- (a) a person in respect of wheat sown for harvesting in the 1973-1974 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) 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 1973-1974 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

Wheat Quotas.

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 1973-1974 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 1973-1974 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. (1) No proceeding for an injunction or for a judgment or order commanding the doing of an act or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act. Decisions of Minister, etc., to be final.

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

Wheat Quotas.

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.

Amendment of Act No. 53, 1969.
Sec. 39.

(Allocation and cancellation of basic quotas in special cases.)

34. The Wheat Quotas Act, 1969, is amended by inserting at the end of section 39 the following new subsection :—

(2) The Grain Elevators Board may, upon a request made to it in writing by a person to whom a basic quota has been allocated or by his personal representative, cancel the basic quota allocated to that person.

SCHEDULE.

Wheat Quotas.

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

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1974

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

By JOHN BURNET
Esq. of Edinburgh
Author of the History of the
Reformation in Scotland
London Printed and Sold by
J. B. R. 1704

Printed by J. B. R. 1704
In the Strand near St. Dunstons Church
By J. B. R. 1704

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, 13 December, 1973.*

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 89, 1973.

An Act to provide for the allocation of quotas in respect of wheat of the 1973–1974 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1968; to amend the Wheat Quotas Act, 1969; and for purposes connected therewith. [Assented to, 20th December, 1973.]

BE

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

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Wheat Quotas.

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

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Wheat Quotas Act, 1973".

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

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

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—QUOTAS FOR THE 1973-1974 SEASON—*ss.*
5-8.

DIVISION 1.—1973-1974 *Quotas*—*s.* 5.

DIVISION 2.—1973-1974 *Northern Prime Hard*
Quotas—*ss.* 6, 7.

DIVISION 3.—1973-1974 *Durum Quotas*—*s.* 8.

PART III.—SHAREFARMERS—*ss.* 9, 10.

PART IV.—MISCELLANEOUS—*ss.* 11-34.

SCHEDULE.

Wheat Quotas.

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 that has not been cancelled;

“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 1973–1974 season;

“1973–1974 durum quota” means 1973–1974 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 1973–1974 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;

“1973–1974 northern prime hard quota” means 1973–1974 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 1973–1974 season;
- (b) that is of the Gamut, Gatcher, Spica, Tarsa, Tingalen, Windebri or Winglen variety;

(c)

Wheat Quotas.

- (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”, 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); and
- (c) a licensee, other than a sharefarmer, under a licence that was granted by an owner as defined in paragraph (a) or (b) 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 that land and are joint tenants or tenants in common on that land;

(e)

Wheat Quotas.

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

(f) are owners, as defined in paragraph (c), 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;

“1973–1974 quota” means 1973–1974 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

Wheat Quotas.

where that person, pursuant to that agreement, sowed wheat on or before 30th September, 1973, for harvesting in the 1973–1974 season on the land to which the agreement relates;

“sharefarming agreement” means an agreement of the nature referred to in the definition of “sharefarmer” in this section made between a sharefarmer and the owner of any land to whom a 1973–1974 quota is allocated;

“the 1973–1974 season” means the year that commenced on 1st October, 1973;

“wheatgrower” means a person who, on or before 30th September, 1973, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1973–1974 season.

PART II.
QUOTAS FOR THE 1973–1974 SEASON.
DIVISION 1.—1973–1974 Quotas.

Calcula-
tion and
alloca-
tion of
1973–1974
quotas.

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

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

(2) Subject to section 12, the Grain Elevators Board shall allocate to a prescribed person a 1973–1974 quota calculated in accordance with the formula specified in subsection (3).

(3)

Wheat Quotas.

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

$$A = B + \frac{B}{3}$$

where—

“A” represents the quantity in bushels of wheat which is the 1973–1974 quota to be allocated to a prescribed person; and

“B” represents the quantity in bushels of wheat which is the basic quota allocated to that person.

DIVISION 2.—1973–1974 Northern Prime Hard Quotas.

6. Where a person—

(a) is entitled to a 1973–1974 quota pursuant to section 5 (2); and

(b) has been allocated storage space during the 1973–1974 season at the elevators and other works of the Grain Elevators Board situated at any of the places specified in the Schedule,

Calcula-
tion and
alloca-
tion of
1973–1974
northern
prime hard
quotas.

the Grain Elevators Board shall allocate to that person a 1973–1974 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 1973–1974 quota under section 5 (2) 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 during the 1973–1974 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 1973–1974 northern prime hard quota.

Alloca-
tion of
additional
1973–1974
northern
prime hard
quotas.

DIVISION

Wheat Quotas.

 DIVISION 3.—1973–1974 *Durum Quotas.*

Calcula-
tion and
alloca-
tion of
1973–1974
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 1973–1974 durum quota.

(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.

 PART III.

SHAREFARMERS.

Quota
authority
to include
name of
share-
farmer.

9. Where the Grain Elevators Board is aware that a person to whom it has allocated a 1973–1974 quota or a 1973–1974 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 instead of to the allottee.

10.

Wheat Quotas.

10. (1) Where the Grain Elevators Board is aware that an allottee who is a party to a sharefarming agreement is in dispute with any other party to the agreement as to the manner in which the 1973-1974 quota or, as the case may be, the 1973-1974 northern prime hard quota, allocated to the allottee is to be apportioned among the allottee and the other 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.

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

(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 1973-1974 quotas or, as the case may require, 1973-1974 northern prime hard quotas, to the allottee and the other parties to the sharefarming agreement in such manner and for such quantities not exceeding in the aggregate the quantity of the cancelled quota, as it thinks fit.

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

PART IV.

MISCELLANEOUS.

11. The Grain Elevators Board may refuse to allocate a 1973-1974 quota or a 1973-1974 northern prime hard quota, or may allocate a reduced 1973-1974 quota or a reduced 1973-1974 northern prime hard quota, to a person who, in the opinion of that Board—

Issue of quota is discretionary in certain circumstances.

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

12.

Wheat Quotas.

Quota may
be cancelled.

12. Where, after the Grain Elevators Board has allocated a 1973–1974 quota or a 1973–1974 northern prime hard quota to a person, that Board is satisfied—

- (a) that the basic quota held by that person was calculated incorrectly;
- (b) that that person was, under a law of another State, allocated a quota of a kind that, in the opinion of the Grain Elevators Board, is equivalent to a basic quota;
- (c) that the basic quotas held by that person and another person or other persons were calculated by reference, wholly or partly, to the same wheat delivered to the Board in any of the relevant seasons or sown for harvesting in the 1969–1970 season; or
- (d) that the 1973–1974 quota, or the 1973–1974 northern prime hard quota, allocated to that person was calculated incorrectly,

the Grain Elevators Board may cancel that person's 1973–1974 quota or his 1973–1974 northern prime hard quota and if it thinks fit allocate to him another 1973–1974 quota or 1973–1974 northern prime hard quota for such quantity of wheat as it thinks fit.

Transfer
of certain
quotas.

13. Where a person has been allocated a 1973–1974 quota, a 1973–1974 northern prime hard quota or a 1973–1974 durum quota, the Grain Elevators Board may, on the application of that person or his personal representative, cancel that person's 1973–1974 quota, 1973–1974 northern prime hard quota or 1973–1974 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
1973–1974
quotas
where
wheat can-
not be
delivered.

14. (1) Where a person to whom a 1973–1974 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 1973–1974 quota he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the quantity that he is or will be unable so to deliver.

(2)

Wheat Quotas.

(2) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 quota has been allocated will be unable to deliver to the Board any wheat as, or as part of, his 1973-1974 quota the Grain Elevators Board shall cancel that person's 1973-1974 quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 quota has been allocated will be able to deliver to the Board wheat as part of his 1973-1974 quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 quota to that quantity.

15. (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all 1973-1974 quotas will be less than 177,000,000 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 1973-1974 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 1973-1974 quotas as the Minister may determine and so notify.

16. (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 northern prime hard quota has been allocated

Wheat Quotas.

allocated will be unable to deliver to the Board any northern prime hard wheat as, or as part of, his 1973-1974 northern prime hard quota, the Grain Elevators Board shall cancel that person's 1973-1974 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 1973-1974 northern prime hard quota has been allocated will be able to deliver to the Board northern prime hard wheat as part of his 1973-1974 northern prime hard quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 northern prime hard quota to that quantity.

Allocation
of short
fall of
wheat
under
1973-1974
northern
prime hard
quotas.

17. (1) Where the Grain Elevators Board is of the opinion that the quantity of northern prime hard wheat which may be delivered pursuant to all 1973-1974 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 1973-1974 northern prime hard quotas as the Minister may determine and so notify.

Reduction of
1973-1974
northern
prime hard
quotas
where
State
quota
exceeded.

18. Where the Grain Elevators Board determines that the total quantity of northern prime hard wheat in respect of which 1973-1974 northern prime hard quotas have been allocated exceeds 14,000,000 bushels, the Grain Elevators Board shall reduce all the 1973-1974 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 the Grain Elevators Board.

19.

Wheat Quotas.

19. (1) Where a person to whom a 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 durum quota has been allocated will be unable to deliver to the Board any durum wheat as, or as part of, his 1973-1974 durum quota, the Grain Elevators Board shall cancel that person's 1973-1974 durum quota.

(3) Where the Grain Elevators Board is of the opinion from any information in its possession that a person to whom a 1973-1974 durum quota has been allocated will be able to deliver to the Board durum wheat as part of his 1973-1974 durum quota but in a quantity less than that quota, the Grain Elevators Board shall reduce that person's 1973-1974 durum quota to that quantity.

20. (1) Where the Grain Elevators Board is of the opinion that the quantity of durum wheat which may be delivered pursuant to all 1973-1974 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 1973-1974 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 1973-1974 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 1973-1974 quota, a 1973-1974 northern prime hard

Quotas allocated before commencement of Act.

Wheat Quotas.

hard quota or a 1973-1974 durum quota to any person, the quota so allocated or which purports to have been so allocated, shall be deemed to have been allocated to that person under this Act.

(2) The Grain Elevators Board—

- (a) shall, in the case of a person to whom a 1973-1974 quota is allocated by that Board; or
- (b) may, in the case of a person to whom a 1973-1974 northern prime hard quota is allocated by that Board,

forward to that person a book, in this Act referred to as a quota authority, in which shall be specified that person's 1973-1974 quota or 1973-1974 northern prime hard quota, as the case may be.

(3) The Grain Elevators Board may, in the case of a person to whom a 1973-1974 durum quota is allocated by that Board, forward to that person a quota authority.

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 its stead.

(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)

Wheat Quotas.

(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 1973–1974 quota if the quota authority in respect of that wheat is not presented to that Board at the time of delivery;
- (b) shall refuse to accept delivery of any wheat as being part of a 1973–1974 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; 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 1973–1974 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.

Wheat Quotas.

Allocation
of increased
1973-1974
quotas
where State
quota
increased.

24. (1) Where the quantity of wheat of the 1973-1974 season delivered to the Board exceeds 193,000,000 bushels, the Grain Elevators Board may, with the approval of the Minister, increase a 1973-1974 quota allocated to any person.

(2) The Grain Elevators Board shall comply with any directions given to it by the Minister in connection with the allocation of increased quotas under subsection (1).

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

25. (1) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota is increased, reduced or cancelled under this Act the person to whom the 1973-1974 quota or 1973-1974 northern prime hard quota, as the case may be, was allocated shall within seven days after being required to do so by the Grain Elevators Board lodge with that Board any quota authority issued to him.

(2) Where a 1973-1974 quota or a 1973-1974 northern prime hard quota allocated to any person is increased or reduced to a specified quantity pursuant to any of the provisions of this Act, that person shall, for the purposes of this Act, be deemed to have been allocated a 1973-1974 quota or a 1973-1974 northern prime hard quota, as the case may be, equal to that specified quantity.

1973-1974
quota not
to be
allocated
to certain
persons.

26. A 1973-1974 quota shall not be allocated to—

- (a) a person in respect of wheat sown for harvesting in the 1973-1974 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) 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 1973-1974 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

27.

Wheat Quotas.

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 1973-1974 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 1973-1974 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. (1) No proceeding for an injunction or for a judgment or order commanding the doing of an act or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, notification, proceeding or direction of, the Minister or the Grain Elevators Board relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act. Decisions of Minister, etc., to be final.

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

Wheat Quotas.

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.

Amendment of Act No. 53, 1969. **34.** The Wheat Quotas Act, 1969, is amended by inserting at the end of section 39 the following new subsection :—

Sec. 39.
(Allocation and cancellation of basic quotas in special cases.)

(2) The Grain Elevators Board may, upon a request made to it in writing by a person to whom a basic quota has been allocated or by his personal representative, cancel the basic quota allocated to that person.

SCHEDULE.

Wheat Quotas.

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	Premer
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, 20th December, 1973.*

