

WHEAT GROWERS RELIEF ACT.

Act No. 9, 1936.

Edward VIII, An Act to provide for the application of certain moneys paid to the State by the Commonwealth of Australia for the relief of wheat growers pursuant to the Wheat Growers Relief Act, 1936, of the Parliament of the Commonwealth of Australia; to amend the Farmers' Relief Act, 1932-1935, and certain other Acts; and for purposes connected therewith. [Assented to, 8th April, 1936.]

BE it enacted by the King'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:—

Short title.

1. (1) This Act may be cited as the "Wheat Growers Relief Act, 1936."

Commencement.

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

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

“Person” includes a firm or corporation.

“Prescribed authority” means the prescribed authority of the State of New South Wales prescribed under the Wheat Growers Relief Act, 1936, of the Parliament of the Commonwealth of Australia.

“Regulations” means regulations made under this Act.

“Wheat grower” means any person who has sown wheat for the production of grain during the year one thousand nine hundred and thirty-five.

3. (1) Any moneys paid to the State by the Commonwealth, in pursuance of the Wheat Growers Relief Act, 1936, of the Parliament of the Commonwealth of Australia, shall be carried to a Special Account in the Treasury to be called the “Wheat Growers Relief 1936 Account,” and all moneys at credit of that account shall be applied in providing relief to wheat growers in such manner as is prescribed by the regulations.

(2) Where by reason of the absence or uncertainty of information, it is impossible or impracticable for the prescribed authority to ascertain, in accordance with the regulations, the basis upon which payment is to be made to any wheat grower, the prescribed authority may determine such basis and such determination shall be final and conclusive.

4. Where—

(a) any person—

(i) is the legal personal representative of a person (since deceased); or

(ii) is the trustee of the estate of a person, who has, during the year one thousand nine hundred and thirty-five, sown wheat for grain; or

(b) any person, being the legal personal representative of a deceased person or a trustee has, during that year, sown wheat for grain on account of the estate of the deceased person or of the trust estate,

any amount payable under this Act in respect of the wheat so sown shall, notwithstanding anything contained

Executors
and
trustees.

in

No. 9, 1936.**Payment to
be made
only to a
wheat
grower.****Closing date
for receipt
of applica-
tions for
assistance.****Share-
farmers.****Applications
for
assistance.****Offences.**

in this Act, be paid to the legal personal representative or trustee on account of the estate of the deceased person or of the trust estate, as the case may be.

5. Subject to the provisions of section four of this Act, any amount due and payable to a wheat grower under this Act shall not be paid to any person other than the wheat grower.

6. The prescribed authority may fix a date after which applications from wheat growers for assistance under this Act will not be received. The date so fixed shall be notified by the prescribed authority in the Government Gazette and in one or more newspapers.

7. (1) Any amount payable under this Act in respect of any wheat which is sown for grain in pursuance of a share-farming agreement shall be divided between the parties to that agreement in proportion to their respective interests under the agreement in the wheat or the proceeds thereof:

Provided that, where the agreement provides for the division of the wheat or the proceeds thereof between the parties to the agreement on other than a proportionate basis, the amount payable under this Act shall be divided between the parties in such manner as is determined in each case by the prescribed authority.

(2) For the purposes of this section, wheat shall not be deemed to be sown in pursuance of a share-farming agreement unless two or more persons agree to contribute towards the sowing of the wheat by the provision of either land, labour, material or plant and to divide among them the proceeds of the wheat so sown.

8. Applications for assistance under this Act shall be made in such manner and in or to the effect of such form as may be prescribed, and shall be verified by a statutory declaration in or to the effect of the prescribed form.

9. Any person who—

- (a) obtains or attempts to obtain any assistance under this Act to which he is not entitled; or
- (b) makes any statement in any application for assistance under this Act which is false or misleading in any material particular,

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding two hundred pounds.

(2)

No. 9, 1936.

(2) Where any person has been convicted of an offence against subsection one of this section he shall forfeit all right to any assistance under this Act, and

- (a) where any amount has been paid to him as assistance under this Act he shall forthwith repay such amount to the prescribed authority, and if he neglects or fails so to do such amount may be recovered as a debt by the prescribed authority in any court of competent jurisdiction;
- (b) where no amount has been paid to him as assistance under this Act his application for assistance shall be rejected.

10. (1) The prescribed authority or any person there-to authorised in writing by the prescribed authority may by notice in writing call upon any person to furnish to the prescribed authority or such authorised person, within such time as is specified in the notice, such books and documents and such information as the prescribed authority or such authorised person thinks necessary in relation to compliance with this Act or the regulations or any suspected contravention thereof.

Any such notice may be given to the person to whom it is addressed, personally or by registered letter sent through the post to his last known place of abode or business in New South Wales.

(2) Any person who without reasonable excuse (proof whereof shall lie upon him) fails, after receipt of a notice under subsection one of this section, to comply with the requirements of the notice shall be guilty of an offence and shall be liable upon summary conviction to a penalty not exceeding one hundred pounds.

(3) Where the person who has so failed to furnish the books, documents or information is an applicant for assistance under this Act payment of any amount payable to him as assistance may be withheld until he has furnished the required books, documents or information, or at the discretion of the prescribed authority, his application for assistance may be rejected.

11. Notwithstanding anything in the Census Act, 1901, the Government Statistician may supply to the prescribed authority such information as may be in his possession.

Power to
call for
information.
cf. Act No.
60, 1934
(Common-
wealth),
s. 8.

Government
Statistician
may supply
information.
Act No. 60,
1932, s. 4.

possession which may assist in the application of the moneys carried to the Wheat Growers Relief 1936 Account in accordance with this Act.

Cost of administration.

Special provisions relating to the Rural Bank of New South Wales.

Recovery of penalties.

Regulations.

12. The cost of administration of this Act shall be paid out of moneys provided by Parliament.

13. If the Rural Bank of New South Wales is the prescribed authority, the powers, authorities, duties and functions conferred or imposed upon the prescribed authority by or under this Act shall be exercised and performed by that Bank by and through its Rural Industries Agency.

14. Any prosecution for an offence against this Act or the regulations may be heard and determined in a summary manner by two or more justices or by a police or stipendiary magistrate.

15. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act; and in particular and without prejudice to the generality of the foregoing power the Governor may prescribe—

- (a) the manner of making applications for assistance under this Act, and the person with whom such applications shall be lodged;
- (b) the forms required under this Act;
- (c) the manner in which the moneys at credit of the Wheat Growers Relief 1936 Account shall be applied in providing relief to wheat growers.

(2) Such regulations may prescribe a penalty not exceeding fifty pounds for any breach thereof.

(3) Such regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication or from a later date to be specified therein; and
- (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of

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

16. The Farmers' Relief Act, 1932-1935, is amended by inserting next after section 33D the following new section:—

33E. The property and interest of any farmer in any moneys received by him and of moneys granted to the State of New South Wales under the Wheat Growers Relief Act, 1936, of the Parliament of the Commonwealth of Australia and applied by that State in accordance with that Act and the Wheat Growers Relief Act, 1936, of the Parliament of the said State, in providing relief to him as a wheat grower, shall be unaffected by this Act.

Amendment
of Act No.
23, 1932.

New s. 33E.

Payments
under
Wheat
Growers
Relief Acts
(Common-
wealth and
State)
protected.