

WHEAT INDUSTRY STABILIZATION ACT.

Act No. 32, 1938.

George V.
No. 32, 1938.

An Act to provide for the application of certain moneys paid to the State by the Commonwealth of Australia for the provision of assistance to the wheat industry; to provide for the application of certain moneys collected under the provisions of the Flour Acquisition Act, 1931-1935; and for purposes connected therewith. [Assented to, 14th December, 1938.]

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 Industry Stabilization Act, 1938."

Commence-
ment.

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

Definitions.

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

"Commonwealth Act" means the Wheat Industry Assistance Act, 1938, of the Parliament of the Commonwealth of Australia.

"Person" includes any body of persons corporate or unincorporate.

"Prescribed"

"Prescribed" means prescribed by this Act or by the regulations. No. 32, 1933.

"Regulations" means regulations made under this Act.

"Special Account" means the Wheat Industry Stabilization Account established under section three of this Act.

3. All moneys paid to the State by the Commonwealth in pursuance of the Commonwealth Act shall be carried to a special account in the Treasury to be called the "Wheat Industry Stabilization Account." Such moneys shall be applied and distributed within the State in accordance with the conditions subject to which the moneys are so paid to the State and not otherwise. Application of moneys paid by the Commonwealth to the State.

4. (1) Applications for payments out of the special account shall be made to the prescribed authority and shall be in or to the effect of the prescribed form. Payment to wheat-growers.

(2) A payment from the special account shall not be made unless the prescribed conditions have been complied with and any information required under this Act has been furnished by the applicant.

(3) Any amount payable under this Act to a wheat-grower shall not be paid to any person other than the wheatgrower or the trustee of his estate or, where the wheatgrower is dead, to his legal personal representative.

5. The Rural Bank of New South Wales through its Rural Industries Agency shall be the prescribed authority for the purposes of this Act. Appointment of prescribed authority.

6. For the purpose of augmenting the moneys in the special account, such sum or sums as may from time to time be fixed by the Governor shall be transferred to that account from the moneys at credit of the Flour Acquisition Act No. 10, 1931, Account in Special Deposits Account. Any sum transferred under this section shall be applied and distributed in accordance with the conditions subject to which moneys are paid to the State by the Commonwealth pursuant to subsection one of section seven of the Commonwealth Act. Transfer and application of certain moneys derived under Flour Acquisition Act, 1931. cf. Act No. 60, 1932, s. 3.

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Government
Statistician
may supply
information.cf. Act No.
9, 1936, s. 11.

7. Notwithstanding anything in the Census Act, 1901, the Government Statistician may supply to the prescribed authority such information as may be in his possession which may assist in the application and distribution of the moneys in the special account in accordance with this Act.

Power to
call for
information.cf. *Ibid.*
s. 10.

8. (1) The prescribed authority or any person thereto 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 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 to a penalty not exceeding two hundred pounds.

Offences.

cf. *Ibid.*
s. 9.

9. (1) Any person who—

- (a) obtains or attempts to obtain payment of any moneys from the special account to which he is not entitled;
- (b) makes any statement in any application under this Act which is false or misleading in any material particular,

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

(2) Where any person has been convicted of an offence against subsection one of this section he shall be liable to forfeit all moneys which would otherwise be payable to him from the special account.

(3)

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(3) Where any amount has been paid from the special account to any person who is not entitled thereto, he shall forthwith repay such amount to the prescribed authority and, if he fails so to do, such amount may be recovered by the prescribed authority as a debt in any court of competent jurisdiction.

10. (1) Any person contravening any of the provisions of this Act or the regulations where no penalty is expressly provided shall be liable to a penalty not exceeding one hundred pounds. Penalties.

(2) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a Stipendiary or Police Magistrate.

11. (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— Regulations.

- (a) prescribe the manner of making applications under this Act;
- (b) require information to be furnished by applicants in respect of their applications;
- (c) require applications made and information furnished to be verified by statutory declarations;
- (d) prescribe the forms required under this Act;
- (e) prescribe the time within which applications shall be lodged;
- (f) prescribe the basis of payment under this Act to wheatgrowers who are parties to a share-farming agreement.

(2) 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;

(iii)

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- (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 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.
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