

# WHEAT INDUSTRY STABILISATION ACT.

Act No. 46, 1948.

An Act to make certain provisions in relation to the stabilisation of the wheat industry; and for purposes connected therewith. [Assented to, 24th December, 1948.]

George VI.  
No. 46, 1948

**B**E 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:—

## PART I.

### PRELIMINARY.

**1.** (1) This Act may be cited as the "Wheat Industry Stabilisation Act, 1948."

Short title,  
commence-  
ment,  
and division  
into Parts.

(2) Subject to subsection three of this section this Act shall be deemed to have come into operation on the day on which the Commonwealth Act received the Royal Assent.

(3) An act or omission which occurred before the date on which this Act received the Royal Assent shall not be deemed to be an offence against this Act.

(4) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—STATE WHEAT COMMITTEE.

PART III.—MARKETING OF WHEAT.

PART

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**PART IV.—GROWING OF WHEAT IN SOUTH WEST  
MARGINAL WHEAT AREA.****PART V.—MISCELLANEOUS.****SCHEDULE.**Construc-  
tion.

**2.** This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

Defini-  
tions.

**3.** In this Act, unless the context or subject matter otherwise indicates or requires:—

“licensed receiver” means a person, firm, company or State authority licensed by the Board to receive wheat on behalf of the Board;

“season” in relation to wheat, means the period of twelve months, commencing on the first day of October in any year, during which the wheat was harvested;

“the Commonwealth Act” means the Wheat Industry Stabilization Act 1948 of the Commonwealth of Australia;

“the Board” means the Australian Wheat Board constituted by the Commonwealth Act;

“the guaranteed price” in relation to wheat of any season, means the guaranteed price in relation to wheat of that season ascertained in accordance with the Commonwealth Act.

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**PART II.****STATE WHEAT COMMITTEE.**Appoint-  
ment of  
State  
Wheat  
Committee.

**4.** (1) There shall be a State Wheat Committee in this Part of this Act referred to as “the Committee”.

(2) The Committee shall consist of seven members appointed by the Governor.

Of

Of the members so appointed—

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- (a) four shall be elected by wheatgrowers in New South Wales; and
- (b) three shall be nominated by the Minister.

One of the members referred to in paragraph (b) of this subsection shall in and by the instrument of his appointment be the Chairman of the Committee.

(3) The Governor may by regulations make all necessary provision for and regulating the conduct of elections of the elected members of the Committee and without limiting the generality of the foregoing power such regulations may provide for—

- (a) the system of voting;
- (b) the qualification of voters and candidates for election;
- (c) the compilation and revision of rolls of wheat-growers entitled to vote at elections;
- (d) the division of the State into electoral districts and the fixing of the number of members to represent each such district.

**5.** The elected members of the Committee shall, subject to this Act, hold office for a period of three years from the date of their appointment and if otherwise qualified shall be eligible for re-election.

Term of office.

The nominated members shall hold office during the pleasure of the Governor.

**6.** (1) The office of an elected member shall become vacant by reason of his—

Vacancies in offices of elected members.

- (a) death or resignation;
- (b) absence from three consecutive meetings of the Committee without the leave of the Committee;
- (c) becoming an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1947;
- (d) becoming bankrupt, compounding with his creditors or making any assignment of his estate for their benefit.

The Governor may, for any cause which appears to him to be sufficient, remove any elected member from office.

**No. 46, 1948.** (2) In the event of the office of an elected member becoming vacant more than six months before the expiration of his term of office but not otherwise, an election shall be held to fill the vacancy for the remainder of the term of office. If the member whose office has become vacant was elected by the wheatgrowers of a particular electoral district, the election to fill the vacancy in his office shall be in respect of that electoral district.

**Powers of  
Committee.**

**7.** (1) The Committee shall—

- (a) nominate from among its elected members persons for appointment to the Board as representatives of the wheatgrowers of New South Wales. Nominations shall before being submitted to the appropriate Minister of State for the Commonwealth be approved of by the Minister;
- (b) consider and advise the Minister on matters relating to or affecting the wheat industry.

(2) (a) The Committee may act as an agent of the Board.

(b) Nothing in this Part of this Act shall be deemed to constitute the Committee a State authority for the purposes of this Act.

(3) No act or proceeding of the Committee shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any member.

(4) Members of the Committee, other than officers of the Public Service, shall be paid such remuneration as may be prescribed by regulations made by the Governor and each member shall be entitled to be paid expenses at rates so prescribed.

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### PART III.

#### MARKETING OF WHEAT.

**Licensed  
receivers.**

**8.** (1) Subject to this section the Board may license, subject to such conditions as are specified in the license, any person, firm, company or State authority to receive wheat on behalf of the Board and may cancel or suspend any such license. (2)

(2) (a) The Manager of the Government Grain Elevators shall be entitled to a license under this section. No. 46, 1948.

(b) The powers conferred on the Manager of the Government Grain Elevators by or under the Wheat Act, 1927, shall not be abridged or affected by the conditions of such license.

(3) As from a day to be appointed by the Governor and notified by proclamation published in the Gazette—

- (a) all licenses issued under this section (other than the license issued to the Manager of the Government Grain Elevators) and in force in this State shall be deemed to be cancelled;
- (b) all wheat to be delivered to the Board in this State shall be delivered to the Manager of the Government Grain Elevators as the sole licensed receiver of wheat on behalf of the Board in this State.

(4) The remuneration payable to the Manager of the Government Grain Elevators as a licensed receiver shall be as agreed between the Minister and the appropriate Minister of State for the Commonwealth.

9. The Board may, subject to the directions of the Minister administering the Commonwealth Act— Powers of Board.

- (a) purchase or otherwise acquire any wheat, wheaten flour, semolina, corn sacks, jute or jute products;
- (b) sell or dispose of any wheat, wheaten flour, semolina, corn sacks, jute or jute products purchased or otherwise acquired by the Board;
- (c) grist or arrange for the gristing of any wheat, and sell or otherwise dispose of the products of the gristing;
- (d) manage and control all matters connected with the handling, storage, protection, treatment, transfer or shipment of any wheat or other things purchased or otherwise acquired by the Board or sold or disposed of by the Board:

Provided that the exercise of this power shall be subject in all respects to the provisions of the Wheat Act, 1927, and the regulations thereunder with

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with respect to the conditions under which wheat is received for storage in the Government Grain Elevators; and

- (e) do all matters which it is required by this Act to do or which are necessary or convenient to be done by the Board for giving effect to this Act.

Existing Board to act until Board constituted.

**10.** (1) The Board shall commence to perform its functions under this Act on the date fixed under the Commonwealth Act as the date on which the Board shall commence to perform its functions under that Act.

(2) Until the date so fixed, the Australian Wheat Board established under the National Security (Wheat Acquisition) Regulations of the Commonwealth shall have all the functions of the Board under this Act, and any reference in this Act to the Board shall be read as a reference to the Board established under those Regulations.

(3) For the purposes of the assumption by the Board of its functions under this Act, upon the cessation of their temporary performance and exercise by the Australian Wheat Board established by the National Security (Wheat Acquisition) Regulations, on and after the date referred to in subsection one of this section—

- (a) all things previously done under this Act by or in relation to the Australian Wheat Board so established shall, for the purposes of this Act, be deemed to have been done by or in relation to the Board;
- (b) all property, rights, obligations and liabilities which, immediately prior to that date, were, by or in pursuance of this Act, vested in, or imposed on, the Australian Wheat Board so established shall, by force of this Act, be vested in or imposed on the Board;
- (c) all legal proceedings instituted in relation to this Act by or against the Australian Wheat Board so established and pending or incomplete immediately prior to that date may be continued or completed by or against the Board, and the Board shall be deemed to be substituted for the Australian Wheat Board so established as a party to those proceedings; and

(d)

- (d) in any contract, agreement or other instrument arising out of the operation of this Act to which the Australian Wheat Board so established was a party, any reference to that Board shall be read as a reference to the Board.

**11.** (1) Subject to this section a person who is in possession of wheat—

Delivery  
of wheat.

- (a) may deliver that wheat to the Board; and  
(b) shall deliver that wheat to the Board on demand made by or on behalf of the Board.

(2) Upon delivery of wheat to the Board under this section the wheat shall become the absolute property of the Board freed from all mortgages, charges, liens, pledges, interests and trusts affecting the wheat.

(3) A demand under this section may be made—

- (a) by notice in writing served personally on the person to whom it is addressed, or served on that person by registered post at his usual or last-known place of abode or business; or  
(b) by notice published in the Gazette, in which case it may be addressed to persons generally, or to persons included in a class of persons.

(4) Nothing in this section shall apply to—

- (a) wheat harvested in any season prior to the 1948-49 season;  
(b) wheat retained by the grower for use on the farm where it is grown;  
(c) wheat which has been sold by the Board;  
(d) wheat sold or delivered to any person with the approval of the Board; or  
(e) wheat the subject of trade, commerce or intercourse between States or required or intended by the owners thereof for the purpose of trade, commerce or intercourse between States.

(5) A person shall not—

- (a) refuse or fail to comply with a demand made under this section;  
(b) deliver to the Board wheat which has previously been sold by the Board.

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Any

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**No. 46, 1948.** Any person guilty of an offence against the provisions of this subsection shall be liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed calculated on the basis of the guaranteed price or imprisonment for six months or both.

(6) Delivery of wheat to the Board may be made by delivering or consigning the wheat to a licensed receiver.

(7) A person who delivers or consigns wheat to a licensed receiver shall, at the same time, furnish to the licensed receiver in writing the names and addresses of all persons known by him to have or to claim any interest in the wheat or in the payment to be made therefor, and all particulars known to him of those interests.

(8) Delivery or consignment before the date on which this Act received the Royal Assent to a person, firm, company or State authority who or which was, at the time of delivery or consignment, a licensed receiver under the Commonwealth Act of wheat other than wheat specified in subsection four of this section shall be deemed to have been delivery of that wheat to the Board in pursuance of this Act.

Unautho-  
rised  
dealings  
in wheat.

**12.** Except as provided in this Act, or with the consent of the Board, a person shall not—

- (a) part with the possession of or take into his possession any wheat which is the property of the Board; or
- (b) purport to sell or offer for sale or purport to purchase or offer to purchase (otherwise than from the Board) any wheat which is the property of the Board.

Any person guilty of an offence against the provisions of this section shall be liable to a penalty not exceeding thrice the value of the wheat in respect of which the offence is committed calculated on the basis of the guaranteed price or imprisonment for six months or both.

Price to be  
paid for  
wheat.

**13.** (1) The Board shall pay, in the manner and to the persons provided in the Commonwealth Act, for wheat delivered to it under this Act the amount determined in accordance with the Commonwealth Act

(2)

(2) The same rights (if any) shall exist against No. 46, 1948.  
 the person receiving an amount paid by the Board in accordance with this Act in respect of any wheat as would exist if the moneys so paid were the proceeds of a sale or purported sale of the wheat by him, and any such rights may be enforced by action in any court of competent jurisdiction.

(3) Payment in good faith by the Board of any moneys payable in accordance with this Act to the person appearing to the Board to be entitled to receive them shall discharge the Board from any further liability in respect of those moneys.

**14.** (1) A person who, after the latest prescribed date, delivers to a licensed receiver any wheat harvested prior to the latest prescribed date shall make and forward to the licensed receiver a declaration correctly stating the season during which that wheat was harvested. Declaration to be provided as to old season's wheat.

(2) For the purposes of this section "prescribed date" means the date which, in respect of each season, is declared under the Commonwealth Act by notice published in the Commonwealth Gazette to be the final date of that season.

**15.** (1) A member of the Police Force who is authorised by the Board or by the Chairman of the Board in that behalf may— Entry of premises, seizure of wheat, etc.

(a) at all reasonable times, enter any premises and inspect any stock of wheat or corn sacks, and any accounts, books and documents relating to any wheat or corn sacks; and

(b) take possession of and remove any wheat which is the property of the Board, or the delivery of which has been lawfully demanded by the Board or any corn sacks which are the property of the Board.

(2) A person shall not hinder or obstruct any person in the exercise of his powers under this section.

(3) Any wheat, other than wheat which is the property of the Board, of which possession is taken under subsection one of this section shall, for the purposes of this Act, but without affecting the liability of any person for any offence, be deemed to be delivered to the Board under this Act.

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Board may  
require  
returns.

**16.** (1) For the purposes of this Act the Board may, by notice in writing served on the person to whom it is addressed either—

- (a) personally; or
- (b) by registered post at his last known place of abode or business;

require a person to furnish in writing to the Board within the time specified in the notice such information relating to wheat, wheaten flour, semolina, corn sacks, jute or jute products as is specified in the notice.

(2) A person shall not without reasonable excuse—

- (a) refuse or fail to comply with a requirement under this section; or
- (b) furnish to the Board any information which is false or misleading in any particular.

Proper  
care to be  
taken  
of wheat  
owned by  
Board.

**17.** A person having any wheat the property of the Board in his possession or under his care shall exercise proper care and take all proper and reasonable precautions and do all things necessary to preserve and safeguard that wheat and to keep it free from any damage or deterioration whatsoever.

Home con-  
sumption  
price of  
wheat.

**18.** The price at which the Board shall sell wheat in New South Wales (otherwise than for export from Australia or for the manufacture of goods for export from Australia) during the period of twelve months commencing on the first day of December in any year shall be—

- (a) in the case of wholesale sales of bulk wheat of fair average quality f.o.r. ports—the guaranteed price applicable to wheat of the season which commenced on the first day of October next preceding that first day of December; and
- (b) in the case of any other sale—a price to be ascertained by adding to or deducting from that guaranteed price an amount which makes a proper allowance for the quality of the wheat, the condition of sale or the place of delivery.

## PART IV.

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GROWING OF WHEAT IN SOUTH WEST MARGINAL  
WHEAT AREA.

**19.** In this Part of this Act "the area" means the South West Marginal Wheat Area comprising the County of Dowling and such of the Parishes and parts of Parishes of the Counties of Cooper, Gipps, Sturt and Nicholson as are set out in the Schedule to this Act.

South West  
Marginal  
Wheat  
Area.

**20.** (1) Where the Minister is satisfied that any farm within the area has been reconstructed as an economic farming unit pursuant to plans approved therefor by the Rural Reconstruction Board and is of the opinion that it is desirable for the furtherance of such plans that the growing of wheat on the farm be restricted, he may by notification published in the Gazette declare that the farm shall not be sown to wheat except in accordance with such conditions as may be imposed by the Rural Reconstruction Board for the preservation of the farm as an economic farming unit. Any such notification may be revoked or varied by any subsequent notification.

Conditions  
applicable  
to the  
area.

(2) As from a date to be appointed by the Minister and notified by notice published in the Gazette the functions conferred by subsection one of this section upon the Rural Reconstruction Board in respect of the imposition of conditions for the preservation of farms as economic farming units shall be transferred to and be discharged by such authority as the Minister may specify in such notice.

Any conditions imposed in respect of any farm by the Rural Reconstruction Board before the date so appointed shall continue to apply to such farm for the period for which they have been so imposed but may be varied by such authority.

(3) The conditions imposed pursuant to this section—

- (a) may include provisions as to the period during which such conditions are to apply to the farm;
- (b) may include provisions as to the maximum area of the farm which may be sown to wheat in each season during such period;
- (c) may be varied from time to time.

(4)

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(4) Any person who uses any farm to which any notification under subsection one of this section relates for the growing of wheat otherwise than in accordance with the conditions imposed pursuant to this section and for the time being in force shall be guilty of an offence against this Act.

## PART V.

## MISCELLANEOUS.

Penalties.

**21.** (1) Any person who contravenes, or fails to comply with, any provision of this Act for which no other penalty is provided shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds or imprisonment for six months or both.

(2) An offence against this Act may be prosecuted summarily.

Regulations.

**22.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by the Act 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.

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

(3) The regulations shall—

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

Application of Act.

**23.** This Act shall not apply in relation to wheat harvested after the thirtieth day of September, one thousand nine hundred and fifty-three.

## SCHEDULE.

## SCHEDULE.

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## COUNTY OF COOPER.

Parish.	Parish.
Ariah.	Moombooldool North—Part
Barellan North—Part North of Temora-Griffith Rail- way Line.	North of Temora-Griffith Railway Line.
Bingar.	Munduburra.
Binya — Part North of Temora-Griffith Railway Line.	Narriah.
Bourke.	Oxley.
Bygoo.	Patterson—Part North of Temora-Griffith Railway Line.
Cocoparra.	Pulletop.
Conaparra.	Sandy Creek.
Conaparra East.	Sims Gap.
Conaparra South.	Stanley.
Dowling.	Tabbita.
Euratha.	Tabbita North.
Euratha South.	The Bluff.
Garoolgan.	The Peak.
Gurragong.	Wallandry.
Kolkilbertoo.	Wallandry North.
Kolkilbertoo East.	Yalgogoring—Part West of Travelling Stock Route
Kolkilbertoo South.	2510 traversing the
Lewes.	Parish.

## COUNTY OF GIPPS.

Parish.	Parish.
Bena.	Mildil.
Bibbijolee.	Murrengreen.
Bimbeen.	Nerang Cowal.
Bolagamy.	Pulligal.
Brolga.	Thulloo.
Bygalore.	Ugalong.
Cookaburagong.	Ungarie.
Crown Camp.	Wallaroi.
Currah.	Wamboyne.
Euglo.	Wardry.
Euglo South.	Weelah.
Gorman's Hill.	Wilga.
Goobothery.	Wilga South.
Kalingan.	Wollongough.
Livingstone.	Youngareen.
Merribooka.	Younger Plain.
Milbee.	

COUNTY

## Fauna Protection Act.

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## COUNTY OF STURT.

Parish.	Parish.
Denny. Kooba. Livingstone. Maiden. Mirrool.	Munro. North Bringagee. O'Brien. Tabbita.

## COUNTY OF NICHOLSON.

Parish.	Parish.
Beaconsfield. Bellingerambil. Bellingerambil East. Bellingerambil South. Bogia. Bolton. Boothragandra. Bunda Bunda. Bunda Bunda East. Bunda Bunda North. Burgess. Carilla. Chirnside. East Marowie. Elliott. Fox. Goolgowi. Goolgowi South. Goolgowi West. Griffiths. Huntawong. Ivanhoe.	Lachlan. Langtree. Loughnan. Mea Mia South. Melbergen. Melbergen South Molesworth. Moncton. Mullion. Naradhu. Parker. Redbank. Russell. South Marowie. Stackpoole. Synnot. Townsend. Wallanthery Warrabalong. Weenya. Weerie.