

**WHEAT QUOTAS ACT.**

**New South Wales**



**ANNO OCTAVO DECIMO**

**ELIZABETHÆ II REGINÆ**

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**Act No. 53, 1969.**

An Act to provide for the allocation of quotas in respect of wheat of the 1969-1970 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 that Act and certain other Acts; and for purposes connected therewith. [Assented to, 13th October, 1969.]

**BE**

*Wheat Quotas.*

**BE** it enacted by the Queen's Most Excellent Majesty, by No. 53, 1969  
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 Quotas Act, Short title  
and com-  
mencement.  
1969".

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

2. This Act is divided as follows :—

Division  
of Act.

PART I.—PRELIMINARY—ss. 1–3.

PART II.—MODIFICATION OF WHEAT INDUSTRY  
STABILIZATION ACT, 1968—s. 4.

PART III.—BASIC QUOTAS—ss. 5–10.

DIVISION 1.—*Categories of Wheatgrowers*—s. 5.

DIVISION 2.—*Calculation and Allocation of Basic  
Quotas*—ss. 6–10.

PART IV.—WHEAT QUOTA REVIEW COMMITTEE—ss.  
11–17.

PART V.—REVIEW OF BASIC QUOTAS BY COMMITTEE  
—ss. 18–26.

PART VI.—SHAREFARMERS—s. 27.

PART VII.—NORTHERN PRIME HARD QUOTAS—ss.  
28–32.

PART VIII.—MISCELLANEOUS—ss. 33–48.

SCHEDULE.

3.

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No. 53, 1969 3. (1) In this Act, except in so far as the context or  
Interpreta- subject-matter otherwise indicates or requires—  
tion.

“basic quota” means a basic quota allocated under this Act;

“Committee” means the Wheat Quota Review Committee constituted under section eleven of this Act;

“northern prime hard quota” means a northern prime hard quota allocated under this Act;

“owner”, in relation to land, includes—

- (a) every person who, whether at law or in equity—
  - (i) is entitled to the land for any estate of freehold in possession;
  - (ii) is a person to whom the Crown has lawfully contracted to grant the fee-simple under the Crown Lands Acts or any other Act relating to the alienation of lands of the Crown; or
  - (iii) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise;
- (b) the lessee from any owner as defined in paragraph (a) of this definition; and
- (c) a licensee, other than a sharefarmer, under a licence granted by an owner as defined in paragraph (a) or (b) of this definition under which the licensee is entitled to grow wheat on that owner’s land,

but

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but where two or more persons are the owners of No. 53, 1969 any land and are owners—

- (d) as defined in paragraph (a) of this definition, of that land and are joint tenants or tenants in common of that land;
- (e) as defined in paragraph (b) of this definition, of that land and are joint lessees of that land; or
- (f) as defined in paragraph (c) of this definition, of that land and are joint licensees of that land,

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

“quota statutory declaration” means a statutory declaration submitted by a person to the Grain Elevators Board before or after the commencement of this Act in respect of the 1969–1970 season, pursuant to a scheme referred to in section 12A of the Grain Elevators Act, 1954, giving particulars of the quantity of wheat (if any) delivered to the Board in any of the relevant seasons and of the acreage of wheat sown for harvesting in the 1969–1970 season;

“relevant seasons” means each of the seasons commencing on the first day of October, one thousand nine hundred and sixty-four, one thousand nine hundred and sixty-five, one thousand nine hundred and sixty-six, one thousand nine hundred and sixty-seven and one thousand nine hundred and sixty-eight;

“sharefarmer” means a person who has entered into an agreement with the owner of any land 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

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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 or stock for the working of the land to which the agreement relates; and

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

where that person has, pursuant to that agreement, before the thirty-first day of August, one thousand nine hundred and sixty-nine, sown wheat for harvesting in the 1969-1970 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 subsection made between a sharefarmer and the owner of any land to whom a basic quota is allocated;

"the 1969-1970 season" means the season commencing on the first day of October, one thousand nine hundred and sixty-nine;

"wheatgrower" means an owner of land in New South Wales or the Australian Capital Territory on which wheat has, before the thirty-first day of August, one thousand nine hundred and sixty-nine, been sown for harvesting in the 1969-1970 season.

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

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**PART**

*Wheat Quotas.***PART II.****No. 53, 1969****MODIFICATION OF WHEAT INDUSTRY STABILIZATION ACT,  
1968.**

4. (1) In relation to the 1969–1970 season, section fourteen of the Wheat Industry Stabilization Act, 1968, has effect as if references in that section to wheat or wheat of a season were references to wheat included in the pool for that season in accordance with this section.

Modifica-  
tion of  
operation  
of Wheat  
Industry  
Stabiliza-  
tion Act,  
1968.

(2) The pool for the 1969–1970 season consists of the following wheat delivered to the Board (whether in pursuance of the Wheat Industry Stabilization Act, 1968, or of a law of another State or of the Commonwealth) :—

- (a) wheat of the 1969–1970 season delivered during that season and appearing from the records of the Board to be the whole or a part of a quota that is applicable in relation to a person in respect of that season under this Act or a law of another State providing for the fixing of wheat quotas; and
- (b) any other wheat, being wheat of the 1969–1970 season, that is delivered during that season and declared by the Board to have been sold by the Board, and paid for in full, during that season.

(3) The Board may attribute sales of wheat referred to in a declaration under paragraph (b) of subsection two of this section, being wheat of a particular kind, to all or any of the wheat of that particular kind delivered by particular persons in such manner as the Board considers equitable.

**PART III.****BASIC QUOTAS.****DIVISION 1.—*Categories of Wheatgrowers.***

5. (1) For the purposes of determining the entitlement of any wheatgrower to a basic quota under this Part there shall be three categories of wheatgrowers, in this Act referred

Categories  
of wheat-  
growers.

to

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No. 53, 1969 to as group I wheatgrowers, group II wheatgrowers and group III wheatgrowers.

(2) A group I wheatgrower shall be a wheatgrower who, in his quota statutory declaration, declared that wheat was delivered from his property to the Board in at least four of the five relevant seasons or in each of the seasons that commenced on the first day of October, one thousand nine hundred and sixty-four, one thousand nine hundred and sixty-six and one thousand nine hundred and sixty-eight.

(3) A group II wheatgrower shall be a wheatgrower (not being a group I wheatgrower) who, in his quota statutory declaration, declared that wheat was delivered from his property to the Board in the season that commenced on the first day of October, one thousand nine hundred and sixty-eight.

(4) A group III wheatgrower shall be a wheatgrower (not being a group I or group II wheatgrower) who, in his quota statutory declaration—

- (a) did not indicate that wheat was delivered from his property to the Board in any of the relevant seasons but indicated that he had sown wheat for harvesting in the 1969–1970 season; or
- (b) declared that wheat was delivered from his property to the Board in any of the relevant seasons (not being the season that commenced on the first day of October, one thousand nine hundred and sixty-eight).

*DIVISION 2.—Calculation and Allocation of Basic Quotas.*

Calculation  
of basic  
quotas.

6. (1) The Grain Elevators Board shall allocate to each group I wheatgrower a basic quota equal to—

- (a) eighty-five per centum of the quantity calculated by dividing by five the total quantity of wheat, in bushels, declared by him in his quota statutory declaration to have been delivered from his property to the Board in the relevant seasons; or

(b)

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- (b) fifty per centum of the total quantity of wheat, in No. 53, 1969 bushels, declared by him in his quota statutory declaration to have been delivered from his property to the Board in the season that commenced on the first day of October, one thousand nine hundred and sixty-eight,

whichever is the greater.

(2) The Grain Elevators Board shall allocate to each group II wheatgrower a basic quota equal to fifty per centum of the quantity of wheat, in bushels, declared by him in his quota statutory declaration to have been delivered from his property to the Board in the season that commenced on the first day of October, one thousand nine hundred and sixty-eight.

(3) The Grain Elevators Board shall allocate to each group III wheatgrower a basic quota equal to eight bushels for each acre indicated in his quota statutory declaration as having been sown with wheat for harvesting in the 1969–1970 season.

(4) Where the Grain Elevators Board has, before the commencement of this Act, allocated or purported to allocate a basic quota to any person, that basic quota shall be deemed to have been allocated to that person under this section.

(5) The Grain Elevators Board shall—

- (a) as soon as practicable after the commencement of this Act, notify each person to whom a basic quota has been allocated of his basic quota, unless he has, before the commencement of this Act, been notified of a basic quota allocated or purporting to have been allocated to him by the Grain Elevators Board; and
- (b) as soon as practicable forward to each person to whom a basic quota has been allocated a book, in this Act referred to as a quota authority, in which shall be specified that person's basic quota.



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Wheat-growers who have not submitted quota statutory declaration before commencement of this Act may apply for basic quota.

7. (1) A wheatgrower who has not, before the commencement of this Act, submitted a quota statutory declaration to the Grain Elevators Board, may, after that commencement, apply to that Board for a basic quota.

(2) An application under this section shall be accompanied by a quota statutory declaration completed by the applicant.

Grain Elevators Board may require additional information from certain wheat-growers.

8. (1) The Grain Elevators Board may, by notice in writing served on any person who has submitted to the Board a quota statutory declaration, require him to furnish, within such period as may be specified in the notice, such information as it thinks fit, and may itself make or cause to be made such inquiries as it thinks fit, for the purpose of determining to which category, if any, referred to in section five of this Act that person belongs or ascertaining whether the information contained in his quota statutory declaration is correct.

(2) The Grain Elevators Board may require any such information to be verified by statutory declaration.

(3) The Grain Elevators Board may require a person to furnish information under this section whether or not he has been allocated a basic quota and may, where it has not allocated a basic quota to that person, delay doing so until the information has been furnished in accordance with the notice served on him.

Grain Elevators Board may review incorrect basic quotas.

9. Where the Grain Elevators Board is satisfied—

(a) that a person to whom a basic quota has been allocated—

(i) was not entitled to be allocated a basic quota; or

(ii)

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- 
- (ii) has furnished to that Board false or misleading information in a quota statutory declaration furnished by him to that Board; No. 53, 1969
- (b) that the basic quota allocated to any person was calculated incorrectly;
- (c) that a person to whom a basic quota has been allocated has, under a law of another State, been allocated a quota of a kind that in the opinion of the Grain Elevators Board is equivalent to a basic quota; or
- (d) that basic quotas have been allocated to two or more persons and that those basic quotas have been calculated by reference, wholly or in part, to the same wheat delivered to the Board in any of the relevant seasons or sown for harvesting in the 1969–1970 season,

that Board may cancel that person's basic quota and if it thinks fit allocate to him another basic quota for such quantity of wheat as it thinks fit.

- 10.** (1) A basic quota shall not be allocated under this Part to— Basic quotas not to be allocated to certain persons.
- (a) a person in respect of wheat sown for harvesting in the 1969–1970 season on land situated wholly or partly within the area defined by a proclamation in force under section four of the Border Railways (Grain Elevators) Amendment Act, 1957;
- (b) a person in respect of wheat sown for harvesting in the 1969–1970 season on land situated wholly or partly in the Oaklands Area; or
- (c) 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 1969–1970 season grown on land to which the agreement relates to the Grain Elevators Board constituted under that Act, as so amended.

(2)

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(2) In this section "Oaklands Area" means the area edged with black hatching on the map entitled "Oaklands Area—Wheat Quotas Act, 1969" lodged with the Chairman of the Grain Elevators Board.

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PART IV.

WHEAT QUOTA REVIEW COMMITTEE.

Wheat  
Quota  
Review  
Committee.

11. (1) There shall be constituted a committee, to be called the Wheat Quota Review Committee, which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

(2) The Committee shall consist of five members appointed by the Minister of whom—

- (a) one shall be appointed as chairman of the Committee;
- (b) two shall be persons nominated by the United Farmers and Woolgrowers Association of New South Wales; and
- (c) two shall be persons nominated by the Graziers Association of New South Wales.

(3) On the occurrence of a casual vacancy in the office of a member of the Committee, the Minister may appoint a person to act in the place of the member who vacated that office.

(4) An appointment to fill a vacant office of a member of the Committee referred to in paragraph (b) or (c) of subsection two of this section shall be made on the same nomination as that on which the appointment of that member was made.

(5)

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(5) Each member of the Committee shall receive No. 53, 1969 such remuneration and allowances as the Minister may from time to time determine in respect of that member.

(6) A member of the Committee shall be deemed to have vacated his office and there is a casual vacancy in his office—

- (a) if he dies;
- (b) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;
- (c) if he is absent without leave of the Minister from four consecutive meetings of the Committee;
- (d) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (e) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for twelve months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour so punishable; or
- (f) if he resigns his office by writing under his hand addressed to the Minister.

(7) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, the members of the Committee shall cease to hold office and the Committee shall be dissolved.

12. (1) The Committee may do all acts necessary for Powers, or incidental to the carrying out of its powers, authorities, etc., of duties and functions under this Act. Committee.

(2) In determining any application made to it the Committee shall have regard to such information as it considers relevant and may refuse to deal with the application

unless

*Wheat Quotas.*

**No. 53, 1969** unless the applicant furnishes to the Committee further information required by the Committee, verified by a statutory declaration if so required.

Member  
not to act  
when in-  
terested.

**13.** (1) No member of the Committee shall at any time exercise his vote at a meeting of the Committee in respect of any matter affecting the allocation of a basic quota in respect of wheat in which he has a direct pecuniary interest, and if he does so vote, his vote shall not be counted.

(2) A member holding any such interest shall divulge it to the Committee and leave the meeting during the discussion relating to any such matter.

Pro-  
cedures at  
meetings  
of the  
Com-  
mittee.

**14.** (1) The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings shall, subject to the regulations (if any) made under this Act, be as determined by the Committee.

(2) The chairman, or in the absence of the chairman, a member chosen by the members present at the meeting to act as chairman shall preside at any meeting of the Committee.

(3) Three members of the Committee shall form a quorum and any duly convened meeting of the Committee at which a quorum is present shall be competent to transact any business of the Committee and shall have and may exercise and discharge all the powers, authorities, duties and functions of the Committee.

(4) A decision of a majority of the members present at a meeting of the Committee shall be the decision of the Committee.

Use of  
services of  
officers,  
etc.

**15.** The Committee may, with the approval of the Minister of the Department concerned, make use of the services of any officer or employee of the Public Service or, with the approval of the Grain Elevators Board, make use of the services of any employee of that Board.

**16.**

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16. The remuneration and allowances payable to the members of the Committee under this Act shall be paid by the Grain Elevators Board out of the funds of that Board.

No. 53, 1969  
Remuneration and allowances of Committee to be paid by Grain Elevators Board.

17. (1) A member of the Committee or a person referred to in section fifteen of this Act shall not, without lawful authority, demand or receive from any person any payment, gratuity or present in consideration of doing or omitting to do any act or thing pertaining to his office or employment for the purposes of this Act.

Offences by members of Committee, etc.

(2) A person shall not, without lawful authority, offer, make or give to a member of the Committee or a person referred to in section fifteen of this Act any payment, gratuity or present in consideration that the member or person will do or omit to do some act or thing pertaining to his office or employment.

Penalty : Four hundred dollars or imprisonment for two years or both.

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PART V.

REVIEW OF BASIC QUOTAS BY COMMITTEE.

18. (1) Subject to this section, a person who—

(a) has been allocated a basic quota under Part III of this Act; and

(b) Certain wheat-growers may apply for review of basic quotas.

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- (b) sowed wheat before the first day of October, one thousand nine hundred and sixty-eight for harvesting in the season which commenced on that date (in this section referred to as the last season) for delivery to the Board pursuant to the Wheat Industry Stabilization Act, 1968,

may apply to the Committee for a review of his basic quota.

(2) The grounds upon which such an application may be made shall be that the production, harvesting or delivery of that wheat in the last season was affected by—

- (a) hail or fire;
- (b) localised adverse seasonal conditions; or
- (c) the absence during the last season or during the period in which that wheat was sown of the person to whom the basic quota was allocated or of his son or of any sharefarmer or of the son of any sharefarmer due to his or their being engaged on service—
  - (i) in the Regular Army Supplement rendered under the National Service Act 1951, as subsequently amended, of the Commonwealth; or
  - (ii) as an officer in the Regular Army Supplement in pursuance of an appointment referred to in subsection one or two of section twenty-eight of that Act, as so amended.

Late  
deliveries  
of wheat—  
ground for  
review of  
basic quota.

**19. Any person who—**

- (a) is a group I or group II wheatgrower;
- (b) has been allocated a basic quota; and
- (c) delivered or proposes to deliver wheat to the Board pursuant to the Wheat Industry Stabilization Act, 1968, after his quota statutory declaration was submitted to the Grain Elevators Board,

may apply to the Committee for a review of his basic quota.

*Wheat Quotas.***20.** Any person who—**No. 53, 1969**

- (a) is a group I or group II wheatgrower;
- (b) has submitted his quota statutory declaration to the Grain Elevators Board before the commencement of this Act;
- (c) sold and delivered wheat as seed wheat with the consent in writing of the Board in the season commencing on the first day of October, one thousand nine hundred and sixty-eight; and
- (d) did not include the quantity of wheat so sold and delivered in his quota statutory declaration,

Wheat sold  
as seed  
wheat—  
ground for  
review of  
basic quota.

may apply to the Committee for a review of his basic quota.

**21.** (1) An application under this Part shall—

Applica-  
tions under  
this Part.

- (a) be in a form approved by the Minister;
- (b) be accompanied by an amount of ten dollars; and
- (c) be accompanied by such evidence as is specified in the form as being required.

(2) Where the Committee, having regard to all the circumstances, is of the opinion that any application under this Part is frivolous or vexatious or ought not to have been made it may determine that the amount of ten dollars lodged with that application be forfeited.

(3) Any amount so forfeited shall be paid by the Committee to, and be the property of, the Grain Elevators Board.

(4) Where any such amount is not so forfeited it shall be returned to the applicant after his application has been dealt with by the Committee.



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No right of  
personal  
appearance  
before  
Committee.

22. No person making an application under this Part and no person representing or purporting to represent the applicant shall be entitled to appear personally before the Committee.

Time  
within  
which an  
application  
for a  
review  
of a basic  
quota may  
be lodged.

23. (1) An application under this Part shall be lodged with the Committee within the period specified in this section.

(2) Where the basic quota was allocated before the commencement of this Act, the application shall be lodged with the Committee within a period of twenty-eight days after that commencement.

(3) Where the basic quota is allocated after the commencement of this Act, the application shall be lodged with the Committee within a period of twenty-eight days after the date of the notification referred to in paragraph (a) of subsection five of section six of this Act.

(4) Any application for a review of a basic quota lodged with the Committee after the period referred to in subsection two or subsection three of this section, whichever is applicable, shall be rejected by the Committee unless the applicant satisfies the Committee that the late lodgment of his application was due to circumstances beyond his control.

Matters  
which  
shall be  
taken into  
account  
by Com-  
mittee in  
reviewing  
basic  
quotas.

24. (1) In determining any application under section eighteen of this Act, the Committee shall have regard to—

- (a) the area of land sown or claimed to have been sown with the wheat referred to in paragraph (b) of subsection one of that section; and
- (b) the amount of wheat which could reasonably have been expected to have been produced on the land so sown or delivered from that land had the production, harvesting or delivery of that wheat in the season referred to in that section not been affected by any of the factors specified in subsection two of that section.

(2)

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(2) In determining any application under section No. 53, 1969 nineteen of this Act, the Committee shall have regard to the amount of wheat delivered or proposed to be delivered to the Board as referred to in paragraph (c) of that section.

(3) In determining any application under section twenty of this Act, the Committee shall have regard to the amount of wheat sold and delivered as seed wheat as referred to in paragraph (c) of that section.

25. (1) Where the Committee determines that an applicant under this Part is entitled to an increase in his basic quota it shall notify the Grain Elevators Board of the amount of that increase and the Grain Elevators Board shall increase the basic quota allocated by that Board to the applicant in accordance with the determination of the Committee.

Grain Elevators Board to issue new quotas on advice of Committee.

(2) Where the Committee determines that an applicant under this Part is not entitled to an increase in his basic quota it shall notify the applicant of its determination.

26. The Committee shall not determine increases in basic quotas under this Part so that the total of all such increases exceeds the quantity specified in a notice that may from time to time be given to the Committee by the Minister.

Total increases in basic quotas not to exceed quantity notified by Minister.

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PART VI.

SHAREFARMERS.

27. (1) Where—

- (a) the notification of the allocation of a basic quota to any person (in this section referred to as the allottee) has been forwarded to that person before

Share-farmers.

the

*Wheat Quotas.***No. 53, 1969**

the commencement of this Act, the Grain Elevators Board shall, as soon as practicable after that commencement, if it has not done so before that commencement, forward to that person a notice; or

- (b) the notification of the allocation of a basic quota to any person (in this section referred to as the allottee) is forwarded to that person after the commencement of this Act, the Grain Elevators Board shall forward to that person with the notification a notice,

requiring the allottee to inform that Board, on a form provided by it, whether or not the allottee and any other persons are parties to a sharefarming agreement relating to the division of wheat, or of the proceeds of the sale of wheat, produced in the 1969–1970 season on the property of the allottee specified in his quota statutory declaration and if so—

- (c) the names of the sharefarmers;
- (d) the area sown with wheat in the 1969–1970 season pursuant to each sharefarming agreement and otherwise than pursuant to sharefarming agreements;
- (e) the proportion of the wheat produced from that area or of the proceeds of that wheat to which the owner and each sharefarmer is entitled under each such sharefarming agreement; and
- (f) the proportion of the basic quota that it is proposed should be allocated to the allottee and to each sharefarmer severally and to the allottee and each sharefarmer jointly,

and requiring the allottee and each sharefarmer, if they have agreed to the proportions of the basic quota that it is proposed should be allocated to each of them severally and to them jointly, to indicate that agreement by signing his name opposite the proportion proposed to be allocated to him and to him jointly on the form providing the information.

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(2) Where a person has furnished to the Grain No. 53, 1969 Elevators Board information in accordance with subsection one of this section, and the allottee and any sharefarmers specified in the information have agreed to the apportionment of the basic quota as referred to in that subsection, the Grain Elevators Board shall cancel the basic quota allocated to that person and allocate to the allottee and to the sharefarmers severally and to the allottee and the sharefarmers jointly such proportions of that basic quota as has been so agreed upon.

(3) Where a person, whether or not he is the allottee, has furnished to the Grain Elevators Board information referred to in subsection one of this section and the allottee and the sharefarmers specified in the information have not agreed to the apportionment of the basic quota as referred to in that subsection, the Grain Elevators Board shall cancel the basic quota allocated to the allottee and allocate to the allottee such proportion of that basic quota as that Board determines as being applicable to the allottee, otherwise than by reason of his interest in a sharefarming agreement and—

- (a) where any such sharefarming agreement provides for the division of the produce of the land to which the agreement relates between the parties, allocate to the allottee and to the sharefarmer severally such proportions of that basic quota as that Board determines; or
- (b) where any such sharefarming agreement provides for the division of the proceeds of the sale of the produce of the land to which the agreement relates between the parties, allocate to the allottee and to the sharefarmer jointly such proportion of that basic quota as that Board determines.

(4) Where the Grain Elevators Board allocates proportions of a basic quota in accordance with this section—

- (a) each such proportion shall be deemed to be a basic quota; and

(b)

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- (b) the Grain Elevators Board shall as soon as practicable forward to the person or persons to whom such a basic quota has been allocated a book, in this Act referred to as a quota authority, in which shall be specified that person's basic quota.

(5) Any information provided for the purposes of this section shall be verified by statutory declaration.

(6) A basic quota that has been cancelled or allocated under this section shall not be reviewable by the Committee under Part V of this Act.

(7) Any notice of the nature referred to in subsection one of this section that was forwarded to any person by the Grain Elevators Board before the commencement of this Act shall be deemed to be a notice forwarded under that subsection and any information furnished to that Board pursuant to any such notice may be acted upon by that Board as if it were information furnished to that Board pursuant to a notice forwarded under that subsection.

## PART VII.

## NORTHERN PRIME HARD QUOTAS.

Interpre-  
tation.

28. In this Part, "northern prime hard wheat" means wheat—

- (a) that complies with the standard for fair average quality wheat determined by the Board for the 1969–1970 season;
- (b) that is one of the following varieties :—  
Timgalen, Mendos, Gamut, Spica, Windebri, Winglen or Gala; and
- (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture.

29.

*Wheat Quotas.***29. (1) Where—****No. 53, 1969**

- (a) a person has been allocated a basic quota;
- (b) he has delivered to the Board wheat of the 1969–1970 season of a quantity not less than his basic quota;
- (c) any part of that wheat has been so delivered and accepted at any of the elevators or works of the Grain Elevators Board situated at any of the places specified in the Schedule to this Act; and
- (d) he has in his possession northern prime hard wheat of the 1969–1970 season,

Basic quota holders may apply for northern prime hard quotas.

he may, on or before a date to be notified by the Minister in the Gazette, make application on a form provided by the Grain Elevators Board for a northern prime hard quota.

(2) Any such application shall be in the form of a statutory declaration.

**30. (1)** As soon as practicable after the date notified under subsection one of section twenty-nine of this Act, the Grain Elevators Board shall allocate to each person who has applied for a northern prime hard quota in accordance with the provisions of that section, a northern prime hard quota calculated as follows—

Method of allocation of northern prime hard quotas.

$$a = \frac{7,000,000}{b} \times c$$

where—

a = the quantity (in bushels) of northern prime hard wheat which is the northern prime hard quota of that person;

b = the total quantity (in bushels) of northern prime hard wheat available for delivery as calculated by the Grain Elevators Board having regard to the information contained in all of the applications made under section twenty-nine of this Act; and

c =

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c = the quantity (in bushels) of northern prime hard wheat specified in that person's application under section twenty-nine of this Act as being in his possession.

(2) The Grain Elevators Board shall, as soon as practicable after allocating a northern prime hard quota to any person, notify him of the allocation and, on lodgment of that person's quota authority with the Board, specify in the quota authority the quantity of northern prime hard wheat in respect of which that person has been allocated a northern prime hard quota.

Cancellation or reduction of northern prime hard quotas where northern prime hard wheat cannot be delivered.

31. (1) Where a person to whom a 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 northern prime hard quota, in a quantity at least equal to his northern prime hard quota, he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the deficiency in the quantity that he is or will be unable so to deliver.

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

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32. (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 northern prime hard wheat quotas will be less than seven million bushels (which deficiency is 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.

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Allocation  
of short  
fall of  
northern  
prime hard  
wheat.

(2) The Grain Elevators Board shall allocate the short fall by increasing such classes of northern prime hard quotas as the Minister may determine in such manner as he may determine.

## PART VIII.

## MISCELLANEOUS.

33. (1) Where a person has been allocated a basic quota or a northern prime hard quota, the Grain Elevators Board may on the application of that person or his personal representative cancel that person's basic quota or northern prime hard quota and allocate it to such person, or allocate it in such proportions to such persons, as is or are specified in the application.

Transfer  
of quotas.

(2) Where a basic quota or a northern prime hard quota is re-allocated pursuant to subsection one of this section and the person to whom that quota was originally allocated had a right to apply for a review of that quota by the Committee, that right may be exercised by the person or persons to whom that quota was re-allocated as if the grounds for applying for the review applicable to that firstmentioned person applied to that lastmentioned person or those last-mentioned persons.

34.



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Minister  
may fix  
closing  
dates for  
applica-  
tions to  
Grain  
Elevators  
Board or  
Committee.

**34.** (1) The Minister may by notice published in the Gazette—

- (a) fix a day as the last day for applications to be made to the Grain Elevators Board for basic quotas; and
- (b) fix a day as the last day for applications to be made to the Grain Elevators Board for northern prime hard quotas.

(2) Except in such circumstances as the Minister thinks fit and, notwithstanding any other provision of this Act, the Grain Elevators Board or the Committee shall not receive any applications for basic quotas or northern prime hard quotas after the appropriate day fixed under subsection one of this section.

Cancellation or reduction of basic quotas where wheat cannot be delivered as part of basic quota.

**35.** (1) Where a person to whom a basic 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 basic quota, in a quantity at least equal to his basic quota, he shall forthwith notify the Grain Elevators Board of that fact indicating, as far as is practicable, the deficiency in the quantity that he is or will be unable so to deliver.

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

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

Allocation of short fall of wheat under basic quotas.

**36.** (1) Where the Grain Elevators Board is of the opinion that the quantity of wheat which may be delivered pursuant to all basic quotas will be less than one hundred and

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and twenty-three million bushels (which deficiency is in this section referred to as the short fall) that Board shall from time to time advise the Minister of the amount of wheat which is likely to be the short fall. No. 53, 1969

(2) The Grain Elevators Board shall allocate the short fall by increasing such classes of basic quotas as the Minister may determine in such manner as he may determine.

(3) Where the Grain Elevators Board allocates a short fall under this section, that Board shall—

- (a) where a person has not delivered to the Board any wheat in respect of which he has been allocated a basic quota and in the opinion of the Grain Elevators Board will be unable to deliver any of that wheat to the Board, cancel that person's basic quota; or
- (b) where, in the opinion of the Grain Elevators Board, any person will be unable to deliver to the Board wheat in respect of which he has been allocated a basic quota to the extent of that quota, reduce that person's basic quota to that extent.

37. (1) If any quota authority is lost or 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 the provisions of this section, issue a new quota authority in lieu thereof. Lost  
quota  
authorities.

(2) Where a quota authority is lost or destroyed the new quota authority shall not be issued unless the person who lost the quota authority lodges a statutory declaration with the Grain Elevators Board containing a statement that the quota authority has been lost or destroyed.

(3)

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(3) Where a quota authority is defaced the new quota authority shall not be issued unless the defaced quota authority is lodged with the Grain Elevators Board for cancellation.

(4) In issuing a new quota authority under this section, the Grain Elevators Board shall ensure that the quantity of wheat specified in the new quota authority is the quantity specified in the lost, destroyed or defaced quota authority less any quantity of wheat delivered pursuant to that quota authority before it was lost, destroyed or defaced.

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

38. (1) Nothing in this Act affects the operation of any scheme prepared by the Grain Elevators Board under section 12A of the Grain Elevators Act, 1954.

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

(a) may refuse to accept delivery of any wheat as being part of a quota allocated under this Act from a person if that person's quota authority is not presented to that Board at the time of the delivery; and

(b) shall refuse to accept delivery of any wheat as being part of a northern prime hard quota unless it is delivered to the Grain Elevators Board at the elevators or works of that Board specified in the Schedule to this Act and is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is prime hard wheat.

Basic quotas  
may be  
allocated  
in special  
cases.

39. (1) Notwithstanding any other provision of this Act, the Grain Elevators Board, with the approval of the Minister, may in a special case and if it thinks it equitable or proper to do so, allocate a basic quota to any person who, but for this section, would not be entitled to a basic quota and as soon as practicable thereafter forward to that person a quota authority, or increase a basic quota allocated to any person.

(2)

*Wheat Quotas.*

(2) Where the Grain Elevators Board determines that the total quantity of wheat in respect of which basic quotas have been allocated exceeds one hundred and twenty-three million bushels, that Board shall reduce all the basic quotas, in so far as they apply to 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.

**40.** (1) Where a group III wheatgrower—

- (a) has been allocated a basic quota in respect of his property, and
- (b) has entered into a sharefarming agreement in respect of that property,

Certain basic quotas to be increased if traditional sharefarmer sharefarming on property.

and a sharefarmer who is a party to that agreement has previously delivered wheat to the Board in one or more of the five relevant seasons, the Grain Elevators Board shall, notwithstanding subsection three of section six of this Act, on the application of either party to that sharefarming agreement, increase that basic quota in accordance with this section.

(2) In determining the amount of the increase of the basic quota referred to in subsection one of this section, the Grain Elevators Board shall have regard to the amount of wheat delivered to the Board as referred to in that subsection.

(3) Notwithstanding any other provision of this Act, the Grain Elevators Board shall not receive an application under subsection one of this section after the twentieth day of October, one thousand nine hundred and sixty-nine.

**41.** (1) Where a basic quota or a northern prime hard quota is increased, reduced or cancelled under this Act the person to whom the basic quota or 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.

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(2) Where a basic quota or a 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 basic quota or a northern prime hard quota, as the case may be, equal to that specified quantity.

Certain areas deemed to be part of Victoria for certain purposes.

**42.** (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 paragraph (a) or (b) of subsection one of section ten of this Act apply, in respect of wheat of the 1969–1970 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.

(2) A person who has grown wheat of the 1969–1970 season on land other than land referred to in paragraph (a) or (b) of subsection one of section ten of this Act 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.

Where no action shall lie.

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

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

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

Decisions of Minister, etc., to be final.

**44.** (1) No writ of injunction or mandamus or other proceeding shall lie or be taken in respect of the allocation of any quota by, or of any order, determination, proceeding or direction of, the Minister, the Grain Elevators Board or the Committee, relating to, or on the face of the proceedings appearing to relate to, any matter arising out of this Act.

(2)

*Wheat Quotas.*

(2) The validity of any proceeding or decision of the Minister, the Grain Elevators Board or the Committee shall not be challenged in any manner whatsoever. No. 53, 1969

45. 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 four hundred dollars. Penalty.

46. 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. Proceed-ings.

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

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

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

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

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SCHEDULE.

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## SCHEDULE.

Secs. 29  
(1) (c)  
and 38  
(2) (b).

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

BREAD