

WHEAT QUOTAS ACT.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 17, 1975.

An Act to provide for the allocation of quotas in respect of wheat of the 1974—1975 season in respect of which payment will be made by the Australian Wheat Board in accordance with the Wheat Industry Stabilization Act, 1974; to validate certain matters; and for purposes connected therewith. [Assented to, 10th April, 1975.]

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Wheat Quotas.

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

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1. This Act may be cited as the "Wheat Quotas Act, **Short title.** 1975".

2. This Act shall be read and construed with and as part **Construction of Act.** of the Wheat Industry Stabilization Act, 1974.

3. In this Act, except in so far as the context or subject-**Interpretation.** matter otherwise indicates or requires—

"basic quota" means, subject to section 41 (2) of the Wheat Quotas Act, 1969, a basic quota allocated under section 6, 9, 33 (1) or 39 (1) of that Act that has not been cancelled;

"durum wheat" means wheat—

- (a) that complies with the standard for Australian standard white wheat determined by the Board for the 1974–1975 season;
- (b) that is of the Dural or Duramba variety; and
- (c) that contains an admixture of no more than ten per centum of mottled, soft or bleached grains;

"northern prime hard wheat" means wheat—

- (a) that complies with the standard for Australian standard white wheat determined by the Board for the 1974–1975 season;

(b)

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- (b) that is of the Gamut, Gatcher, Spica, Tarsa, Timgalen, Windebri or Winglen variety;
 - (c) that contains a minimum protein content of at least thirteen per centum by weight at natural moisture; and
 - (d) that contains an admixture of no more than ten per centum of mottled, soft or bleached grains;

“prescribed person” means a person—

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

“1974–1975 quota” means 1974–1975 quota allocated under this Act;

“quota authority” means a book forwarded to a prescribed person by the Grain Elevators Board for the purposes of identifying that prescribed person as a person who may deliver wheat to the Board and of recording the quantity of wheat delivered during the 1974–1975 season by that prescribed person to the Board and accepted by it;

“the 1974–1975 season” means the year that commenced on 1st October, 1974;

“wheatgrower” means a person who, on or before 30th September, 1974, sowed wheat on land in New South Wales or the Australian Capital Territory for harvesting in the 1974–1975 season.

**Allocation of
1974–1975
quotas.**

4. Where, before the commencement of this Act, the Grain Elevators Board has forwarded a quota authority to a prescribed person, the quantity of wheat delivered during the 1974–1975 season by that prescribed person to the Board and accepted by it shall be deemed to be the 1974–1975 quota allocated to that prescribed person.

*Wheat Quotas.***5. The Grain Elevators Board may—****No. 17, 1975**

- (a) refuse to forward a quota authority to a person who, in the opinion of that Board, was not entitled to a basic quota; or
- (b) cancel a quota authority where that Board is satisfied that the person to whom the quota authority was forwarded is not a prescribed person.

6. Where the Grain Elevators Board has forwarded a quota authority to a person, that Board may, on the application of that person or his personal representative, cancel that person's quota authority and forward a quota authority to such person as is specified in the application.

7. Where a quota authority is cancelled under this Act, the person to whom that quota authority was forwarded shall, within seven days after being requested to do so by the Grain Elevators Board, lodge that quota authority with that Board.

8. (1) If a quota authority is lost, destroyed or defaced before all the wheat of the person to whom it was issued has been delivered to the Board, the Grain Elevators Board may, subject to this section, issue a new quota authority in its stead.

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

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

No. 17, 1975 9. (1) Nothing in this Act affects the operation of any scheme prepared by the Grain Elevators Board under section 12A of the Grain Elevators Act, 1954.

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

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

(a) may refuse to accept delivery of any wheat during the 1974-1975 season if the quota authority in respect of that season is not presented to that Board at the time of delivery;

(b) shall refuse to accept delivery of any wheat as northern prime hard wheat unless—

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

(ii) it is accompanied, upon delivery, by a certificate of the Premium Wheat Growers' Association Limited certifying that it is northern prime hard wheat; and

(c) shall refuse to accept delivery of any wheat as durum wheat unless—

(i) it is delivered to the Grain Elevators Board at such of the elevators or works of that Board as may be notified in a manner to be determined by that Board; and

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

Wheat Quotas.

10. No action, claim or demand whatsoever shall lie or be No. 17, 1975 made or allowed by or in favour of any person whomsoever against—

Where no
action
shall lie.

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

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

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

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

12. A person who contravenes or fails to comply with a ~~Penalty.~~ provision of this Act for which no penalty is expressly provided is guilty of an offence against this Act and liable to a penalty not exceeding \$400.

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

No. 17, 1975 **14.** Section 32 of the Marketing of Primary Products Act, 1927, applies to and in respect of offences against this Act, **Offences by companies and joint offenders.** in the same way as it applies to and in respect of offences against that Act.

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

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

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

Validation. **16.** Any act, matter or thing done or commenced or omitted to be done before the commencement of this Act which would, if that act, matter or thing were done or commenced or omitted to be done after that commencement, be authorised by this Act, shall be as valid and shall have the same force and effect as if that act, matter or thing were done or commenced or omitted to be done under this Act after that commencement.

SCHEDULE

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SCHEDULE	No. 17, 1975
Armatree	Gravesend
Baan Baa	Gular
Baradine	Gunnedah
Bellata	Gurley
Biniguy	Gwabegar
Boggabilla	Merah North
Boggabri	Merrywinebone
Burren Junction	Milguy
Combara	Moree
Coonamble	Mungeribar
Crooble	Narrabri West
Croppa Creek	Narromine
Cryon	Nea
Culgoora	Nevertire
Curban	North Star
Curlewis	Nyngan
Delungra	Premer
Edgeroi	Quirindi
Emerald Hill	Springridge
Eumungerie	Tamarang
Garah	Trangie
Geurie	Weemelah
Gilgandra	Wee Waa
	Sec. 9.

RECORDED AND INDEXED
FEB 1975

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