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No. , 1916.

A BILL

To confer certain powers on the Government in regard to the marketing of the wheat harvest of the seasons 1915-1916 and 1916-1917 ; to regulate the sale and purchase of wheat, and the carriage and delivery of wheat and flour ; to indemnify certain persons and validate certain actions ; to amend the Liens on Crops and Wool and Stock Mortgages Act of 1898 and the Audit Act, 1902, and other Acts ; and for purposes consequent thereon or incidental thereto.

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

1. This Act may be cited as the "Wheat Marketing Act, 1916." Short title.

2. In this Act unless inconsistent with the context or subject matter— Interpretation.

"Prescribed" means prescribed by this Act or the regulations. "Prescribed."

"Regulations" means regulations made under this Act. "Regulations."

"Sell" includes barter and exchange, and has a corresponding interpretation. "Sell;" "sale."

"States" means the States of Victoria, South Australia, and Western Australia, and where not inconsistent with the context, includes the State of New South Wales. "States."

"The Minister" means the Minister of Agriculture. "Minister."

"This Act" includes the regulations.

3. This Act shall apply to wheat harvested during the seasons 1915-1916 and 1916-1917, and flour gristed therefrom, and to no other wheat or flour. "This Act." Application of Act.

4. The Minister, on behalf of the Government of New South Wales, may join with the Government of the Commonwealth of Australia and the Governments of the States in settling the terms of a scheme for concerted action in the marketing of the Australian wheat harvest of the said seasons, and may on behalf of the Government do any acts, matters, or things necessary or expedient to carry the same into operation. Power to join in scheme for marketing wheat harvests. 1915-16-17. Act No. 2,812 (Vict.), s. 4.

5. For the purposes of the satisfactory marketing of the wheat harvest of the said seasons, and for the purposes of this Act— Powers of Minister.

(a) the Minister, on behalf of the Government of New South Wales, and whether in conjunction with Ministers of the Crown representing the Commonwealth and the States, or otherwise, may buy or sell, or arrange for the purchase or sale of wheat, and do all acts, matters, and

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Ibid. s. 5.

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and things necessary or expedient in that behalf, and may arrange with any banks for financial accommodation ;

- (b) the Minister, on behalf of the Government of New South Wales, may guarantee to the Commonwealth a refund of any shortage for which the Government of New South Wales is liable in respect of any operations pursuant to this Act and which has been made good by the Commonwealth. Any moneys payable by the Government of New South Wales under such guarantee shall be provided out of moneys to be appropriated by Parliament for the purpose.

Government guarantee to refund certain amounts if paid by Commonwealth.

6. (1) No person in New South Wales shall, before the thirteenth day of October, one thousand nine hundred and seventeen, sell wheat to or buy wheat from any other person in New South Wales for delivery in New South Wales, except to or from the Minister or persons authorised by him unless such wheat has previously been purchased or otherwise acquired by the Minister or some person acting for the Government of New South Wales.

Prohibition of sales, &c., of wheat except to Minister.
Act No. 2,812 (Vict.), s. 6.

(2) Any person who contravenes any of the provisions of this section shall be liable to a penalty not exceeding *five hundred* pounds, which may, at the option of the Attorney-General, be recovered either in a court of petty sessions or by action in a District Court or in the Supreme Court. A complaint under this section may be made in a court of petty sessions within twelve months after the matter of the complaint arose.

Penalty.

(3) The Minister may, by notification published in the Gazette, exempt (either generally or in any particular case) from the operation of this section—

Exemptions.

- (a) sales or purchases of seed wheat by growers of wheat to or from growers of wheat for bona fide use by the purchasers in their farming operations ;
- (b) sales by wheat-growers or purchases from wheat-growers of wheat grown by them of a quality below that fit for milling purposes for bona fide use by the purchasers as food for their poultry or stock ;
- (c)

(c) sales or purchases of wheat grown by any wheat-grower in areas of limited production of wheat specified by the Minister; and

(d) such other sales and purchases as may be generally or specifically prescribed.

(4) The Minister may at any time, by notification published in the Gazette, revoke any such exemption.

7. (1) Every person, claiming to hold any mortgage, charge, lien (including any lien on crops under the "Liens on Crops and Wool and Stock Mortgages Act of 1898"), or other encumbrance whatsoever of or upon or over any crop of wheat, or of or upon or over the grain harvested from any such crop, shall, before the day of in the year in which such crop was sown, give notice in writing to the Minister of such mortgage, charge, lien, or encumbrance.

Notice of mortgage, lien, &c., to be given to Minister. Act No. 2,812 (Vict.), s. 8.

Notwithstanding anything in the "Liens on Crops and Wool and Stock Mortgages Act of 1898" or any other Act, any person who fails to give such notice shall not be entitled to maintain an action against His Majesty or the Minister or any person or body of persons acting under or pursuant to the authority of this Act in respect of the said wheat or for the proceeds of the sale of the wheat harvested from such crop or of the wheat alleged to be subject to such mortgage, charge, lien, or encumbrance or for damages for the conversion or detention of such wheat.

Effect of failure to give notice.

(3) Every person who has given any mortgage, charge, or lien upon his crop of wheat shall, when delivering such crop or any part thereof, or the grain harvested therefrom, in pursuance of a sale to the Minister or some person authorised by him, give notice to the receiving agent and the Minister of such mortgage, charge, or lien.

If such person fails to give such notice he shall be liable to a penalty not exceeding pounds.

8. (1) Notwithstanding anything in the Government Railways Act, 1912, or the law relating to common carriers, the Chief Commissioner of Railways and Tramways may, on the request of the Minister, refuse to carry any wheat or flour (not the subject of an interstate

Power of N.S.W. Railways Commissioners to refuse to carry certain wheat.

contract) Ibid. s. 9.

contract) owned by any specified person in New South Wales from any place in New South Wales to any person in any other place in New South Wales or except as prescribed, to deliver any such wheat or flour.

(2) With respect to any refusal of the said Commissioner to carry or deliver any wheat or flour since the first day of December, one thousand nine hundred and fifteen, and before the commencement of this Act by or under the order or direction of or on behalf of the Government of New South Wales or any responsible Minister of the Crown—

Provisions with respect to refusal to carry or deliver wheat before the commencement of this Act.

(a) all persons (including any responsible Minister of the Crown and the said Commissioner) by whom any act, matter, or thing was advised, commanded, ordered, directed, or done in connection with such refusal shall be and are hereby freed, acquitted, discharged, released, and indemnified against every person whomsoever in respect thereof ;

(b) no action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against His Majesty or any responsible Minister of the Crown or the said Commissioner or any officer or any person for or in respect of any damage, loss, or injury sustained or alleged to be sustained by reason of such refusal ; and any such action pending at the commencement of this Act and any such claim or demand made before the commencement of this Act shall cease and abate.

9. (1) The Minister shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid for or on account of this Act or pursuant thereto, and of the several purposes for which sums of money have been received and paid.

Accounts of receipts and disbursements to be kept. Act No. 2,812 (Vict.), s. 10.

(2) The accounts of all moneys received and paid as aforesaid shall be audited at such times as are prescribed by the Auditor-General who shall have, with respect to such accounts, all the powers conferred on him by the Audit Act, 1902 :

Accounts to be audited by Auditor-General.

Provided

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Provided that such moneys shall not be deemed to be public moneys within the meaning of the Audit Act, 1902.

(3) The Minister shall at such times as are prescribed furnish to the Governor a true copy of the accounts so audited as aforesaid, together with a particular statement of the moneys received by the Minister, and of the expenditure thereof. Accounts to be furnished.

(4) Copies of such accounts and of such statement shall be laid before both Houses of Parliament if then sitting, or at the next ensuing session thereof if not then sitting. Statement, &c., to be laid before Parliament.

10. All moneys required for carrying this Act into full execution shall, so far as the same are not provided for under or pursuant to this Act, be defrayed out of moneys to be hereafter appropriated by Parliament for the purpose. Moneys required to be appropriated by Parliament for the purpose. Act No. 2,312 (Vict.), s. 11.

11. (1) The Governor may make regulations for carrying out the provisions of this Act, and in particular for— Power to make regulations. Ibid. s. 12.

- (a) prescribing the duties of agents, officers, servants, and other persons appointed or employed for the purposes of this Act;
- (b) prescribing forms which may be used under this Act;
- (c) all matters required or permitted by this Act to be prescribed;
- (d) imposing any penalty not exceeding pounds for any breach of such regulations.

(2) All such regulations shall be published in the Gazette, and shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and if Parliament is not then sitting, then within fourteen days after the next meeting of Parliament.

12. Any penalties imposed by this Act or the regulations thereunder may be recovered before a stipendiary or police magistrate, or any two justices in petty sessions. Recovery of penalties.