

2 After section one hundred and seventy-six of the Principal Act the following section is inserted:—

Co-operation
with regional
waterworks.

“ 176A The corporation may enter into and perform agreements with the Rivers and Water Supply Commission for obtaining water from and supplying water to the Commission’s waterworks that are subject to the *West Tamar Water Act 1960* and the *North Esk Regional Water Act 1960*.”

WHEAT QUOTAS.

No. 36 of 1969.

AN ACT to provide for the allocation of quotas in respect of wheat to be delivered to the Australian Wheat Board in accordance with the *Wheat Industry Stabilization Act 1968* and for matters incidental thereto. [19 December 1969.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and incor-
poration.

1—(1) This Act may be cited as the *Wheat Quotas Act 1969*.

(2) This Act is incorporated, and shall be read as one, with the *Wheat Industry Stabilization Act 1968* (in this Act referred to as the Principal Act).

2 In this Act, unless the contrary intention appears— Interpre-
tation.

“Australian wheat quota” means the quantity of wheat grown in Australia that the Commonwealth Minister and the Ministers for Agriculture of the several States after consultation with the Australian Wheat Growers Federation agree to be the Australian wheat quota for a particular season;

“Committee” means the Wheat Quota Committee appointed under this Act;

“Commonwealth Minister” means the Minister of State for Primary Industry;

“landowner” includes a lessee of land;

“non-quota wheat” means wheat grown by a person other than a person who holds a wheat delivery quota under this Act;

“over-quota wheat”, in relation to a landowner, means wheat grown by the landowner or on his behalf that is in excess of the quantity specified in the quota and any special quota allocated to the landowner;

“quota” means a wheat delivery quota allocated by the Committee under this Act;

“special quota” means a special wheat delivery quota allocated by the Committee under this Act;

“Tasmanian wheat quota” means that portion of the Australian wheat quota for a particular season that is prescribed in, or determined in accordance with, this Act as being the quantity of wheat of that season that may be delivered to the Board pursuant to the Principal Act.

3—(1) For the season that commenced on the first day of October 1969 the Tasmanian wheat quota is three hundred and fifty thousand bushels. Tasmanian
wheat quota.

(2) For the season commencing on the first day of October 1970 and for each subsequent season, the quantity of the Tasmanian wheat quota shall be determined by the Governor on the recommendation of the Minister.

4—(1) There shall be a committee, to be known as the Wheat Quota Committee. Wheat Quota
Committee.

(2) The Committee shall consist of three members appointed by the Minister, one of whom shall be appointed as the chairman of the Committee.

(3) Of the members of the Committee—

(a) one shall be a person nominated by the Tasmanian Farmers' Federation; and

(b) one shall be a person nominated by the Tasmanian Farmers' Stockowners' and Orchardists' Association.

(4) Subject to this section, each member of the Committee holds office for a term of three years from the date of his appointment.

(5) Any two members of the Committee constitute a quorum.

(6) The members of the Committee referred to in subsection (3) of this section may be paid such fees and allowances as the Minister determines.

(7) The office of a member of the Committee becomes vacant—

- (a) at the expiration of his term of office;
- (b) if he dies;
- (c) if he becomes incapable of continuing as a member;
- (d) if without the permission of the Minister he is absent from three or more consecutive meetings of the Committee;
- (e) if he resigns by writing under his hand addressed to the Minister; or
- (f) if his appointment is revoked by the Minister.

(8) If the office of a member becomes vacant otherwise than by reason of the effluxion of time, the Minister may appoint a person to fill the vacancy and the person so appointed is entitled, subject to this section, to hold office for the remainder of the term of office of the person in whose place he is appointed.

(9) A member of the Committee shall not at any time exercise his vote in respect of any matter affecting a quota concerning which he has, either directly or indirectly, a pecuniary interest, and a member holding such an interest shall divulge it to the Committee and leave the meeting during the discussion relating to that quota.

(10) The decision of the majority present at a meeting of the Committee is the decision of the Committee and, in the case of an equality of votes on a question, the chairman has a second or casting vote.

(11) Subject to this section, the Committee may regulate its own procedure.

Committee to
allocate
quotas.

5—(1) In accordance with a formula determined as provided in subsection (2) of this section in respect of each season, the Committee shall allocate to landowners in respect of their land quotas for deliveries of wheat up to the quantity of the Tasmanian wheat quota specified as available for that purpose.

(2) For seasons subsequent to the season that commenced on the first day of October 1969, the formula for each season shall be determined by the Minister after consultation with the Committee.

(3) The Committee shall furnish the Minister with such advice, reports, and information concerning quotas as the Minister requires from time to time.

6 The Committee may exercise the powers and shall perform the duties conferred or imposed on it by this Act, and for the purpose of exercising those powers and performing those duties may, without affecting the generality of the foregoing— Powers and duties of Committee.

- (a) obtain all information that it considers necessary or expedient for exercising its powers and performing its duties under this Act;
- (b) obtain assistance or advice from any person;
- (c) obtain from the Board or a licensed receiver any information, document, or writing available to, or in the custody of, the Board or its agents or the licensed receiver that in the opinion of the Committee is material for exercising its powers and performing its duties under this Act; and
- (d) either by the members of the Committee or by a person specifically authorized in that behalf by the chairman of the Committee, inspect any wheat farm.

7—(1) For the purposes of this Act a person is not qualified for the allocation of, or to continue to hold, a quota or a special quota unless he is the owner or lessee of the land to which the quota or special quota is attached. Wheat quotas.

(2) A quota or special quota attaches both to the person to whom it is allocated and to the land specified in the allocation and wheat grown on any other land does not form part of the quota or special quota.

(3) A person seeking the allocation or apportionment of a quota shall make application as prescribed to the secretary of the Committee.

(4) The Committee may request the applicant to submit any further information or documents that the Committee considers necessary within such time as is stated in the request.

8—(1) After considering an application the Committee may either refuse the application or allocate the landowner a quota. Procedure of Committee.

(2) Where the Committee allocates a quota the Committee shall issue a notification to the landowner in the prescribed form.

(3) Where the applicant is, in respect of any of the seasons commencing on the first day of October in the years 1969, 1970, 1971, and 1972, a party to a share farming agreement the

Committee may, after considering any objections by the landowner, apportion the quota between the landowner and the share farmer in accordance with the proportions provided for in the agreement for the sharing of the produce of the wheat crop and shall specify the apportionment in the notification issued to the landowner, a copy of which shall be forwarded by the Committee to the share farmer.

(4) Where the Committee is considering an application by a share farmer for the apportionment of a quota pursuant to subsection (3) of this section and the written agreement of the landowner to the apportionment is not tendered the Committee shall, by notice in writing, advise the landowner of the making of the application and shall also notify him that he may submit objections in writing to the Committee not later than the date specified in the notice in relation thereto.

(5) Where a person to whom a quota has been allocated considers that his quota has been calculated incorrectly he may, within thirty days after the day of issue of the prescribed quota notification form, apply to the Committee for a re-calculation, and if the Committee is satisfied that the calculation of the original quota was incorrect the Committee shall send to the applicant a revised notification.

Special
quotas.

9—(1) Where a person to whom a quota has been allocated considers that his quota has been adversely affected by reason of hardship he may, within thirty days after the day of the issue of the prescribed quota notification form, apply in the prescribed form to the Committee for a review of his quota.

(2) Where a person to whom a quota has not been allocated considers that, by reason of hardship, he is entitled to the allocation of a special quota he may apply in the prescribed form to the Committee not later than the thirtieth day of September immediately preceding the relevant season for such an allocation.

No entitle-
ment to
storage
without
a quota.

10 A person is not entitled to deliver wheat of a season to the Board pursuant to the Principal Act unless he is the holder of a quota or a special quota for that season.

Entitlement
under quota.

11 Subject to section twelve, a quota or a special quota entitles the holder to deliver to the Board or to licensed receivers, pursuant to the Principal Act, wheat of a season up to the quantity specified in the quota or the total of the quantities specified in the quota and any special quota allocated to him in respect of that season.

Delivery
of wheat.

12—(1) Delivery of quota and over-quota wheat shall be made in accordance with directions issued from time to time by the Board.

(2) Unless otherwise directed by the Minister, neither the Board nor a licensed receiver shall accept non-quota wheat.

13—(1) As soon as possible after the fourteenth day of March in each year the Board shall advise the Committee of the total quantity of wheat that has at that date been delivered to the Board and to licensed receivers by the holders of quotas and special quotas for the then current season. Board to notify volume of wheat delivered for storage.

(2) Where the quantity so delivered is less than the amount of the Tasmanian wheat quota for that season the Committee shall so inform the Minister, who, after considering any recommendation of the Committee, may, notwithstanding anything to the contrary in this Act, allocate the quantity by which the total deliveries fell short of the Tasmanian wheat quota in such manner as he thinks fit as special quotas.

(3) An allocation under subsection (2) of this section applies only in respect of the season for which it is made.

14 A quota or a special quota may not be transferred—

- (a) from one person to another; or
 - (b) from the land specified in the allocation to any other land.
- Transfer of quotas prohibited.

15—(1) Where the Committee is satisfied that the holder of a quota or special quota— Cancellation of quota.

- (a) has in respect of a season failed to deliver any wheat to the Board or to a licensed receiver;
- (b) has failed for two consecutive seasons to plant a sufficient acreage of wheat to produce his full quota;
- (c) has failed for two consecutive seasons to produce his full quota;
- (d) has sold the land to which the quota or special quota is attached for use other than for wheat growing;
- (e) has been allocated the quota or special quota erroneously or as a result of any false or misleading statement or representation; or
- (f) is withholding information or has provided false information concerning a quota or special quota,

the Committee may, by notice in writing, advise the person specified in the notice that on a day (being not less than fourteen days after the day of sending the notice) the Committee intends, for reasons stated in the notice, to consider whether that quota or special quota should be cancelled or reduced to a quantity specified in the notice and that if he so desires he may submit reasons in writing opposing such a cancellation or reduction.

(2) On the day specified in the notice or on any later day to which the matter is adjourned by the Committee, it shall decide, after considering all objections, whether or not to cancel or reduce that quota or special quota.

Appeals.

16—(1) A person who is aggrieved by a decision of the Committee in respect of the cancellation or reduction of a quota or special quota may appeal against the decision to the Minister as prescribed.

(2) After considering the matter of an appeal the Minister may confirm or vary (whether wholly or partly) the decision of the Committee and the determination of the Minister in relation to the appeal shall be communicated by the Minister to the appellant and to the Committee, which shall give effect, where necessary, to the determination.

(3) The determination of the Minister on an appeal under this section is final.

(4) Unless the Minister otherwise determines in any particular case, a person is not entitled to appear before the Minister personally or by a legal practitioner on an appeal to the Minister under this section.

Matters for the consideration of the Committee to be put in writing.

17 Unless the Committee otherwise determines in any particular case—

- (a) a person who wishes any matter to be considered by the Committee shall submit his case with respect to that matter to the Committee in writing; and
- (b) a person is not entitled to appear before the Committee personally or by a legal practitioner on or in relation to the consideration by the Committee of any matter submitted to the Committee for determination by it.

Notification of decisions to the Board.

18—(1) The Minister shall cause the Board to be notified in writing of every decision by the Minister on an appeal under section sixteen.

(2) The Committee shall cause every decision of the Committee regarding the allocation of quotas and special quotas to be notified to the Board in writing.

Indemnity.

19 No action, claim, or demand lies or shall be made or allowed by or in favour of a person against—

- (a) Her Majesty;
- (b) the Minister;
- (c) the Board or the Committee; or
- (d) any member of the Board or of the Committee,

with respect to anything done for the purpose of carrying out or giving effect to the provisions or objects of this Act.

Costs of administration.

20 The costs and expenses incurred in the administration of this Act shall be defrayed by the Board out of funds available to it under the Principal Act.

Validation of previous actions, &c.

21 The Wheat Quota Committee constituted before the passing of this Act and the members thereof holding office at the time of the commencement of this Act shall be deemed to

have been constituted or appointed under this Act and, subject to this Act, are entitled to continue in office under this Act, and all determinations, allocations, decisions, and actions taken before the passing of this Act with respect to the allocation of quotas and special quotas, the notification thereof, and the submission and consideration of applications for quotas and special quotas shall be deemed to have been taken under and in accordance with this Act, and all fees, allowances, and expenses paid to the members of the Committee shall be deemed to have been properly paid.

22—(1) Except with the written approval of the Com- ^{Offences.}
mittee, no person—

- (a) shall deliver or cause or suffer to be delivered to the Board or to any licensed receiver in the name of the holder of a quota or special quota any wheat that was not grown by the holder of that quota or special quota;
- (b) who is the holder of a quota or special quota shall enter into any arrangement with, or permit another person to deliver to, the Board or to any licensed receiver in the name of the holder of a quota or special quota any wheat that was not grown by that holder; or
- (c) shall transfer or otherwise dispose of a quota or special quota.

Penalty: One thousand dollars.

(2) Where a person who is convicted of an offence against subsection (1) of this section is the holder of a quota or special quota the Committee may cancel the quota on the ground of that conviction and the Committee may refuse to grant that person a quota or special quota in any subsequent year.

23 The Governor may make regulations for the purposes ^{Regulations.}
of this Act, and, in particular, for or with respect to—

- (a) the manner of applying for the allocation of quotas and special quotas;
 - (b) the allocation of quotas and special quotas;
 - (c) the cancellation, reduction, or transfer of quotas and special quotas; and
 - (d) prescribing penalties, not exceeding two hundred dollars, for any contravention of or failure to comply with any regulation made under this Act.
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