

## WHEAT AND WHEAT PRODUCTS.

### No. 65 of 1935.

## An Act relating to Trade and Commerce with other Countries and among the States in Wheat and Wheat Products.

[Assented to 9th December, 1935.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

**Short title.**

1. This Act may be cited as the *Wheat and Wheat Products Act 1935*.

**Commencement.**

2. This Act shall commence on a date to be fixed by Proclamation.

**Wheat grown  
in Territory for  
Seat of  
Government.**

3.—(1.) For the purposes of this Act, the Territory for the Seat of Government shall be deemed to be part of the State of New South Wales.

(2.) The Governor-General may, by Proclamation, direct that any wheat grown in the Territory from a crop sown during the year One thousand nine hundred and thirty-five or in any subsequent year, shall be subject to the provisions of an Act passed by the Parliament of the State of New South Wales during the year One thousand nine hundred and thirty-five and relating to wheat and wheat products, and, upon the issue of any such Proclamation, that Act shall apply to that wheat as if it were produced in that State.

(3.) A Proclamation under this section shall not issue unless and until the Governor-General is satisfied that the legislation of the State of New South Wales provides that, upon the issue of a Proclamation as provided in this section, wheat produced in the Territory shall be subject to the Act specified in sub-section (2.) of this section and that that Act shall apply to that wheat as if it were produced in that State.

**Definitions.**

4. In this Act, unless the contrary intention appears—

“receiver” means a person licensed under any Act or State Act as a receiver of wheat;

“wheat” means wheat grown from a crop sown during the year One thousand nine hundred and thirty-five or in any subsequent year;

“wheat-grower” means a person who owns wheat grown from a crop sown during the year One thousand nine hundred and thirty-five or in any subsequent year and who harvests such wheat or on whose account such wheat is harvested and includes the legal personal representative of any such person;

“wheat processor” means any person who, by any process of manufacture, produces any wheat product;

“wheat products” means any substance produced—

- (a) by gristing, crushing, grinding, milling, cutting, or otherwise processing wheat, or, except as prescribed, by any one or more of those processes applied to wheat combined with any other commodity; or
- (b) by the sifting or screening of, or any mechanical operation applied to, substances so produced; or
- (c) by the combination of any of the operations specified in the last two preceding paragraphs,

and includes—

- (d) any mixture of any such substances; and
- (e) self-raising flour.

5.—(1.) A wheat-grower shall not deliver, in the course of inter-State trade and commerce, any wheat except to a receiver or to a person (being the holder of a licence under this Act authorizing him to carry that wheat) for subsequent delivery to a receiver.

Deliveries of inter-State wheat by wheat-grower.

(2.) A wheat-grower shall not in the course of inter-State trade and commerce, deliver any wheat unless he has entered into, with a prescribed authority constituted under any State Act, an agreement in the form prescribed under the Act by which that authority is constituted, in respect of any wheat so delivered by him.

(3.) Sub-section (1.) of this section shall not apply to any wheat which, in the opinion of the Minister, is sold, or delivered for sale, for use as seed or as food for stock or poultry.

Penalty : Five hundred pounds.

6. A receiver shall not, in the course of inter-State trade and commerce, receive any wheat from a wheat-grower who has not entered into, with a prescribed authority constituted under any State Act, an agreement in the form prescribed under the Act by which that authority is constituted, in respect of any wheat so delivered by him.

Receivers to obtain acknowledgments and authorities.

Penalty : Five hundred pounds.

7. A wheat processor shall, within ten days after the close of any month during which he has sold, in the course of inter-State trade and commerce, any wheat products manufactured by him, furnish to the prescribed authority in the State in which the wheat products were manufactured, home consumption warrants, issued under a State Act, representing the quantity of wheat used in the manufacture of those products.

Sales by processors.

Penalty : Five hundred pounds.

8.—(1.) Except as provided by the regulations—

- (a) the owner or person having possession or custody of wheat or wheat products shall not deliver any wheat or wheat products to any person for carriage into or through another State to a place in Australia beyond the State in which the delivery is made; and

Inter-State trade in wheat and wheat products.

(b) the owner or any other person shall not carry any wheat or wheat products from a place in one State into or through any other State to a place in Australia beyond the State in which the carriage begins, unless he is the holder of a licence then in force, issued under this Act, authorizing him so to deliver or carry, as the case may be, such wheat or wheat products, and the delivery or carriage is in accordance with the terms and conditions of that licence.

Penalty : Five hundred pounds.

(2.) Prescribed authorities may issue licences, for such periods and upon such terms and conditions as are prescribed, permitting the delivery of wheat and wheat products to any person for carriage, or the carriage of wheat and wheat products, from a place in one State into or through any other State to a place in Australia beyond the State in which the delivery is made or the carriage begins, as the case may be.

(3.) Any wheat or wheat products which have been, or are in process of being, carried in contravention of this Act, shall be forfeited to the King.

(4.) A prescribed authority may require any person to whom a licence has been issued or who has applied for a licence, to give security, in such form and to such amounts as are approved by the Minister, for compliance by the person with the terms and conditions of any licence issued or to be issued to him under this Act.

(5.) Where the Minister, on report by a prescribed authority, is satisfied that any person to whom a licence has been issued under this section, has contravened or failed to comply with any term or condition of the licence, the Minister may cancel the licence, and the licence shall thereupon cease to be of any force or effect.

**Furnishing of returns, &c.**

9.—(1.) A prescribed authority may require any person to furnish or produce, within such period as the prescribed authority specifies, any licence issued to him under this Act, and may require any person to furnish or produce, within a like period, such returns or documents in relation to wheat or wheat products as are prescribed.

(2.) A person who is required, in pursuance of the last preceding sub-section, to produce a licence or to furnish a return or produce documents, shall not refuse or fail to comply with that requirement within the period specified by the prescribed authority.

Penalty : Five hundred pounds.

**Burden of proof.**

10. In any prosecution for an offence against this Act or the regulations, in relation to inter-State trade and commerce in wheat or wheat products, the averment of the prosecutor that the wheat or wheat products, as the case may be, were the subjects of inter-State trade and commerce shall be deemed to be proved in the absence of proof to the contrary.

**Regulations.**

11. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which 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, and in particular for—

- (a) prescribing the conditions upon which licences may be issued;
- (b) prescribing the maximum quantity which may be contained in a consignment of wheat or wheat products which may be carried from a place in one State into or through any other State to a place in Australia beyond the State in which the carriage begins without the issue of a licence under this Act;
- (c) prescribing the grades and quality of wheat or wheat products for the carriage of which, from a place in one State into or through any other State to a place in Australia beyond the State in which the carriage begins, a licence shall not be necessary;
- (d) prescribing the form of licences, and the procedure in relation to their use;
- (e) prescribing means of identifying any wheat products to which a licence relates;
- (f) conferring upon prescribed authorities and officers power to enter on, and inspect, places where any process in connexion with the manufacture of wheat products is carried on, or places where wheat or wheat products are, or are believed by a prescribed authority or officer to be, and to open any bags or packages which contain, or are believed by the authority or officer to contain, wheat or wheat products and to take samples of any wheat or wheat products;
- (g) conferring upon prescribed authorities and officers power to enter any premises and inspect any books and documents and make any extracts therefrom or copies thereof; and
- (h) prescribing penalties not exceeding a fine of Fifty pounds or imprisonment for a period not exceeding six months for any offence against or contravention of the regulations or of any condition of any licence.

## FLOUR TAX ASSESSMENT.

No. 66 of 1935.

An Act to amend the *Flour Tax Assessment Act*  
(No. 2) 1934.

[Assented to 9th December, 1935.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Flour Tax Assessment Act* 1935.

Short title  
and citation.