

# I PUBLIC ACTS

OF THE

## PARLIAMENT OF QUEENSLAND,

16<sup>o</sup> GEORGII V.

### AGRICULTURE.

**An Act to Amend "The Wheat Pool Act of 1920" in certain particulars, and to Make Provision for the Constitution of a Board under "The Primary Products Pools Acts, 1922 to 1925" in relation to Wheat, and the Transfer of the Functions of the State Wheat Board to such newly constituted Board; and for other consequential purposes.**

16 Geo. V.  
No. 26.

THE WHEAT  
POOL ACT  
AMENDMENT  
ACT OF 1925.

[ASSENTED TO 12TH NOVEMBER, 1925.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Wheat Pool Act Amendment Act of 1925*," and shall be read as one with \* "*The Wheat Pool Act of 1920*" as modified by the † Proclamation of the Governor in Council dated the twelfth day of June, one thousand nine hundred and twenty-five, and published in the *Gazette* on the thirteenth day of June, one thousand nine hundred and twenty-five (which Act as so modified is herein referred to as "the Principal Act").

Short title  
and  
construction  
of Act.

#### *Amendment of Principal Act.*

2. After section twenty-four of the Principal Act the following sections are inserted:—

Amendment  
of Principal  
Act.

"[24A.] (1.) The Council of Agriculture is hereby empowered by a resolution in that behalf to issue to the Board a precept which shall fix and state the amount which the Council of Agriculture estimates to be required during the year for the administration and other expenses

Precept by  
Council of  
Agriculture.

\* 11 Geo. V. No. 4, *supra*, page 9513.

† For this Proclamation see *infra*, page 11246.

*Wheat Pool Act Amendment Act. 16 GEO. V. No. 26,*

of the Council of Agriculture in connection with wheat. Such precept shall be served upon the Board and thereupon the amount mentioned therein shall become payable by the Board to the Council of Agriculture and shall be paid by the Board accordingly out of the proceeds of a levy in respect of wheat, to be made by the Board as hereinafter provided.

(2.) The Council of Agriculture shall apply all moneys so received from the Board in and towards defraying such portion of the general administration expenses of the Council of Agriculture as the said Council shall from time to time by resolution determine; and also in and towards the defraying of any expenses which may be specially incurred by the said Council in respect of wheat. Any surplus of money so contributed by the Board to the said Council under this section remaining at the end of the year shall be carried forward and taken into consideration in fixing the amount required to be paid under precept during the succeeding year by the Board.

Board may  
make levy.

[24B.] (1.) The Board with the prior approval of the Minister may from time to time make a levy in respect of wheat in such amount as the Board with the approval of the Minister may determine. The regulations may prescribe the basis on which all such levies shall be made and provide methods of recovery or collection of any such levy, including the recovery or collection of such levy from persons holding moneys to the credit of the growers liable to pay such levy, and may impose fines not exceeding five pounds for non-payment of any such levy or moneys by growers or persons holding moneys to the credit of growers.

Application  
of proceeds  
of levy.

(2.) All moneys raised by the Board in respect of levies under this section shall be paid to the credit of a special account in the books of the Board and shall be applied as follows:—

- (i.) In payment of such administrative expenses of the Board as the Board may from time to time determine to be payable out of such account; and
- (ii.) In payment to the Council of Agriculture of a sum of money mentioned in any precept of the said Council served upon the Board as in the last preceding section hereof provided; and

1925.

*Wheat Pool Act Amendment Act.*

- (iii.) In establishing and maintaining a fund for the purpose of effecting insurances against hail, flood, fire, or other casualty or for effecting any other special object which the Board may determine to be in the common interest of the growers of wheat :

Provided always that it shall not be competent for a Board to establish any such fund as in paragraph (iii.) hereof mentioned unless and until the purpose for which it is proposed to establish the fund and the rate of levy for that purpose are expressly approved by the Minister.

Moreover before any levy is made for the purpose of the establishment of such fund a number of growers of wheat to be fixed by the regulations may request that a poll of growers upon the question of the establishment of a fund shall be held, and thereupon the Board shall hold such poll, and if upon such poll the majority of votes is against the establishment of such fund no part of any levy made by the Board shall be devoted to the establishment of such fund or expended for any purpose for which it was proposed that such fund should be established."

*Devolution of Functions of Board.*

**3.** (1.) The Governor in Council, if requested so to do by a petition signed by fifty or more growers of wheat, may, by Order in Council, declare that wheat is and shall be a commodity under and for the purposes of \**"The Primary Products Pools Acts, 1922 to 1925,"* and any Act amending the same (which Acts are hereinafter collectively referred to as the "Primary Products Pools Acts"); and may by the same or a subsequent Order in Council constitute a Board in relation to wheat as a commodity and extend the provisions of the Primary Products Pools Acts, either wholly or with all such modifications thereof or additions thereto as are deemed by him to be necessary to meet the particular circumstances, to wheat and the Board so constituted and all persons, things, and matters concerned.

Application  
of Primary  
Products  
Pools Act.

Thereupon the provisions of the Primary Products Pools Acts, either wholly or with such modifications or

\* 13 Geo. V. No. 9 and amending Acts, *supra*, pages 10146, 10764, and *infra*, page 11472.

*Wheat Pool Act Amendment Act. 16 GEO. V. No. 26,*

additions as aforesaid, shall apply and extend to wheat and such Board and all persons, things, and matters concerned.

Acquisition  
of wheat.

(2.) Without limiting the power hereinbefore conferred to extend the provisions of the Primary Products Pools Acts, either wholly or with modifications thereof or additions thereto, to wheat and to a Board and all persons, things, and matters concerned, any such Order in Council may provide that wheat shall forthwith upon the making of such Order or on and from a date to be fixed by such Order, or upon the fulfilment of such conditions as are therein mentioned, be divested from the growers thereof and become vested in and be the property of the Board as the owners thereof, and may contain such further provisions as will enable the Board effectively to obtain possession of such wheat as such owners and to deal with the same as may be deemed necessary or convenient in order to give full effect to the objects and purposes for which the Board is constituted: Provided that such Order in Council shall not have effect so as to prejudice any interstate contract for the sale of wheat entered into prior to the date of the acquisition by the Board of wheat under such Order.

Subsequent  
acquisition.

(3.) In any case where the Board has been constituted under this section for wheat by an Order in Council, but no provision was made in the Order in Council for the acquisition as owners by the Board of wheat from the growers thereof, and a petition to the Governor in Council signed by fifty or more growers of wheat requests that the Board shall acquire wheat as the owners thereof and that an Order in Council giving effect to such request be made, the Governor in Council shall by another Order in Council provide and declare that wheat shall forthwith upon the making of such subsequent Order or on and from a date to be fixed by such subsequent Order, or upon the fulfilment of such conditions as are therein mentioned, be divested from the growers thereof and become vested in and be the property of the Board as the owners thereof, and may in such Order make such further provision as will enable the Board effectively to obtain possession of wheat as such owners and to deal with the same as may be deemed necessary or convenient:

1925.

*Wheat Pool Act Amendment Act.*

Provided that an Order in Council under the provisions of this subsection shall not have effect so as to prejudice any interstate contract for the sale of wheat entered into prior to the date of the acquisition by the Board of wheat under such Order.

(4.) By any such Order in Council the method of choosing the representatives of growers of wheat on the Board may be declared: Provided that in declaring the constitution of the Board or the number of representatives to be chosen the Governor in Council shall have due regard to any representations by growers of wheat made in any petition or memorial to the Minister administering the Primary Products Pools Acts.

(5.) Notice of intention to make an Order under subsection one of this section shall be published in the *Gazette* and in the *Queensland Producer* or other official organ of the Council of Agriculture and in at least one newspaper circulating generally in the localities within Queensland where wheat is grown, at least thirty days before the making of such Order.

If within thirty days after such notice is so published in the *Gazette* fifty or more growers of wheat residing in the said localities petition the Minister administering the Primary Products Pools Acts that a poll be taken before such Order is made, the Minister shall take a vote of the growers of wheat residing in such localities on the question whether the functions of the State Wheat Board under \**"The Wheat Pool Act of 1920"* (as modified by Proclamation) shall cease and wheat shall be declared a commodity and a Board shall be constituted therefor under the Primary Products Pools Acts and an Order in Council shall be made for that purpose, and if less than two-thirds of the votes polled are in favour of the making of such Order, such Order shall not be made.

The form of the ballot-paper to be used and the question to be submitted shall be such as is prescribed by the said Minister. The expenses of such poll shall be borne by the Council of Agriculture in the first instance, and if an Order in Council is made pursuant to such poll such Council shall be reimbursed such expenses by means of a levy, as prescribed, made in respect of wheat.

\* 11 Geo. V. No. 4, *supra*, page 9513.

---

*Wheat Pool Act Amendment Act.* 16 GEO. V. No. 26,

---

(6.) Any such Order in Council may be of limited duration.

(7.) Any such Order in Council may be rescinded or amended by a subsequent Order in Council.

(8.) Any such Order in Council may fix a date on and after which the functions of the Board under the Primary Products Pools Acts shall cease.

(9.) An Order in Council made under this section shall, upon publication in the *Gazette*, have the same effect as if it were enacted in the Primary Products Pools Acts, and shall be judicially noticed.

(10.) Forthwith upon the constitution of the Board pursuant to such Order in Council the following consequences shall ensue:—

- (a) \* “*The Wheat Pool Act of 1920*” shall be repealed and all Proclamations extending the provisions of the said Act with or without any modifications thereof shall be deemed to be rescinded.
- (b) The State Wheat Board constituted under \* “*The Wheat Pool Act of 1920*” shall be dissolved and the members thereof shall go out of office.
- (c) All the property, whether real or personal, and all other assets of whatever description, and all rights, liabilities, obligations, contracts, and engagements of the abolished State Wheat Board then existing shall, without any transfer, assignment, or conveyance or notice other than this Act, be divested from the said abolished Board and shall be vested in and shall attach to and be discharged by and may be enforced by and against the newly constituted Board.
- (d) All penalties and forfeitures which then may be enforceable and recoverable by the said abolished Board shall and may be enforced and recovered by the newly constituted Board.
- (e) All proceedings and things which are then in course of performance and have not been

---

\* 11 Geo. V. No. 4, *supra*, page 9513.

1925.

*Wheat Pool Act Amendment Act.*

completed by the said abolished Board may be continued and completed by the newly constituted Board.

- (f) All actions and proceedings then pending by or against the said abolished Board may be carried on and prosecuted by or against the newly constituted Board, and no such action or proceeding shall abate or be discontinued or prejudicially affected by reason of the abolition of the said Board.
- (g) All instruments, documents, records, correspondence, and all books and writings, the property of the said abolished Board, shall be handed over to the newly constituted Board and become their property.

(11.) The foregoing provisions of this section shall have effect, notwithstanding anything contained in the Principal Act and notwithstanding that the provisions of the same have been extended by \*Proclamation so as to apply to wheat harvested during the seasons 1925-26, 1926-27, and 1927-28 :

Effect of  
section.

Provided always that unless and until a Board has been constituted in relation to wheat by an Order in Council under and in accordance with the said provisions, the Principal Act as amended by this Act other than by this section and the Proclamation last hereinbefore mentioned shall remain in full force and effect and the State Wheat Board shall continue in existence with all its powers, authorities, and functions as if this section had not been passed.

---

\* For this Proclamation see *infra*, next page.

---

*Proclamation under Wheat Pool Act of 1920.*

---

A PROCLAMATION

By His Excellency the Right Honourable Sir MATTHEW NATHAN, Major on the Retired List of His Majesty's Corps of Royal Engineers, having the Brevet Rank of Lieutenant-Colonel in His Majesty's Army, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor of the State of Queensland and its Dependencies, in the Commonwealth of Australia.

[L.S.]

MATTHEW NATHAN,

*Governor.*

IN pursuance of "*The Wheat Pool Act of 1920*," His Excellency the Governor, with the advice of the Executive Council, doth hereby proclaim that the provisions of the said Act, with the modification set out in the Schedule hereto, shall extend and the same are hereby extended so as to apply to wheat harvested during the seasons 1925-1926, 1926-1927, and 1927-1928.

Given under my Hand and Seal, at Government House, Brisbane, this twelfth day of June, in the year of our Lord one thousand nine hundred and twenty-five, and in the sixteenth year of His Majesty's reign.

By Command,                      W. FORGAN SMITH.

GOD SAVE THE KING!

---

SCHEDULE.

- (1) In section 2—
  - (a) The definition of "blended wheat" is deleted, and the following definition is substituted therefor:—"In any season, wheat harvested during that season with which has been blended or mixed any wheat of a previous season."
  - (b) The definition of "old wheat" is deleted, and the following definition is substituted therefor:—"Wheat harvested in any past season."
- (2) In section 3, the phrase "the season 1920-1921," where it first occurs, is deleted, and the phrase "the seasons 1925-1926, 1926-1927, and 1927-1928" is inserted in lieu thereof.
- (3) The following new subclauses are added to section 5:—
  - (iv.) Purchase bags, twine, and other such materials deemed by the Board necessary or desirable to assist growers to deliver their wheat to the Board and sell such materials to such growers upon such terms as the Board thinks fit.
  - (v.) Insure wheat, whether before or after delivery to the Board, against damage by fire, storm, flood, hail, or any contingency whatsoever. If any grower's wheat crop shall be damaged by



*Proclamation under Wheat Pool Act of 1920.*

hail, the Board shall pay to the grower or to any lienee recognised in accordance with the provisions of this Act the amount received by the Board in respect of insurance after making allowance for any premium paid by it, for any certificate issued in respect of the said wheat, and for any other moneys paid or owing by and expenses or liabilities incurred by the Board in respect of the said wheat.

- (vi.) For the purpose of insuring wheat against damage by fire, the Board shall be deemed to have and retain an insurable interest in all wheat retained by growers for feed or seed purposes, or sold to growers for either of such purposes, either by or through the Board, in pursuance of the provisions of section 6 (4) of this Act.

(4) The following words, "and such sale, delivery, or purchase shall be void and of no effect whatsoever," are added to subsection (3) of section 6.

(5) Section 8 is deleted.

(6) Section 9 is deleted, and the following section substituted therefor:—

(i.) The Board shall not refuse to accept from any grower any wheat of fair average quality delivered in accordance with this Act.

(ii.) The Board shall pool all wheat delivered to it under this Act, and shall divide the net proceeds received from the sale of such wheat amongst the growers in proportion to the amount of wheat each grower delivers to and has accepted by the Board.

(iii.) The Board's decision as to the quality of wheat, dockages, cost of storage, and of freight, together with other charges and expenditure incurred in and about the marketing of wheat, shall be final.

(7) The proviso contained in section 10 is deleted, and the following proviso substituted therefor:—

Provided that the board, if they receive notice of any lien over such wheat, may in their discretion refuse or withhold the issue of such certificate.

(8) Subsection (4) of section 10 is deleted, and the following subsection is substituted therefor:—

(4) The Board, pending receipt of all moneys payable for wheat sold, may make or arrange for an advance or advances to any grower of wheat delivered to and accepted by the Board.

(9) In section 13 the words "and before the first day of December, one thousand nine hundred and twenty-one," are deleted.

(10) (a) The words "of the season 1920-1921," where they first occur in section 16, are deleted, and the words "of the seasons 1925-1926, 1926-1927, or 1927-1928" are inserted in substitution therefor.

(b) The words "of the season 1924-1925," where they occur for the second time in section 16, are repealed, and the words "of that season" are inserted in lieu thereof.

*Proclamation under Wheat Pool Act of 1920.*

(11) The words "of the season 1924-1925" in section 17 are repealed, and the words "of the season in which it is delivered" are inserted in lieu thereof.

(12) Section 19 is deleted, and the following section substituted therefor:—

Notwithstanding anything to the contrary contained in any Act whatsoever, the Board shall not recognise nor give effect in any way to any pledge, charge, lien, mortgage, or encumbrance over wheat, or any crop from which such wheat was harvested, saving a lien on crops under \**"The Mercantile Act of 1867."*

The lienee under and by virtue of a lien on crops under the said \**"The Mercantile Act of 1867"* shall, upon giving notice in writing to the Board in the form and containing the particulars prescribed of such lien on crops, be entitled to receive from the Board such part of payments due in respect of such wheat as has not been paid to other persons at the time of the receipt by the Board of such notice.

(13) Paragraph (1) of section 20 is deleted, and the following paragraph substituted therefor:—

(1) Every grower of wheat which is subject to a lien under \**"The Mercantile Act of 1867"* shall, when furnishing the prescribed grower's return, give notice to the Board of any such lien.

(14) Section 21 is deleted, and the following section substituted therefor:—

Where the Board in good faith has made an advance or advances or any final payment—

- (a) To a grower delivering wheat to the Board or any person acting under their authority; or
- (b) To any person on the order of such grower;

the Board shall not be responsible to any other person in respect of such advance, advances, or final payment for such wheat or any part thereof, or in any action, claim, or demand whatsoever for damages or otherwise.

(15) In section 23 the word "twenty-one" is repealed and the word "twenty-eight" inserted in lieu thereof.

(16) The following paragraph is added to subsection (1) of section 27:—

- (f) Empowering the Board to give security over any wheat delivered to the Board in respect of any advance made to the Board for the purposes of this Act.

(17) The following subsection is added to section 27:—

- (5) The Board may from time to time make By-laws for all or any of the purposes mentioned in paragraphs (a), (b), and (d) of subsection 1 of this section.

No such By-law shall have any force or effect unless or until it has been approved by the Minister and published in the *Gazette*. The Minister may at any time rescind any such By-law, without prejudice, however, to the validity of anything done thereunder in the meantime.