

WHEAT ADVANCES.

No. 78 of 1930.

An Act relating to Advances on Wheat and for
other purposes.

[Assented to 23rd December, 1930.]

BE it enacted by the King's Most Excellent Majesty, the Senate, Preamble.
and the House of Representatives of the Commonwealth of
Australia, for the purpose of appropriating the grant originated in
the House of Representatives, as follows :—

1. This Act may be cited as the *Wheat Advances Act* 1930. Short title.

2.—(1.) The Minister may arrange with the Commonwealth Arrangement
Bank of Australia or a prescribed authority for the making by that for payment of
bank or authority, either directly to growers of wheat or to any advances and
prescribed co-operative organization on behalf of such growers, of appropriation
advances in accordance with this Act, and may guarantee to that therefor.
bank or authority the repayment of any advance made by the bank
or authority in pursuance of the arrangement.

(2.) There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, the amounts necessary to repay to the bank or authority any amount due to it under a guarantee given to it in accordance with the last preceding sub-section or otherwise due to it under this Act.

3. Subject to this Act advances under this Act shall be paid in respect of wheat of fair average quality produced by a grower during the 1930–1931 season : Conditions of
advances.

Provided that in respect of wheat of less than fair average quality, as determined by a prescribed authority, an advance of such lesser amount, as is determined by the prescribed authority, than that which is payable in respect of wheat of fair average quality may be made.

Wheat marketed through prescribed persons.

4.—(1.) Notwithstanding anything contained in the two preceding sections where wheat is, or has prior to the commencement of this Act been, marketed through any prescribed person advances in respect of that wheat shall not be made under those sections.

(2.) In respect of wheat which is, or has prior to the commencement of this Act been, marketed through any prescribed person the Minister may arrange with the Commonwealth Bank of Australia or a prescribed authority for a guarantee to be given by that bank or authority to that person of three shillings per bushel less—

(a) freight, insurance and other handling charges incurred in placing wheat for export on board a ship at the port of export, or

(b) in the case of wheat delivered for home consumption to a miller or other user, a sum equivalent to the amount which would be deductible under paragraph (a) of this sub-section if the wheat were placed for export on board ship at the nearest port for export of that wheat.

(3.) Any guarantee given under an arrangement made in pursuance of the last preceding sub-section shall be subject to a first payment by the prescribed person to the grower of the wheat of the sum of two shillings per bushel upon delivery of the wheat at a railway station or other usual place of delivery, or, in the case of wheat so delivered prior to the commencement of this Act, within sixty days after such commencement, to such other payments by that person to the grower, and to such other conditions as are prescribed.

(4.) Any payment under the last preceding sub-section by a prescribed person to a grower of wheat shall be subject to authority being given by the grower to that person to dispose of the wheat in such manner as that person thinks fit.

(5.) Any guarantee or payment given or made under the preceding provisions of this section shall be in respect of wheat of fair average quality produced by a grower during the 1930-1931 season :

Provided that in respect of wheat of less than fair average quality, as determined by a prescribed authority, guarantees and payments may be given or made of such lesser amounts, as are determined by the prescribed authority, than those which may be given or made in respect of wheat of fair average quality.

(6.) The Commonwealth shall pay to that bank or authority any amount which the bank or authority has to pay under any guarantee given by it under sub-section (2.) of this section.

Rates and payment of advances.

5.—(1.) The rate of advance payable under this Act in respect of wheat of fair average quality shall be three shillings per bushel less—

(a) freight, insurance and other handling charges incurred in placing wheat for export on board a ship at the port of export, or

(b) in the case of wheat delivered for home consumption to a miller or other user, a sum equivalent to the amount which would be deductible under paragraph (a) of this sub-section if the wheat were placed for export on board ship at the nearest port for export of that wheat.

(2.) Two shillings per bushel of the amount of any advance shall be payable upon delivery of the wheat at a railway station or other usual place of delivery or, in the case of wheat so delivered prior to the commencement of this Act, within sixty days after such commencement, and further instalments of any advance shall be paid at such times and in such circumstances as are prescribed.

(3.) Any payment under the last preceding sub-section shall be subject to authority being given by the grower of the wheat to the bank or prescribed authority or to a prescribed co-operative organization, as the case may be, to dispose of the wheat in such manner as the bank or authority or organization thinks fit.

6. Subject to this Act and the regulations, the advances shall be payable to the growers of the wheat.

To whom
advances
payable.

7. Subject to this Act, the terms and conditions under which advances shall be made shall be as prescribed.

Conditions of
advances.

8. The security for any advance made under this Act shall be as prescribed.

Security.

9. Where any question arises under this Act as to who is the grower of any particular wheat, the question shall be determined by the Minister and the determination of the Minister shall be final and conclusive.

Determination
of question as
to who is the
grower.

10.—(1.) The Minister or any person thereto authorized in writing by him, may by notice in writing call upon any person to furnish to him within such time as is specified in the notice such books and documents and such information in relation to wheat as the Minister or that authorized person thinks necessary.

Power to call
for information.

(2.) Any person who, without reasonable excuse (proof whereof shall lie upon him) fails, after receipt of a notice under the last preceding sub-section, to comply with the requirements of the notice, shall be guilty of an offence.

Penalty : Two hundred pounds.

11. No person shall—

Offences against
Act.

(a) obtain any advance which is not payable ;

(b) obtain payment of an advance by means of any false or misleading statement ; or

(c) present to the Minister or to any officer or other person, firm or company doing duty in relation to this Act or the regulations, any book or document, or make to the Minister or to any such officer or person any statement, which is false in any particular.

Penalty : Five hundred pounds or imprisonment for two years.

Return to be
laid before
Parliament.

12. A return setting forth—

- (a) the total amount of the advances made under this Act ;
- (b) the total amount repaid by the Commonwealth under guarantees given under section two of this Act ;
- (c) the names of all persons prescribed under section four of this Act ; and
- (d) the amount (if any) paid by the Commonwealth to the bank or authority under that section,

shall be laid before both Houses of the Parliament within thirty days after the expiration of the financial year ending on the thirtieth day of June One thousand nine hundred and thirty-one if the Parliament is then sitting, and, if not, then within thirty days after the next meeting of the Parliament.

Sale of wheat
interstate.

13.—(1.) Any person who sells any wheat for interstate transfer at a price less than four shillings per bushel delivered to a purchaser in a State other than that in which the wheat is produced, shall be guilty of an offence.

Penalty : Five hundred pounds.

(2.) Any agreement or contract for the sale or purchase of wheat for interstate transfer at any price less than four shillings per bushel delivered to a purchaser in a State other than that in which the wheat is produced, shall be null and void.

(3.) The Minister (or any person thereto authorized in writing by him) may, by notice in writing, require any person to produce any contract or agreement in his possession relating to the sale of wheat for interstate transfer.

(4.) Any person who refuses or fails to comply with any notice given under the last preceding sub-section shall be guilty of an offence.

Penalty : Five hundred pounds or imprisonment for two years.

Interstate trade
in wheat.

14.—(1.) The Minister (or any person thereto authorized in writing by him) may issue licences, for such periods and upon such terms and conditions as are prescribed, permitting the carriage of wheat from a place in one State to a place in Australia beyond that State.

(2.) The Minister (or any person thereto authorized in writing by him) may require any person 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 to him under this Act.

(3.) Where the Minister 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.

15.—(1.) Any person who being the holder of a licence under the last preceding section, contravenes or fails to comply with any term or condition upon which the licence was granted, shall be guilty of an offence.

Penalty for carriage of wheat in contravention of Act.

Penalty : Five hundred pounds.

(2.) Except as provided by the regulations—

(a) the owner or person having possession or custody of wheat shall not deliver any wheat 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

(b) a person shall not carry any wheat from a place in one State into or through another State to a place in Australia beyond the State in which the carriage begins,

unless, in either case, a licence has been issued under this Act permitting that carriage of that wheat, and except in accordance with the licence so issued.

Penalty : Five hundred pounds.

(3.) Any wheat which is, or is in process of being, carried in contravention of this section, shall be forfeited to the King.

16. Sections thirteen, fourteen and fifteen of this Act shall not commence until a date to be fixed by Proclamation.

Commencement of sections 13, 14 and 15.

17. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act 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 prescribing penalties not exceeding Fifty pounds or imprisonment for a period not exceeding three months for any breach of the regulations.

Regulations.